



TOWN OF KENNEBUNKPORT, MAINE

—INCORPORATED 1653—

Board of Selectmen Agenda

February 13, 2020

5:30 PM

Village Fire Station—32 Elm Street

1. Call to Order.
2. Executive Session pursuant to MRSA 1, §405-6E to consult with Town Attorney regarding enforcement actions for land use violations on Langsford Road.
3. Approve the January 23, 2020, selectmen meeting minutes.
4. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).
5. Public Hearing for public input on ordinance revisions.
6. Public Hearing to consider application for new victualer's license for Sarene M. Matthysen DBA Kerengende.
7. Consider a renewal liquor license submitted by Alisson's/Dock Square, LTD, DBA Alisson's Restaurant, 11 Dock Square.
8. Consider a renewal special amusement permit submitted by Alisson's/Dock Square, LTD, DBA Alisson's Restaurant, 11 Dock Square.
9. Consider a renewal liquor license application submitted by Taylormade Hospitality, Inc., DBA Hurricane Restaurant, 29 Dock Square.
10. Consider a renewal special amusement permit application submitted by Taylor Benenti, DBA Hurricane Restaurant, 29 Dock Square.
11. Consider renewal liquor license application submitted by Sheila Matthews-Bull for Rhumb Line Resort, 41 Turbats Creek Road.
12. Consider renewal special amusement permit application submitted by Sheila Matthews-Bull for Rhumb Line Resort, 41 Turbats Creek Road.
13. Consider appointments to the Recreation Committee.
14. Presentation of the town hall project and fire department renovations.
15. Consider changes to the Wastewater Use Ordinance.

16. Solid waste education.
17. Review of FY21 capital improvement plan
18. Purchase of equipment and infrastructure for Dock Square Parking Lot.
19. Consider Dock Square Parking Lot fees for 2020.
20. Authorize Quit Claim Deed for Map 24 Lot 5-6B
21. Accept \$50 donation from the Madonna Chapter to the emergency food fund.
22. Accept \$1,000 donation from the Church on the Cape to the emergency fuel fund.
23. Other Business.
24. Approve the February 13, 2020, Treasurer's Warrant.
25. Adjournment.

**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station – 32 North Street
January 23, 2020 – 6:00 PM**

Minutes of the Selectmen's Meeting of January 23, 2020

Selectmen Attending: Patrick A. Briggs, Allen Daggett, Edward Hutchins, D. Michael Weston

Selectmen Absent: Allen Daggett, Sheila Matthews-Bull

Others: Ralph Austin, Michael Davis, Jay Everett, Tim Harrington, David James, Yazmin Saraya Jean, Jen Lord, Arlene McMurray, Amy Nucci, Molly Reinfried, Harrison Small, Laurie Smith, Jim Stockman, Kinder Wilson, and others

1. Call to Order.

Selectman Hutchins called the meeting to order at 6:02 PM.

2. Approve the January 9, 2020, selectmen meeting minutes.

Motion by Selectman Briggs, seconded by Selectman Hutchins, to approve the January 9, 2020, 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 a new liquor license application submitted by Chez Rosa, LLC, d.b.a. Chez Rosa Bistro, Building D on Cross Street and Union Street.

Motion by Selectman Weston, seconded by Selectman Briggs, to open the public hearing. **Vote:** 3-0.

Selectmen Hutchins opened the public hearing at 6:02 PM.

Yazmin Saraya Jean introduced herself and talked about the Chez Rosa Bistro. She said they will be serving French cuisine and will have a soft opening the last week in March and be open April 2.

Selectman Hutchins closed the public hearing at 6:04 PM.

Motion by Selectman Weston, seconded by Selectman Briggs, to approve the new liquor license and victualer's license application submitted by Chez Rosa, LLC, d.b.a., Chez Rosa Bistro, 2 Ocean Avenue. **Vote:** 3-0.

5. Public hearing to consider a new liquor license application submitted by The Boathouse of Kennebunkport, LLC, d.b.a. The Boathouse Hotel, 21 Ocean Avenue.

Motion by Selectman Briggs, seconded by Selectman Weston, to open the public hearing to consider new liquor license and special amusement permit applications.

Vote: 3-0.

Selectman Hutchins opened the public hearing at 6:05 PM.

Tim Harrington said the services will remain the same, and they hope to continue their hospitality. Attorney Ralph Austin answered questions about ownership.

Motion by Selectman Weston, seconded by Selectman Briggs, to close the public hearing.
Vote: 3-0.

Selectman Hutchins closed the public hearing at 6:10 PM.

Motion by Selectman Briggs, seconded by Selectman Weston, to approve the new liquor licenses and special amusement permits for:

- The Boathouse Hotel
- The Kennebunkport Inn
- Cape Arundel Inn
- The Clubhouse at Cape Arundel
- Hidden Pond
- Tides Beach Club
- Lodge on the Cove
- The Yachtsman Hotel and Marina Club

Vote: 3-0.

6. Public hearing to consider a new special amusement permit renewal application for The Boathouse of Kennebunkport, LLC, d.b.a. The Boathouse Hotel, 21 Ocean Avenue.

This item was addressed in item 5.

7. Public hearing to consider a new liquor license application submitted by The Kennebunkport Inn, LLC for the Kennebunkport Inn, 1 Dock Square.

This item was addressed in item 5.

8. Public hearing to consider a new special amusement permit submitted by The Kennebunkport Inn, LLC, d.b.a. the Kennebunkport Inn, 1 Dock Square.

This item was addressed in item 5.

9. Public hearing to consider a new liquor license submitted by Cape Arundel Inn, LLC, d.b.a. Cape Arundel Inn, 208 Ocean Avenue.

This item was addressed in item 5.

- 10. Public hearing to consider a new special amusement permit renewal application submitted by Cape Arundel Inn, LLC, d.b.a. Cape Arundel Inn, 208 Ocean Avenue.**

This item was addressed in item 5.

- 11. Public hearing to consider a new liquor license application submitted by Ivy One, LLC., d.b.a., The Clubhouse at Cape Arundel Inn, 8 Old Fort Avenue.**

This item was addressed in item 5.

- 12. Public hearing to consider a new special amusement application submitted by Ivy One, LLC., d.b.a., The Clubhouse at Cape Arundel Inn, 8 Old Fort Avenue.**

This item was addressed in item 5.

- 13. Public hearing to consider a new liquor license application submitted by Hidden Pond, LLC., d.b.a. Hidden Pond, 356 Goose Rocks Road.**

This item was addressed in item 5.

- 14. Public hearing to consider a new special amusement permit application submitted by Hidden Pond, LLC., d.b.a. Hidden Pond, 356 Goose Rocks Road.**

This item was addressed in item 5.

- 15. Public hearing to consider a new liquor license application submitted by Tides Beach Club, LLC, d.b.a. Tides Beach Club, 254 Kings Highway.**

This item was addressed in item 5.

- 16. Public hearing to consider a special amusement permit renewal application submitted by Tides Beach Club, LLC, d.b.a. Tides Beach Club, 254 Kings Highway.**

This item was addressed in item 5.

- 17. Public hearing to consider a new liquor license application submitted by Lodge on the Cove, LLC., d.b.a. Lodge on the Cove, 29 South Main St.**

This item was addressed in item 5.

- 18. Public hearing to consider a special amusement permit renewal application submitted by Lodge on the Cove, LLC., d.b.a., Lodge on the Cove, 29 South Main Street.**

This item was addressed in item 5.

- 19. Public hearing to consider a new liquor license application submitted by Yachtsman Hospitality, LLC, d.b.a. the Yachtsman Hotel and Marina Club, 57 Ocean Avenue.**

This item was addressed in item 5.

20. Public hearing to consider a special amusement renewal application submitted by Yachtsman Hospitality, LLC, d.b.a. the Yachtsman Hotel and Marina Club, 57 Ocean Avenue.

This item was addressed in item 5.

21. Presentation of annual Investment Report.

Molly Reinfried of H.M. Payson gave a PowerPoint presentation and answered questions from the Board. See Exhibit A.

Daniel Lay of H.M. Payson invited the Board to attend their meetings for portfolio members every Thursday morning at 9 AM.

Treasurer Jen Lord gave the distribution for the Fire Companies.

Town Manager Laurie Smith mentioned that Bob McCrillis and Selectmen Daggett and Briggs serve on the Investment Committee.

Motion by Selectman Briggs, seconded by Selectman Weston, to accept the annual investment report as written. **Vote:** 3-0.

22. Consider waiving building permit and wastewater impact fees for two homes built by Habitat for Humanity at 36 Mills Road.

Amy Nucci, executive director of Habitat for Humanity, said they split a buildable lot into two parcels. She passed around the architects rendering of both homes. She said the families have not been selected yet.

Motion by Selectman Weston, seconded by Selectman Briggs, to waive the building permit and wastewater impact fees for two homes built by Habitat for Humanity at 36 Mills Road. **Vote:** 3-0.

23. Accept a donation of \$1,000 from the Atlantic Firemen's Association to the emergency fuel fund.

Motion by Selectman Briggs, seconded by Selectman Weston, to accept a donation of \$1,000 from the Atlantic Firemen's Association to the emergency fuel fund. **Vote:** 3-0.

24. Other business.

There was no other business.

25. Approve the January 23, 2020, Treasurer's Warrant.

Motion by Selectman Briggs, seconded by Selectman Weston, to approve the January 23, 2020, Treasurer's Warrant. **Vote:** 3-0.

26. Adjournment.

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

Submitted by Arlene McMurray
Administrative Assistant

Exhibit A – 1-23-2020

HMPayson

Investment Review

JANUARY 2020

PREPARED FOR

Town of Kennebunkport

Daniel M. Lay, Esq.
PORTFOLIO MANAGER

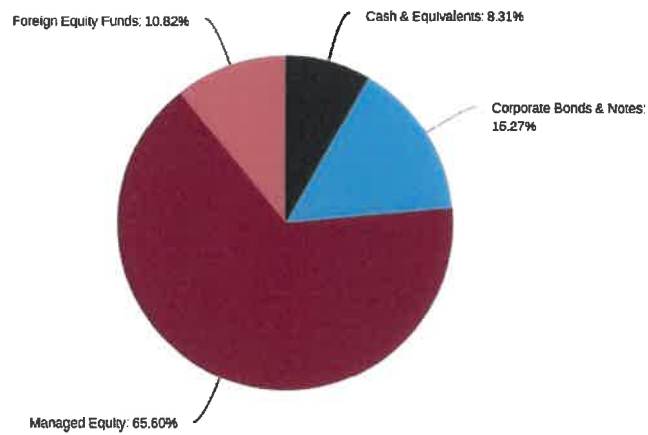
Molly C. Reinfried, CFP®, EA
PORTFOLIO MANAGER

Jenny L Robinson
RELATIONSHIP ADMINISTRATOR

KENNEBUNKPORT, TOWN OF CSU-3630

HM Payson

Asset Allocation by Account TOWN OF KENNEBUNKPORT



Style Class
Cash & Equivalents
Corporate Bonds & Notes
Managed Equity
Foreign Equity Funds
Total

Current Value	Current Percent
\$127,342	8.31%
\$233,923	15.27%
\$1,004,681	65.60%
\$165,669	10.82%
\$1,531,615	100.00%

As of December 31, 2019

KENNEBUNKPORT, TOWN OF CSU-3630

HMPayson

Individual Account Gross Performance

TOWN OF KENNEBUNKPORT

Description	Fiscal YTD beginning 7/1 Gross Return	Previous 1 Year Gross Return	Previous 3 Years Gross Return	Inception to Date (02/28/2015) Gross Return
Cash & Equiv	0.95%	2.16%	1.65%	1.07%
<i>FTSE USBIG 1 Mo. Treasury Bill</i>	<i>0.97%</i>	<i>2.20%</i>	<i>1.61%</i>	<i>1.04%</i>
Fixed Income	2.04%	7.18%	3.59%	* 2.82%
<i>Bloomberg Barclays US Government / Credit 1 - 5Y</i>	<i>1.40%</i>	<i>5.01%</i>	<i>2.54%</i>	<i>1.95%</i>
Equity	13.32%	31.04%	18.03%	11.86%
<i>75% S&P 500, 25% ACWI ex-US</i>	<i>9.94%</i>	<i>28.95%</i>	<i>13.96%</i>	<i>9.80%</i>
Total	10.51%	23.91%	13.53%	8.93%
<i>70% (75% S&P 500 25% ACWI exUS) 25% BB US Int Gvt/Crd 5% 3MTB</i>	<i>7.42%</i>	<i>21.85%</i>	<i>10.72%</i>	<i>7.64%</i>

* Partial period return

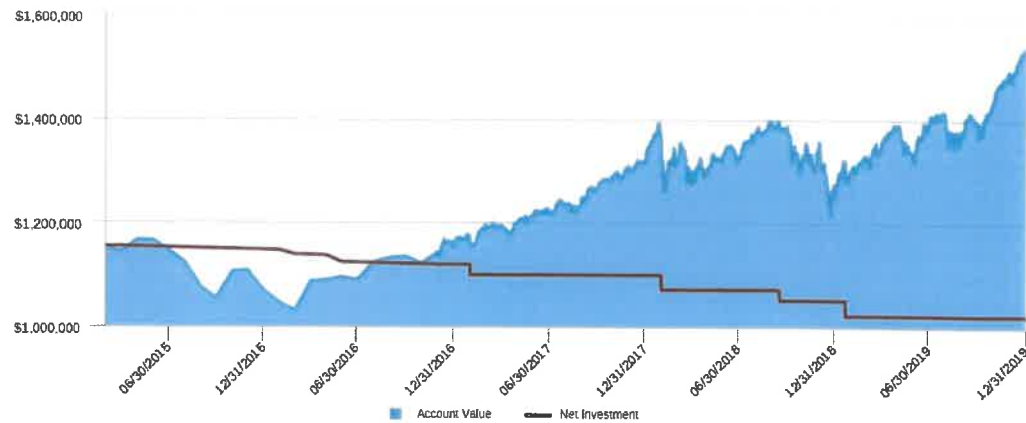
Returns for periods exceeding 12 months are annualized.

As of December 31, 2019

KENNEBUNKPORT, TOWN OF CSU-3630

HMPayson

Account Value vs. Net Investment TOWN OF KENNEBUNKPORT



	Fiscal YTD beginning 7/1	Inception to Date (02/28/2015)
Start Value	\$1,391,021	\$1,154,444
Net Contribution	(\$115)	(\$132,285)
Investment Gain/Loss	\$140,710	\$509,456
Ending Value	\$1,531,615	\$1,531,615

As of December 31, 2019

Town of Kennebunkport Distribution Review as of 12/31/2019

	Market Value 12/31/2019	2015	2016	2017	2018*	2019	Since Inception through 12/31/2019
Kittredge Trust	\$901,590.54	\$0.00	-\$12,021.77	-\$14,554.52	-\$27,929.65	-\$29,365.39	-\$83,871.33
Macomber Trust	\$0.00	\$0.00	-\$100.18	-\$5,869.26	\$0.00	\$0.00	-\$5,969.44
Pleavet Trust	\$630,024.68	\$0.00	-\$7,914.33	\$0.00	-\$19,811.05	\$0.00	-\$27,725.38
TOTAL		\$0.00	-\$20,036.28	-\$20,423.78	-\$47,740.70	-\$29,365.39	-\$117,566.15

*Began using the 4% spending calculation in 2018

TOWN OF KENNEBUNKPORT

Holdings as of: December 31, 2019

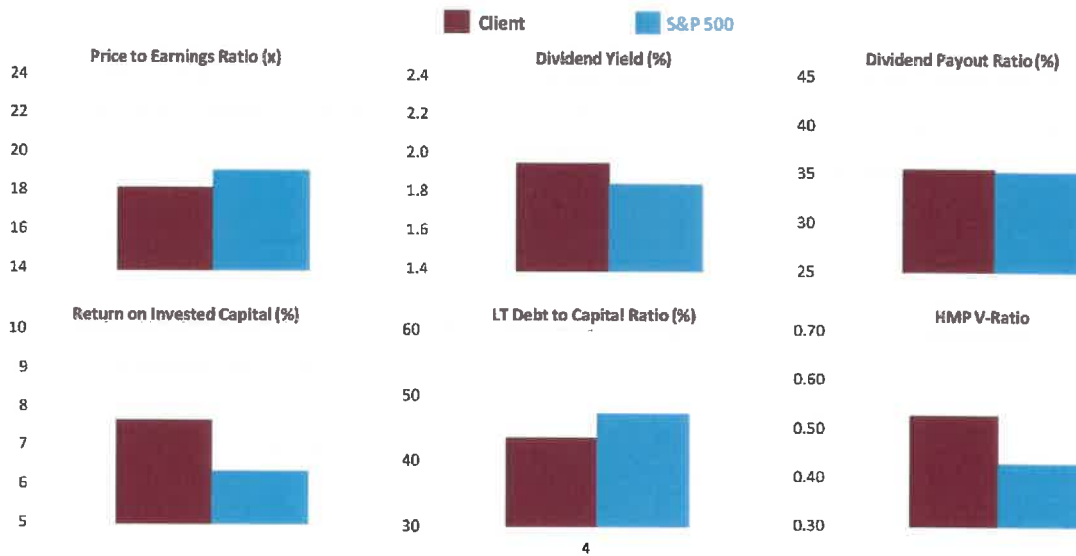
Characteristics Summary	Client	S&P 500
Price to Earnings (x)	18.2	19.1
Dividend Yield (%)	2.0	1.8
Payout Ratio (%)	36	35
Return on Invested Capital (%)	7.7	6.4
Long term Debt to Capital (%)	44	47
V-Ratio	0.53	0.43

HMPayson

$$\text{V-Ratio} = \frac{\text{ROIC} + \text{Dividend Yield}}{\text{Price-to-Earnings Ratio}}$$

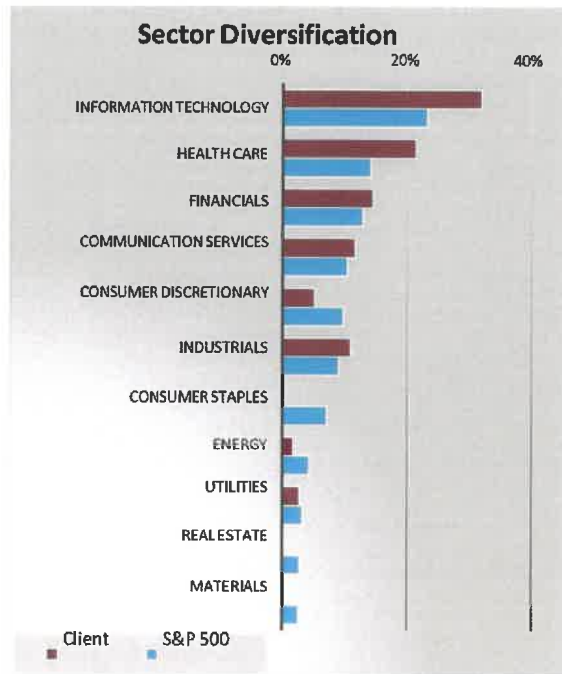
$$\text{ROIC} = (\text{Earnings} - \text{Dividends}) / \text{Total Capital}$$

Consistently profitable companies with shareholder-friendly capital allocation tend to outperform over time. We believe that portfolios constructed around these characteristics, combined with a disciplined approach toward valuation, offer enhanced potential long-term returns. HM Payson's V-Ratio captures these features by weighing an approximation of quality against a measure of price.



TOWN OF KENNEBUNKPORT

Holdings as of: December 31, 2019

HM Payson

Sector	Client	S&P 500	+/-
Information Technology	31.9%	23.3%	+8.5%
Health Care	21.4%	14.1%	+7.2%
Financials	14.4%	12.9%	+1.5%
Communication Services	11.7%	10.4%	+1.3%
Consumer Discretionary	5.2%	9.8%	-4.6%
Industrials	10.9%	9.1%	+1.8%
Consumer Staples	0.0%	7.2%	-7.2%
Energy	1.7%	4.4%	-2.7%
Utilities	2.8%	3.3%	-0.5%
Real Estate	0.0%	2.9%	-2.9%
Materials	0.0%	2.7%	-2.7%

TOWN OF KENNEBUNKPORT

Holdings as of: December 31, 2019

HM Payson

Stock Characteristics - 10 Largest Holdings

Company	Sector	Weight	Yield	Payout	5 Yr Div Growth	5 Yr EPS Growth	P/E	ROIC	LT Debt to Capital
Amgen Inc	Health Care	4.9%	2.7%	41.6%	22.9%	13.7%	15.7	13.8%	72.0%
Berkshire Hathaway Cl B	Financials	4.6%	0.0%	0.0%	NM	-27.1%	21.3	5.1%	21.5%
Amazon.com Inc	Consumer Discretionary	4.1%	0.0%	0.0%	NM	102.6%	77.4	10.4%	51.3%
Broadcom Limited Shs	Information Technology	4.0%	4.1%	53.4%	56.5%	45.4%	13.0	8.6%	54.6%
Johnson & Johnson	Health Care	3.9%	2.6%	42.7%	6.4%	3.1%	16.4	15.8%	32.2%
Mastercard Incorporated	Information Technology	3.6%	0.5%	19.1%	30.1%	16.9%	35.7	52.7%	62.1%
Microsoft Corp	Information Technology	3.5%	1.3%	35.6%	10.4%	14.0%	27.5	15.2%	43.3%
Alphabet Inc Class C Capital Stock	Communication Services	3.4%	0.0%	0.0%	NM	19.5%	26.5	16.9%	6.6%
Cisco Systems Inc	Information Technology	3.3%	2.9%	42.2%	13.6%	11.9%	14.4	16.8%	29.6%
Apple Inc	Information Technology	3.3%	1.0%	22.1%	10.6%	13.0%	21.1	26.9%	50.4%
Top 10 Stocks		38.8%	1.5%	31.7%	18.6%	9.4%	20.7	11.4%	36.8%
Total Stock Portfolio			2.0%	35.6%	13.4%	8.7%	18.2	7.7%	43.6%
S&P 500 Index			1.8%	35.3%	8.0%	6.3%	19.1	6.4%	47.4%

KENNEBUNKPORT, TOWN OF CSU-3630

HMPayson

Disclosures

Account data is on a trade date basis and income is included in the account returns on an accrual basis.

Account returns can be gross or net of management fees. Past performance is not indicative of future results.

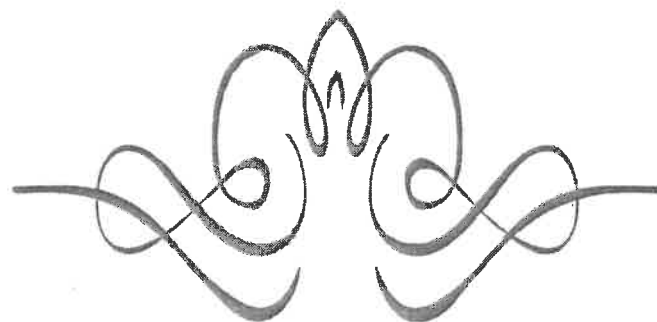
All returns include the effects of all principal change and income, and returns for longer than one year are annualized.

Any Gross returns do not reflect the deduction of investment advisory fees, which will reduce investment returns. Advisory fees are described in Part 2 of our SEC Form ADV.

As of December 31, 2019



Agenda Item Divider



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

Article 9. Board of Appeals

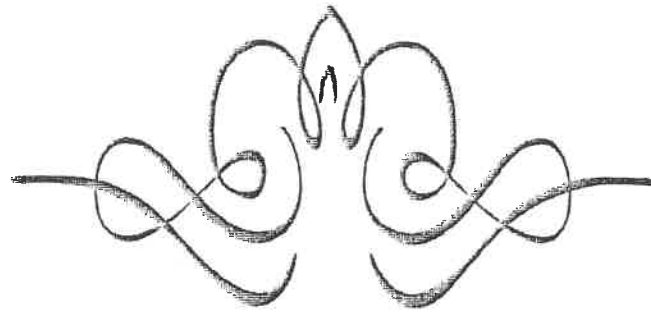
9.3. Appeals Procedure

- 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.

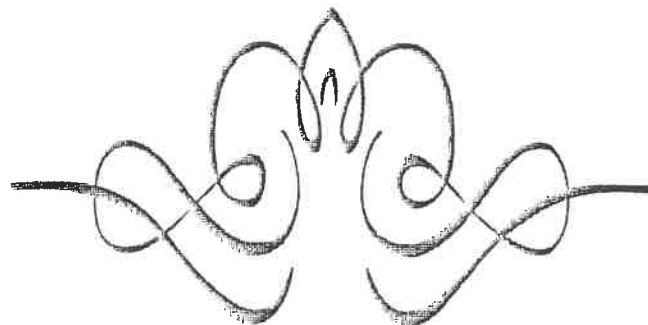
Article 10. Planning Board Site Review

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.



Agenda Item Divider





KENNEBUNKPORT TOWN CLERK

To: Laurie Smith, Town Manager
Board of Selectmen

From: Tracey O'Roak

Date: February 7, 2020

Re: Liquor License Approvals

The following renewal liquor license and special amusement permits are scheduled for approval at the February 13th meeting. The Police, Fire and Code Enforcement departments have all signed off on the applications. I recommend approval.

1. *Rhumb Line Resort*
2. *Taylor-made Hospitality d/b/a Hurricane Restaurant*
3. *Alisson's Docksquare LTD d/b/a Alisson's Restuarant*

The following NEW Victualer's License Application is scheduled for public hearing at the February 13th meeting. This is a new operation located in the applicant's home kitchen. Ms. Matthysen will be presenting her plans to the Zoning Board of Appeals on February 10th at 7:00 p.m. The Police, Fire and Code Enforcement departments have all signed off on the application. I would recommend approval conditional on the outcome of the Zoning Board of Appeals meeting.

1. Sarene Matthysen d/b/a Kerengende, 13 Spruce Avenue

This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:

✓

Police Chief

✓

Fire Inspector

✓

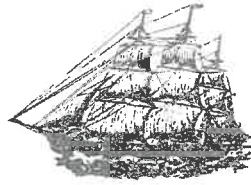
Code Enforcement Officer

Tracy O'Roak

, Town Clerk

Victualers

Sarene matthysen
dba Kerengende



TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

TOWN OF KENNEBUNKPORT

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Kennebunkport Board of Selectmen, acting in their capacity as the Victualer's Licensing Board will conduct a **public hearing** on Thursday, **February 13, 2020** at 6:00 PM at the Village Fire Station, 32 North Street, Kennebunkport, Maine to consider an application for a Victualer's License for **Sarene M. Matthysen d/b/a Kerengende**, 13 Spruce Avenue, for the period through May 31, 2020, in accordance with the provisions of the Victualer's Licensing Ordinance adopted by the Town on March 21, 2000.

Dated at Kennebunkport, Maine on January 16, 2020.

Tracey O'Roak
Town Clerk

**Victualer's License Application Form
Town of Kennebunkport**

Applicant Information

SARENE M MATTHYSEN
Name

13 SPRUCE AVENUE
Home Address

Kennebunkport ME 04046
City/Town State Zip

207-521-4139
Telephone Number

N/A
Managers Name

Manager's Phone #

Business Information

KERENGONDE
Business Name, d/b/a, etc.

SAME
Location (Do not use P.O. Box #)

SAME
Mailing Address (if different)

City/Town State Zip

Telephone Number

Food Production (Baking)
Type of Business

Total number of seats for food service: 0

Total number of rooms for rent: 0

Maximum number of employees per shift: 1 (Owner)

In making this application for a Victualer's License, I agree to conform to the provisions of the law relating to the business for which I am licensed and to all rules and regulations as provided by the Licensing Board in reference thereto; and shall not violate any law of the State relating to intoxicating liquors.



Applicant's signature

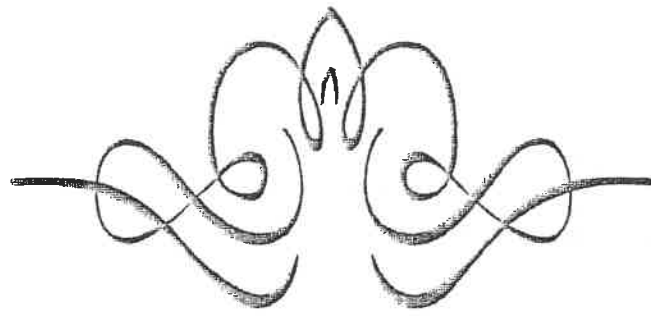
The fee must be enclosed with the application. The license will be mailed to you, after the hearing date, if approved.

Date of Application: 1/15/2020 Hearing Date: 2/13/2020 **

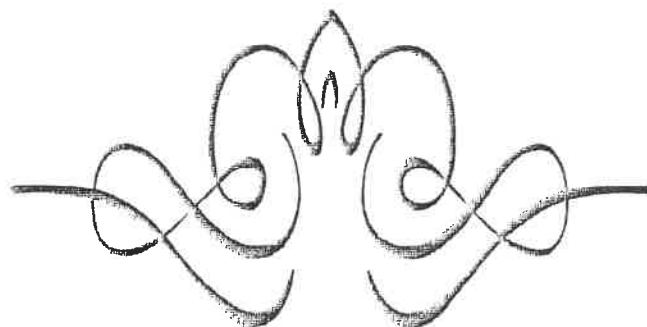
**Feel free to come to the Selectmen's Meeting for the Public Hearing if you choose.

Filing Fee: ~~\$50.00~~ 100.00 (Payable to the Town of Kennebunkport)

Village F.S
32 north st
Lepm



Agenda Item Divider



7

Alisson's 2/13/2020

This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:



Police Chief



Fire Inspector



Code Enforcement Officer



, Town Clerk

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 <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: 4-15-20

NEW application: ☐ Yes ☒ No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) | <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> SELF-SPONSORED EVENTS |
- (QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Alisson's Docksquare LTD</u>			Business Name (D/B/A) <u>Alisson's Restaurant</u>		
APPLICANT(S) --(Sole Proprietor)			DOB:		
DOB:			Physical Location: <u>11 Dock Square</u>		
Address			City/Town <u>Kennebunkport</u>	State <u>ME</u>	Zip Code <u>04046</u>
City/Town			Mailing Address		
State			Same As Above? <input type="checkbox"/>		
Zip Code			<u>P.O. Box 344</u>		
Telephone Number			Business Telephone Number		
Fax Number			Fax Number		
<u>01-0377790</u>			<u>207-967-4841</u>		
Federal I.D. #			Seller Certificate #:		
<u>01-0377790</u>			or Sales Tax #:		
Email Address: <u>info@alissons.com</u>			Website: <u>alissons.com</u>		

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

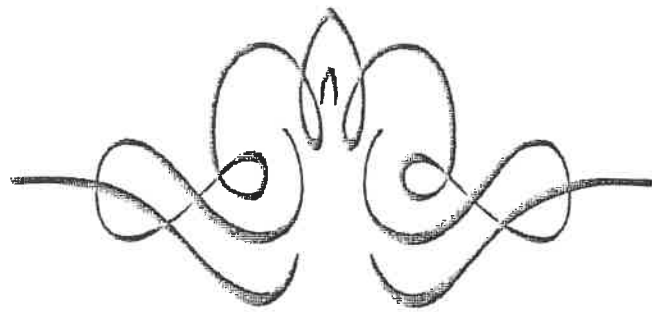
2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ 3,05,169.14 LIQUOR \$ 824,118.40

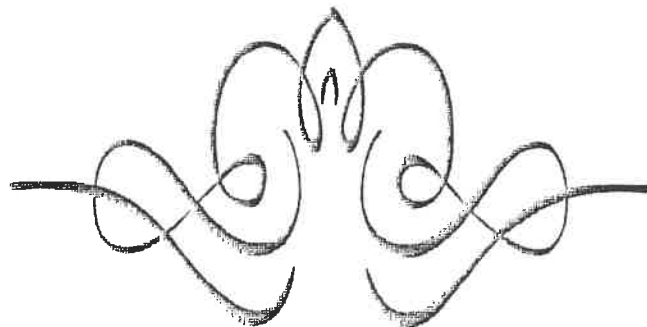
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

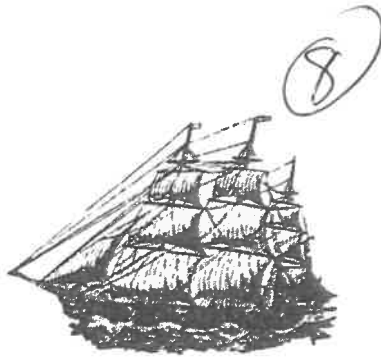
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

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



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Alisson's Restaurant
Residence Address 11 Dock Square
Home Telephone Number 207-967-4841
Name of Business _____
Business Address Same
Type of Business Restaurant
Business Telephone Number 207-4841
Nature of Special Amusement Live music, DJ, Karaoke

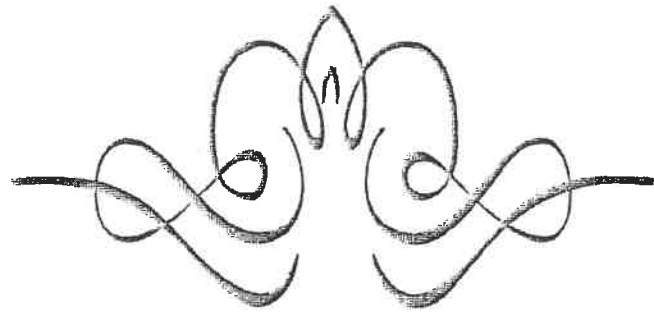
Has your liquor and or amusement license ever been denied or revoked?

Yes _____ No X

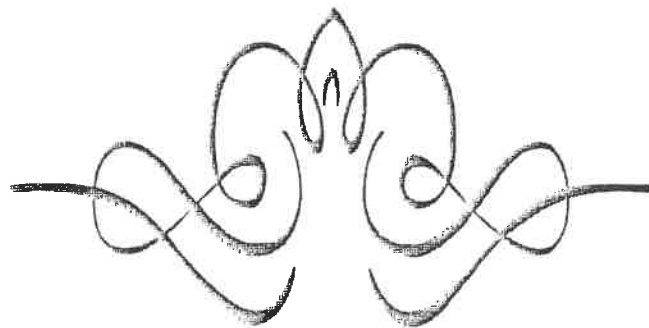
If yes, describe circumstances specifically. (Attach additional page if necessary)

1. Permit Fee: **\$ 100.00 (payable to the Town of Kennebunkport)**
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Patience Brennan
Signature of Applicant
Printed name: Patience Brennan



Agenda Item Divider



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Hurricane Rest.
2/13/20

This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:

✓

Police Chief

✓

Fire Inspector

✓

Code Enforcement Officer

Tracy O'Rourke

, Town Clerk



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Taylormade Hospitality	Business Name (D/B/A): Hurricane Restaurant
Individual or Sole Proprietor Applicant Name(s): Taylor Benenti	Physical Location: 29 Dock Square
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: P.O. Box 1801
Mailing address, if different from DBA address:	Email Address: info@hurricanerestaurant.com
Telephone # Fax #: (207)286-7127 (207)967-9113	Business Telephone # Fax #: (207)967-9111 (207)967-9113
Federal Tax Identification Number: 83-2213121	Maine Seller Certificate # or Sales Tax #: 1197972 \$ 013 / EAN: 1000647000
Retail Beverage Alcohol Dealers Permit: N/A	Website address: www.hurricanerestaurant.com

1. New license or renewal of existing license? ☐ New ☒ Renewal

If a renewal, please provide the following information:

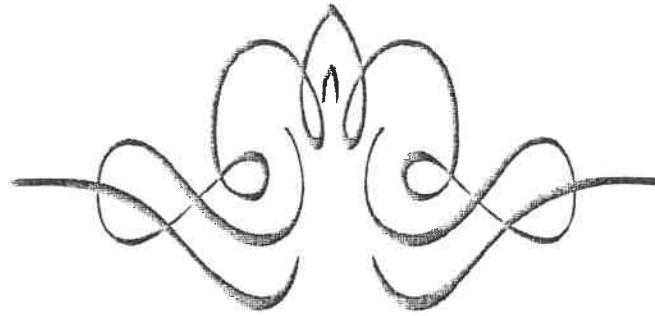
Your current license expiration date: 03/10/2020

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

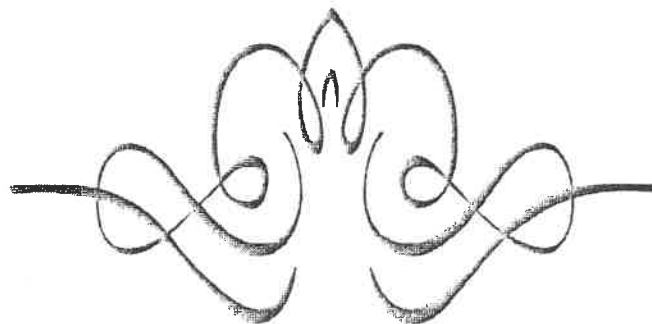
Food: \$ 1,768,913.71 Beer, Wine or Spirits: \$ 789,919.19 Guest Rooms: \$ 0.00

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Taylor Benenti
Taylormade Hospitality DBA Hurricane Restaurant
Residence Address 39 Lassell Street, Portland, ME
Home Telephone Number (207) 286-7127
Name of Business Hurricane Restaurant
Business Address 29 Dock Square, Kennebunkport, ME, 04046
Type of Business Restaurant
Business Telephone Number (207) 967-9111
Nature of Special Amusement Live Music

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

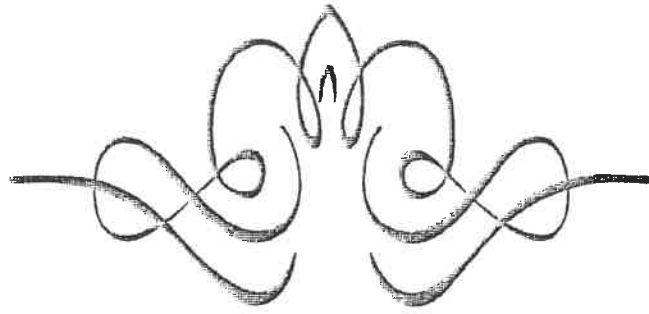
Yes _____ No X

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

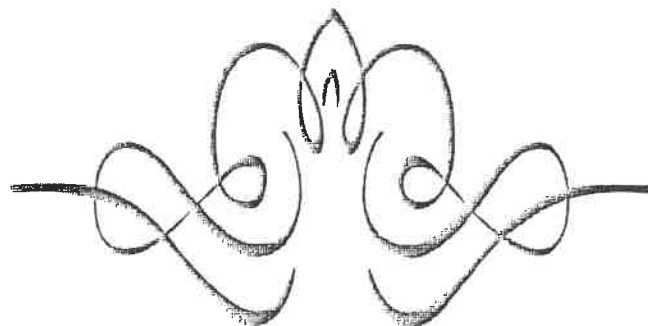
1. Permit Fee: \$ 100.00 (payable to the Town of Kennebunkport)
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Signature of Applicant

Printed name: Taylor Benenti



Agenda Item Divider



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This application has been reviewed and approved by the following Municipal Officials,
whose signatures are on file with the Town Clerk:

✓

Police Chief

✓

Fire Inspector

✓

Code Enforcement Officer

Nancy Oboak

, Town Clerk

Rhumb Line
2/13/20



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A): <u>Rhumb Line Resort</u>
Individual or Sole Proprietor Applicant Name(s): <u>Sheila Matthews-Bell</u>	Physical Location: <u>41 Turbats Creek Road</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <u>Kennebunkport, ME</u>
Mailing address, if different from DBA address: <u>59 Lanasford Rd Kennebunkport, ME</u>	Email Address: <u>sheila@rhumbline.com</u>
Telephone # Fax #:	Business Telephone # Fax #: <u>207-967-5457</u> <u>207-967-4418</u>
Federal Tax Identification Number: <u>01-0411890</u>	Maine Seller Certificate # or Sales Tax #: <u>4065</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>www.rhumbline.com</u>

1. New license or renewal of existing license? ☐ New ☒ Renewal

If a renewal, please provide the following information:

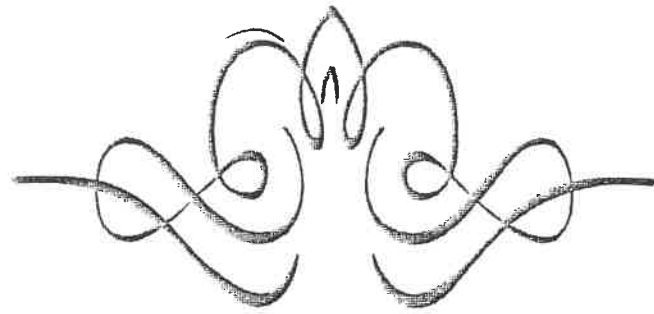
Your current license expiration date: 2/1/2020

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

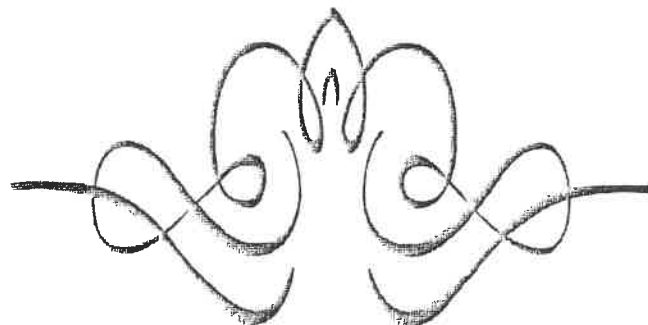
Food: 70,000⁰⁰ Beer, Wine or Spirits: 35,000⁰⁰ Guest Rooms: 785,000⁰⁰

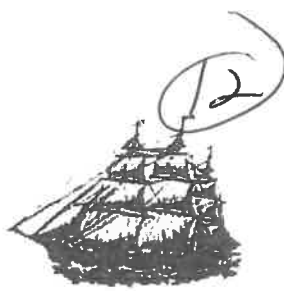
2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Sheila Matthews-Boll
Residence Address 59 Langford Rd Kennebunkport, ME
Home Telephone Number 207-967-3622
Name of Business Rhumb Line Resort
Business Address 41 Turbats Creek Rd Kennebunk, ME
Type of Business Motel
Business Telephone Number 207-967-5457
Nature of Special Amusement MUSIC ~~dancing~~ entertainment

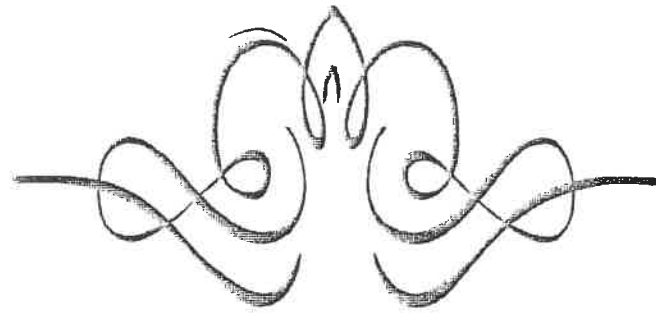
Has your liquor and or amusement license ever been denied or revoked?

Yes _____ No ☒

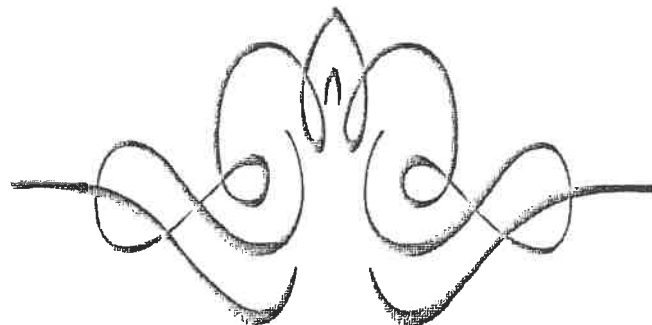
If yes, describe circumstances specifically. (Attach additional page if necessary)

1. Permit Fee: \$ 50.00 (payable to the Town of Kennebunkport)
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Sheila Matthews-Boll
applicant



Agenda Item Divider



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TOWN OF KENNEBUNKPORT
Application for Boards, Committees & Commissions

To the Town Manager:

I hereby request to be considered for membership to the following board(s) and/or committee(s): (If more than one, please indicate your preference: 1,2,3...)

- | | |
|--|---|
| <input type="checkbox"/> Administrative Code Committee | <input type="checkbox"/> Parsons Way |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Budget Board | <input checked="" type="checkbox"/> Recreation Committee |
| <input type="checkbox"/> Cape Porpoise Pier Advisory Committee | <input type="checkbox"/> Senior Advisory Committee |
| <input type="checkbox"/> Cemetery Committee | <input type="checkbox"/> Sewer Advisory Committee |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Shade Tree Committee |
| <input type="checkbox"/> Government Wharf Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Growth Planning Committee | <input type="checkbox"/> Sidewalk Committee |
| <input type="checkbox"/> Kennebunk River Committee | <input type="checkbox"/> Solid Waste Committee |
| <input type="checkbox"/> Lighting Committee | <input type="checkbox"/> Zoning Board of Appeals |

Susan E. Streiff
Signature of Applicant

1/11/2020
Date

Preliminary Information

Name (Print): SUSAN STREIFF

Residence Address: 6 ARBOR LEDGE DR, KPT 04046 Phone: ~~603-746-9024~~

Business Address: N/A Phone: N/A

Mailing Address: SAME AS RESIDENCE

(if different) _____

E-mail Address: STREIFF@KPT.ORG

Membership in community organizations:

Organization	Dates	Activities
_____	_____	_____
_____	_____	_____
_____	_____	_____

Do you have any skills, experience, or training you would like to mention?

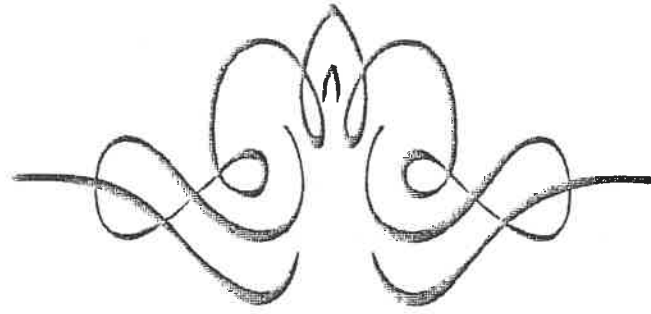
I have been a ~~career~~ project manager for much of my career.

What is your reason for wanting to serve on this board or committee?

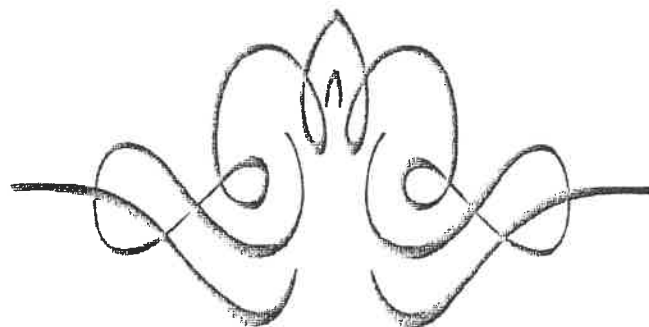
I am a new resident of Kennebunkport. I would like to find a way to be involved in my new community.

Are you registered to vote in Kennebunkport? Please check one: ☒ Yes ☐ No

Please return the completed application to: Town Manager, 6 Elm St., P.O. Box 566, Kennebunkport, ME 04046. You will be contacted upon receipt.



Agenda Item Divider



14

Memorandum

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Municipal Facility Needs Study

Dt: February 10, 2020

As part of the FY 20 budget process I requested funds for a municipal facility needs study to encompass a review of future Town Hall and Fire Station needs. We hired local architect David Graham and Steve Doe of Sebago Technics. David began the process by examining the current space at 6 Elm Street and 32 North Street. He met with staff from both facilities to understand both current needs as well as future demands. David and Steve then examined current town land holdings on both the old McCabe Parcel as well as the Village Parcel. Staff and the consultants lastly examined the opportunity to renovate the Village Fire Station for either future fire needs or town hall space. Lastly, we asked them to determine the best outcome from both a programming space requirement and a cost-effective approach.

David Graham will be present on Thursday evening to share the results of his analysis. He is proposing a new Town Hall on the Village Parcel at the corner of North Street, and a renovation and addition to the Village Parcel. Town Hall currently occupies under 5,000 sqft, most of it finished, but some in an unfinished garage space. The new space is estimated at just over 8,000 sqft and will include a public meeting space as well as offices for all current Town Hall departments. The estimated costs for the building, including furniture and fixtures is \$3.294 million.

The proposal for the Village Fire Station includes a little over 2,000 sqft of new space, including bunk rooms for future staff and a new fire bay to house vehicles. The conceptual plan also shows about 1,000 sqft of renovations, which incorporate offices and facilities for paid staff in the current meeting room. The estimated costs for this construction is \$839,000.

This should be considered a planning document as we gather additional public feedback on the location, design, and proposed funding model.

Area	S.F.
TOWN MANAGER	372 S.F.
PUBLIC SPACE	3,787 S.F.
PLANNING	992 S.F.
ASSESSING	222 S.F.
CLERK	1,297 S.F.
TREASURER	287 S.F.
SHARED COMMON AREA	1,247 S.F.

14

0' 5' 15'

Graphic Scale



Scale 1" = 30'

Conceptual Site Plan A Kennebunkport Town Hall

Prepared by Graham Architecture & Sobago Techniques, Inc.
February 3, 2020



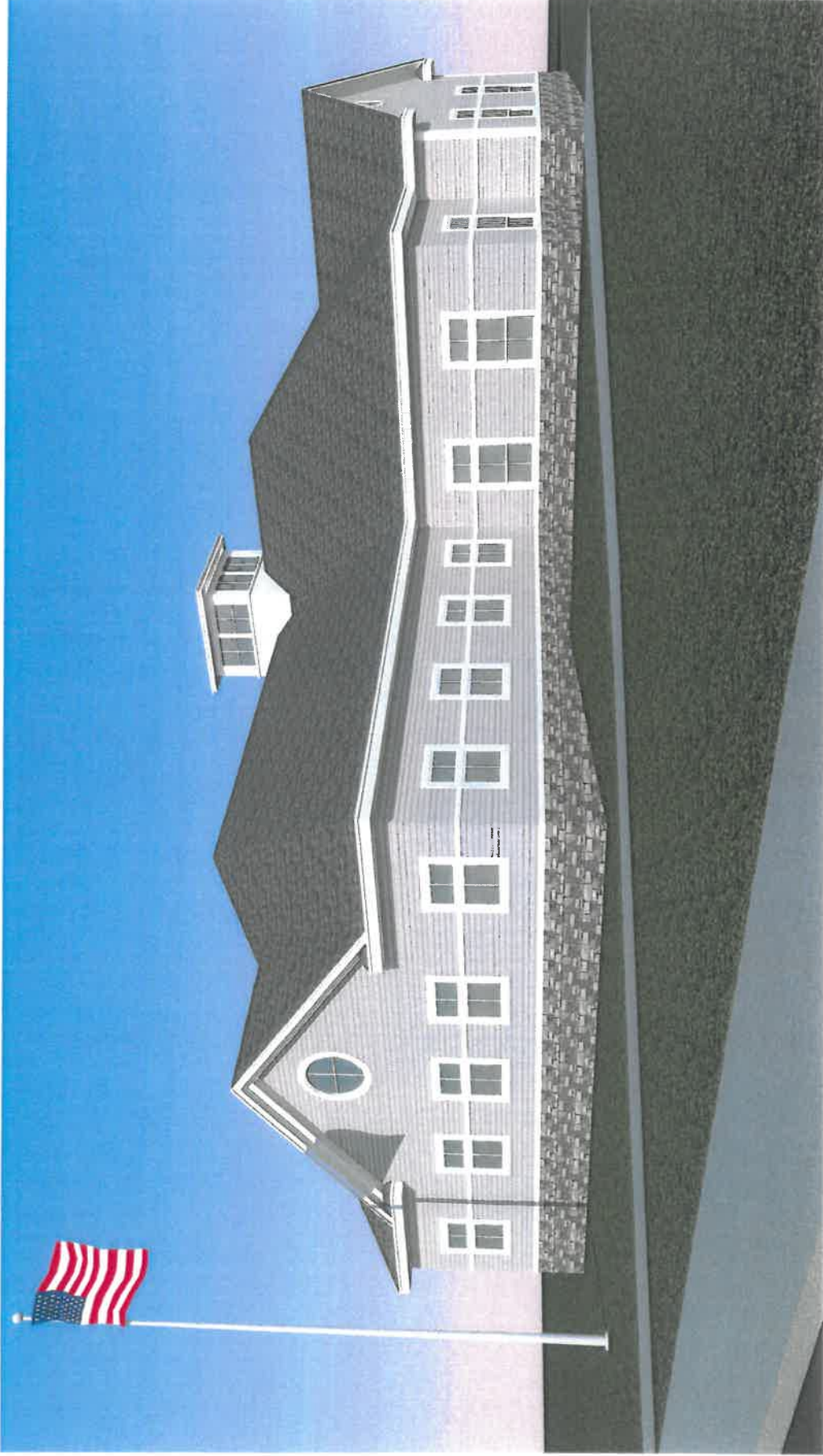
Conceptual Rendering Plan A - View From North Street
Kennebunkport Town Hall

Prepared by Graham Architects & Sebago Technics, Inc
February 3, 2020



Scale 1" = 30'

Conceptual Site Plan B
Kennebunkport Town Hall
Prepared by Graham Architecture & Sabago Technics, Inc
February 3, 2020



Conceptual Rendering Plan B - View From North Street
Kennebunkport Town Hall

Prepared by Graham Architects & Sebago Technics, Inc
February 3, 2020

Plan Key

<div></div>	NEW CONSTRUCTION
<div></div>	RENOVATED CONSTRUCTION

2,170 S.F.

992 S.F.



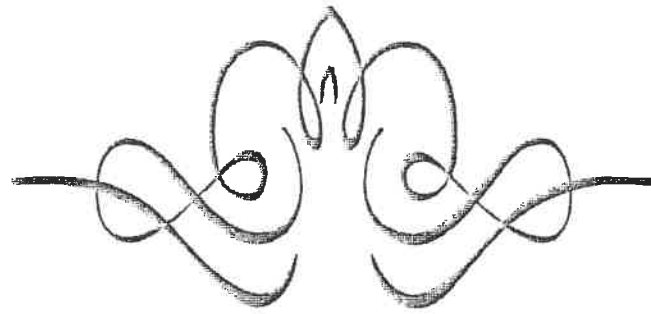
Graphic Scale
0' 5' 15'

Conceptual Plan
Kennebunkport North Street Fire Station Renovation

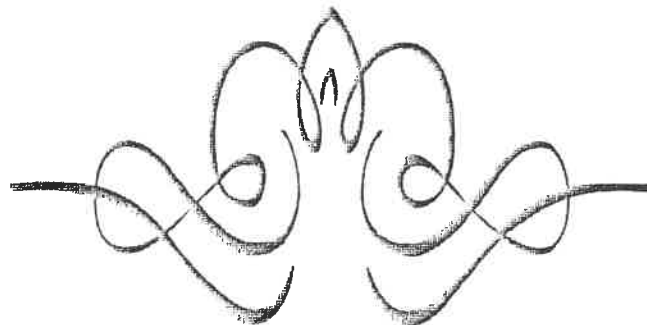
Prepared by Graham Architects & Sebago Technics, Inc.
February 3, 2020

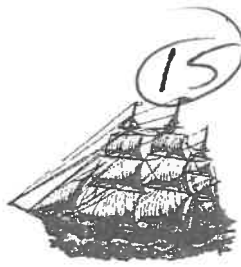
Town Office Building				
2/3/2020				
Town of Kennebunkport KENNEBUNKPORT, ME CONCEPTUAL OPINION OF PROBABLE CONSTRUCTION COST				
ITEM	QUANTITY	UNIT	UNIT PRICE	PROBABLE COST
NEW TOWN OFFICE BUILDING				
Architecture and Engineering fees	1	LS	\$ 130,000.00	\$130,000
Sitework (pavement, loam & seed)	1	LS	\$ 120,000.00	\$120,000
Sitework Road and Utilities	290	LF	\$ 600.00	\$174,000
New Building Construction	8,240	SF	\$ 325.00	\$2,678,000
Furniture and Fixtures	1	EST	\$ 35,000.00	\$35,000
SUBTOTAL				\$3,137,000
Contingency - 5%				\$157,000
TOTAL PROBABLE CONSTRUCTION COST				\$3,294,000

Village Fire Station Renovation				
2/3/2020				
Town of Kennebunkport KENNEBUNKPORT, ME CONCEPTUAL OPINION OF PROBABLE CONSTRUCTION COST				
ITEM	QUANTITY	UNIT	UNIT PRICE	PROBABLE COST
VILLAGE FIRE STATION				
Architecture and Engineering fees	1	LS	\$ 35,000.00	\$35,000
Sitework (pavement, loam & seed)	1	LS	\$ 15,000.00	\$15,000
New Building Construction	2,170	SF	\$ 250.00	\$543,000
Renovated Construction Costs	992	SF	\$ 200.00	\$198,000
Furniture and Fixtures	1	EST	\$ 8,000.00	\$8,000
SUBTOTAL				\$799,000
Contingency - 5%				\$40,000
TOTAL PROBABLE CONSTRUCTION COST				\$839,000



Agenda Item Divider





KENNEBUNKPORT WASTEWATER DEPARTMENT

MEMO

Date: January 15, 2020

To: Laurie Smith

From: Chris Simeoni, Deputy Director Public Works

Re: Selectmen's agenda 2/13/19- Consider changes to the Sewer Ordinance

We are requesting the Selectmen review proposed changes to the Sewer Ordinance. Most of the changes are "housekeeping" items such as definitions that we would like to change to make them concurrent with what is already in the Land Use Ordinance. The most notable change will be the request to commence the billing of the user fee upon occupancy. Attached is a copy of the proposed changes.

Thank you,
Christopher Simeoni
Christopher Simeoni
Deputy Director Public Works

WASTEWATER USE ORDINANCE TOWN OF KENNEBUNKPORT KENNEBUNKPORT, MAINE

Adopted March, 1985 Amended

09/12/85
08/14/86
05/28/87
06/11/91
01/26/95
03/09/95
09/01/98
10/09/03
08/13/09
02/22/18

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ARTICLE I - PURPOSE, AUTHORITY, SCOPE AND INTENT

Sec. 1. This Ordinance shall be known and may be cited as the "Town of Kennebunkport Wastewater Use Ordinance" and will be referred to herein as "this Ordinance."

Sec. 2. The purpose of this Ordinance is to promote the health, comfort, public convenience and general welfare of the citizens of the Town of Kennebunkport by eliminating existing pollution, preventing further pollution and controlling sewerage systems through regulations and restrictions. This Ordinance shall restrict and regulate the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any seweragesystem, whether public or private, industrial or residential, shall not result in pollution, health hazards or other nuisances for the citizens of the Town of Kennebunkport.

Sec. 3. This Ordinance contains the rules and regulations adopted by the Municipal Officers to govern the Kennebunkport Sewer System under the authority granted in Title 30-A M.R.S.A. §§ 5410-5415, 3401-3409, 3421-3428, and 3442-3445 as amended; and in all other applicable state statutes. The Board of Selectmen, being the Municipal Officers of the Town of Kennebunkport, shall have the authority granted under these provisions to administer, enforce, amend or repeal this Ordinance, or any clause or provision thereof, as may be necessary or desirable, in the judgment of the Board of Selectmen, for the efficient operation of any sewerage system.

Sec. 4. This Ordinance shall completely supersede all other sewer ordinances enacted by the Town of Kennebunkport prior to the date of the enactment of this Ordinance, which other ordinances are hereby repealed, except as otherwise noted herein. Hereafter any person owning any building or structure within the Town of Kennebunkport which is the source of sewage and/or industrial waste or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance.

ARTICLE II - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Abutting Property: Any lot that is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across the street or right of way from the subject lot such that the extension of the side lines of the subject touch or enclose the abutting property.

Apartment, Accessory: A separate dwelling unit which ~~is may~~ be located within and subordinate to a single family detached dwelling, which dwelling was in existence on March 6, 1972, as permitted under the Town of Kennebunkport Land Use Ordinance or a detached accessory structure as permitted under Article 7.1 of this Ordinance.

Bed and Breakfast: A business establishment having, nine (9) or fewer guest rooms in which lodging is offered to guests for compensation and meals may be offered for compensation only to the lodgers.

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

Board of Selectmen: The duly elected Board of Selectmen of the Town of Kennebunkport.

Building: Any structure arranged, designed, intended or used for the shelter, housing or enclosure of persons, animals, processes, equipment or property of any kind.

Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet outside the inner face of the building wall.

Building Sewer or Building Connection: The extension from the building drain to the public sewer or other place of disposal. The building sewer is the responsibility of the owner of the building from the building to the sewer main in the street or from the building to the grinder pump chamber.

Campground: ~~A business establishment operated as a recreational site for tents, trailers, recreational vehicles or other forms of temporary shelter~~ Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Change of in Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use.

Church: A building or group of buildings arranged, designed, intended or used for the conduct of religious services, and accessory uses associated therewith.

Club: Any voluntary association of persons organized for fraternal, social, religious, benevolent, recreational, literary, patriotic, scientific, or political purposes whose facilities are open to members but not the general public, and which is principally engaged in activities which are not customarily carried on for pecuniary gain.

Combined Sewer.: A sewer intended to receive both wastewater and storm or surface water.

Company: Any industrial or commercial establishment with a liquid waste discharge.

Connection fee: A charge established for the connection of any building or property to a sanitary, combined or interceptor sewer within the town. The purpose of the connection fee is to ensure that new users and current users with change of use or increased flows bear a reasonably proportionate share of the cost of capital expenditures necessary to replace and upgrade sewer facilities in order to maintain excess capacity within the system.

Deputy Director of Public Works: Shall have all the duties and powers of the Director of Public Works when he or she is unavailable.

Director of Public Works: The Director of the Public Works Department for the Town of Kennebunkport, or his or her duly authorized deputy, agent, representative or inspector.

Dwelling: Any building or structure or portion thereof, as referred to in the Land Use Ordinance, containing one or more dwelling units, but not including a motel, hotel, inn, or similar unit.

Dwelling Unit: One or more habitable rooms arranged, designed or intended to be used, or used as a complete housekeeping unit for one or more individuals living together as a family with independent living, cooking, sleeping, bathing and sanitary facilities. Recreational vehicles are not residential dwelling units. Within any Shoreland Zone, term "dwelling unit" shall include seasonal rental units which meet the above definition, regardless of the time-period rented.

Easement: An acquired legal right for the specific use of land owned by others.

Family: One or more persons occupying a dwelling unit and living together as a single housekeeping unit where all occupants use and access to all living and eating areas, bathroom and food preparation and serving areas.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including but not limited to basements, slabs, posts or frost walls, or other base consisting of concrete, block, brick or similar materials.

Frontage on the Sewer shall exist if the public sewer line passes between the side lot lines of the property in question, as determined by drawing perpendicular lines across the roadway from the points of intersection of the property side lot lines.

Garbage: Solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Garbage, Properly Shredded: The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Gas Station: A business establishment selling fuel and related products for motor vehicles.

Hotel: A building or group of buildings having ten (10) or more guest rooms in which lodging, or meals and lodging, are offered for compensation, including motels, tourist courts, motor lodges and cabins.

Industrial Wastes: The liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Inn: A business establishment having nine (9) or less ~~fewer~~ guest rooms in which lodging is offered to guests for compensation and meals may be offered for compensation ~~only to the~~ lodgers and to the general public.

Lot: An area of land in one (1) ownership, or one (1) leaseholder with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership defined by a lot boundary lines on a subdivision plan duly-approved by the Planning Board and recorded in the York Country Registry of Deeds.

Lot Frontage: The horizontal distance measured in a straight line connecting the intersection of the front lot line with the side lot lines.

Lot Lines: The property lines bounding a lot as defined below:

- a. **Front Lot Line:** On an interior lot the line separating the lot from the ~~street or private road~~ right of way containing a street or private road providing vehicular access to the lot or capable of providing vehicular access to the lot. On a corner or through lot, the line separating the lot from ~~each street or right-of-way containing the street or private road~~ providing vehicular access to the lot.
- b. **Rear Lot Line:** The lot line opposite the front lot line. On a lot point at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.
- c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

Motel: See Hotel.

Natural Outlet: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Owner: The person or persons, natural or corporate, in whom for the time being title is vested in real property situated in the Town.

Person: Any individual, firm, company, association, society, corporation or group corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Public Sewer: A common sewer in which all owners of abutting properties have equal rights and is controlled by public authority. The term "public sewer" shall include the Town of Kennebunkport Wastewater Treatment Plant and Public Sewer System main line only, not the house services.

Pollutant shall include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural waste of any kind.

Restaurant: An establishment where food and drink are prepared and served to the public and where no food or beverages are served directly to the occupants of motor vehicles.

Roomer: ~~A person residing in and paying rent for a room in a single family dwelling whether or not the person eats meals on the premises.~~

Sanitary Sewer: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Selectmen: The duly elected members of the Town of Kennebunkport Board of Selectmen.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Sewage Works: Facilities for collecting, pumping, treating, and disposing of sewage.

Sewer: A pipe or conduit for carrying sewage.

Sewer Extension: Any addition to the public sewers of the Town of Kennebunkport whether located in a public way or on private property and whether constructed at public or private expense, provided that the term "sewer extension" shall not include building sewers and connections governed by Article V.

Sewer Unit: The source of sewage classified by land use and activity calculated to determine sewer connection fees and service charges.

Shall is mandatory; "may" is permissive.

Slug: Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than two (2) times the average twenty-four (24) hour concentration of flows during normal operation.

Storm Drain or Storm Sewer: A sewer, which carries storm and surface waters and drainage, but

excludes sewage and industrial wastes other than, unpolluted cooling water.

“Septic System.” Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks, disposal fields, grandfathered cesspools, holding tanks, pretreatment filter, piping, or any other fixture, mechanism or apparatus used for those purposes; does not include any discharge system licensed under Title 38 M.R.S.A. § 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

“Superintendent.” The Superintendent of the Water Pollution Control Facilities of the Town of Kennebunkport is Deputy Director of Public Works or his/her duly-authorized deputy, agent, representative or inspector.

Suspended Solids: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Waste and Wastewater" published by the American Public Health Association and referred to as non-filterable residue.

Town: The Town of Kennebunkport, County of York, State of Maine.

Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.

Water Pollution Control Facility: The arrangement of devices and structures used for treating sewage and sludge (Wastewater Treatment Plant).

ARTICLE III - USE OF PUBLIC SEWERS REQUIRED

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other waste constituting a hazard to health. Exceptions may be granted by the Selectmen to an owner or lessee acting in the normal course of farm or garden operations.

Sec. 2. It shall be unlawful for any person to discharge to any natural outlet in any area under the jurisdiction of the Town any sewage or other polluted water, except where suitable treatment has been provided in accordance with this Ordinance and/or any other applicable laws, rules or regulations.

Sec. 3. It shall be unlawful for any person to construct or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, if at the time such person is required by Section 4 of this Article III to connect toilet facilities in or on his property with a public sanitary sewer.

Sec. 4. Every building intended for human habitation, occupancy, employment, recreation or any other

purpose situated within the Town, shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof. Said facilities in character, number and method of installation shall comply with all applicable laws, rules and regulations including, but not limited to ordinances of the Town, health laws of the State of Maine and rules and regulations of the State Bureau of Health so far as the same are compatible and not inconsistent. In the event any such laws, rules, and regulations are inconsistent, the stricter provision (s) shall apply.

Sec. 5. The owner of any house, building or other structures used for human occupancy, employment, recreation or other purpose, which is situated within the Town and on land that has frontage abutting street, alley or right-of-way containing a public sanitary sewer of the Town, provided any part of the foundation thereof is within two hundred (200) feet of such public sanitary sewer, or is otherwise required by the State Plumbing Code for the State of Maine to do so, is hereby required at the property owner's own expense to connect the suitable sanitary facilities as described in Article III, Section 4 above, directly with such public sanitary sewer in accordance with this Ordinance within ninety (90) days after date of official notice to do so. The requirement set forth in this section shall be subject to the availability of sewer capacity as determined by the Director of Public Works, or Selectmen, as the case may be according to the terms of this Ordinance.

Sec. 6. Notwithstanding any other provision of this Ordinance, a determination by the Director of Public Works that a grinder pump would be necessary for the particular property owner to connect to the public sewer shall constitute an unnecessary hardship, and that property owner shall be relieved of any obligation to connect to the public sewer. This exemption shall NOT apply if:

- a. The grinder pump is supplied to the property owner by the Town; or
- b. The existing septic system for that property is malfunctioning, in which case connection to the public sewer shall be required notwithstanding the need and associated cost of installing a grinder pump or a solids handling pump, unless a variance is obtained under Article XVII.

ARTICLE IV - PRIVATE WASTEWATER DISPOSAL

Sec. 1. Where a public sanitary sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article and the State of Maine Plumbing Code, Part II Subsurface Wastewater Disposal Regulations, as amended.

Sec. 2. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the licensed plumbing inspector. The application for such permit shall be made on a form furnished by the Town, which shall comply with the requirements of the Division of Health Engineering, Maine Department of Human Services, which the applicant shall supplement with any plans, specifications and other information as deemed necessary by the plumbing inspector. A permit and inspection fee in accordance with State of Maine Plumbing Code, Chapter 241, shall be paid at the time the application is filed.

Sec. 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the plumbing inspector. The plumbing inspector shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the plumbing inspector when the work is ready for final inspection and before any underground portions are covered.

Sec. 4. The type, capacities, locations, and the layout of a private wastewater disposal system shall comply with the State of Maine Plumbing Code – Subsurface Wastewater Disposal Regulations as amended, and the Minimum Lot Size Law.

Sec. 5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 4 of this Ordinance, a direct connection from the building sewer to the public sewer shall be made within ninety (90) days. Upon the expiration of said 90 - day period, the property owner shall cease to use any septic tanks, cesspools and similar private wastewater disposal facilities and said facilities shall be cleaned of sludge and filled with clean bank run gravel or dirt, or completely removed, within thirty (30) days of abandonment. The requirement set forth in this section shall be subject to the availability of sewer capacity as determined by the Director of Public Works, or Selectmen, as the case may be according to the terms of this Ordinance.

Sec. 6. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

Sec. 7. The Town's Health Officer, Building Inspector, or Plumbing Inspector shall construe no statement contained in this Article to interfere with any additional requirements that may be imposed.

ARTICLE V - BUILDING SEWERS AND CONNECTIONS

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Director of Public Works at least forty-five (45) days prior to the proposed change or connection and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter 1, Subsection 361, as amended.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and (b) commercial service, for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Director of Public Works. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Public Works. A permit and inspection fee of one dollar (\$2.00) per gallon based on the Design Flows Tables 501.1 and 501.2 in the Maine Subsurface

Wastewater Disposal Rules residential or commercial building sewer permit shall be paid to the Town at the time the application is filed.

Sec. 3. A sewer connection application shall be applied for and the fees shall be paid for, whenever a homeowner applies for a building permit that will increase the flows from that structure into the collection system.

Sec. 4. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 5. A separate and independent building sewer shall be provided for every building requiring a sewer connection, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. A deed restriction shall be placed on both properties stating that they have joint ownership in the sewer connection and will maintain it jointly; and the owners of both properties shall be jointly and severally liable for any cost or expense of installation and connection as provided by Section 3 of this Article V.

Sec. 6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this Ordinance. The applicant shall pay for all cost for examination and testing.

Sec. 7. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the Town.

Sec. 8. Whenever possible, the building sewer shall be brought from the building at an elevation above the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a grinder pump or a solids handling pump and discharged to the building sewer.

Sec. 9. No person shall connect any roof downspout, exterior foundation drain, area drain, or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Director of Public Works for purposes of disposal of polluted surface drainage.

Sec. 10. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code of other applicable rules and regulations of the Town. The connection of the building sewer into the public sewer shall be made at the curb fitting if provided or at the "Y" branch if such branch is available at a suitable location. On direction of the Director of Public Works, where no "Y" branch is available, a neat hole shall be cut, by machine, into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of forty-five (45) degrees with an approved saddle or clamp-type fitting. Such connection shall be completely watertight at the location specified by the Director of Public Works or his Designee ("The Inspector") and shall be completed under the supervision and in the presence of the Inspector, and as directed by and to the satisfaction of

the Inspector.

Sec. 11. The applicant for the building sewer permit shall notify the Director of Public Works twenty-four (24) hours before the building sewer is ready for inspection and connection to the public sewer. All inspections shall be performed during regular working hours. Any inspections requested after the regular working hours or on weekends will be assessed an additional inspection fee of one and one-half (1.5) times the Inspector's normal rate and any other fees that may apply.

Sec. 12. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and/or other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Sec. 13. When any building or other structure previously served by a connection to any public sewer or drain is demolished, destroyed, abandoned or altered so that any drain or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer or drain is no longer used and is not connected to the drainage system of the building or structure, the open end of such which discharged, directly or indirectly, into a public sewer or drain shall be promptly closed and sealed to the satisfaction of the Director of Public Works, so that no water or wastes not otherwise permitted to enter the public sewer or drain shall be so discharged therein. The Director of Public Works shall be notified of such abandonment or discontinuance, and of the closing and sealing of such drain, and shall be afforded an opportunity to see such work performed. All of said work shall be done by the person or party demolishing the building or structure or who alters the drainage of the premises so to make such closing and sealing necessary. In the event such person fails to perform said work, the work shall be done by the owner, lessee or tenant of the premises to the satisfaction of the Director of Public Works, all without expense to the Town.

Sec. 14. Unless exempted under subparagraph (B) below, every person seeking to, or required to, make connection with the public sewer system shall pay the charge under this section. Such charge is in addition to any other charge imposed by this Ordinance.

- a. The connection fee for each sewer unit charge imposed under Article XIII shall be \$3,500. For those uses to be assigned a special charge under that Article, the connection fee shall be established by the Selectmen. Any person seeking to make connection shall fill out an appropriate form provided by the Director of Public Works. When the form has been approved and the fee paid, the Director of Public Works shall notify the Building Inspector. No building permit or occupancy permit may be issued until the fee has been paid.
- b. For any change of use within a building, or expansion or alteration to a building, which results in an increase in the sewer unit charge imposed under Article XIII, a connection fee is due for each additional sewer unit change.
- c. All connection fees generated by this section shall be placed in a non-lapsing fund, to be known as the "Water Pollution Control Facility Fund," to be used for improvements to or expansion of or replacement of the existing treatment plant and facilities.

Sec. 15. After the building sewer is connected to the public sewer the owner of the building sewer shall maintain the building sewer from the building to the public sewer.

ARTICLE VI - SEWER EXTENSIONS

Sec. 1. Sewer Extensions within Public Way at Public Expense. Sewer extensions to be located within public ways and individual building sewers to five (5) feet from the edge of the pavement may be constructed by the Town at public expense if the voters of the Town acting at an annual or special town meeting authorize such an extension and appropriate the necessary funds therefore. Under this arrangement, each property owner shall pay for and install the building sewer from the public sewer to his or her residence or place of business in accordance with the requirements of Article V. Property owners may request that an article authorizing such a sewer extension and appropriating the necessary funds therefore be included in the warrant of the next annual town meeting by filing a written petition signed by a majority of the benefiting property owners with the Selectmen at least ninety (90) days prior to the annual meeting. Prior town meeting approval is required before the project may be built at public expense.

Sec. 2. Sewer Extensions within Public Way at Private Expense. If the Town does not elect to construct a sewer extension within a public way at public expense, or upon proper application, any property owner, builder or developer may offer to make an unconditional gift to the Town of a sewer extension to be constructed within a public way at the property owner's own expense under a private contract. The property owner, builder, or developer offering to make such an unconditional gift to the Town shall follow the requirements outlined below:

(A) Submission Requirements:

The applicant will submit an application provided by the Wastewater Department to the Director of Public Works along with the following materials:

1. An application fee in an amount equal to the greater of five dollars (\$5.00) per linear foot of pipe for the proposed sewer extension, or five hundred dollars (\$500.00) per sewer unit charge which will be assessed under Article XIII, Sec. 2 against the buildings which the applicant intends to construct, develop or provide with sewer service in connection with the proposed sewer extension. These fees shall also include any sewer units that are on abutting properties that will be able to connect to this extension. Such application fees shall be placed in a separate non-lapsing account to be used by the Town for the purpose of paying the costs of publishing legal notices, holding public hearings, reviewing sewer extension applications and studying the impacts thereof in accordance with the provisions of this Article.
2. Conceptual drawings and specifications for the project. Project drawings and specification must be submitted electronically and on paper copies.
3. A survey showing the location of the property and the proposed sewer extension. This information shall be submitted as a paper drawing and electronically in the DWG format for use with AutoCAD. The digital transfer of any subdivision plan data shall be delivered on

the Town's chosen Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone FIPS Zone 1802, North American Datum 1983; Units: US Survey Feet.

4. The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). The Ellipsoid is GRS 80 (Geodetic Reference System 1980).
5. Data shall have survey grade positional accuracy. Data could be developed using either Real Time Kinematic (RTK) GPS, survey-grade Static GPS data collection or traditional methods of occupying known, high-precision surveyed monuments. The datum, survey methods, and type of survey equipment used shall be identified.
6. A list of all the property owners and mailing addresses that are within two hundred (200) feet of the proposed sewer extension property boundaries. This list shall be submitted on paper and electronically and be able to be used with MS Word format.
7. Proof of the ability to secure an irrevocable letter of credit or post cash or other cash equivalent in a form acceptable to the Board of Selectmen in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project. The letter of credit or the cash security will remain in effect until after the guaranty has expired.
8. Any other information the Town may require on a case-by-case basis.
9. If any easements, rights, title, or interests to other properties are required for the construction of the sewer extension, the property owner, builder, developer or applicant must have acquired them before the Town will make any review.

(B) Review of Extension Application:

The Director of Public Works shall immediately give the completed application to the Secretary of the Planning Board who shall refer it to the Planning Board. The Planning Board shall schedule a public hearing to be held within sixty (60) days of receipt of a completed application as determined by the Director of Public Works.

At least ten (10) days prior to the hearing date, the Secretary to the Planning Board shall publish a notice of the hearing in a newspaper of general circulation in the Town. The notice shall identify generally the route of the proposed extension, the name of the applicant, and the time and place of the public hearing.

Notice of the hearing shall be sent by the Town by certified mail to the owners of all property within two hundred (200) feet of the property boundaries of the project at least seven (7) days in advance of the hearing. The owners of abutting property shall be considered to be those shown on the tax lists as those against whom taxes are assessed. The Planning Board shall maintain as a part of the record for each case a completed list of all property owners so notified. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate the action of the Planning Board.

At the hearing, the applicant, Director of Public Works, and any other interested person may be heard. The public hearing may be continued to a later date at the discretion of the Planning Board.

With the approval of the Town Manager, the Planning Board may arrange for a study of the likely impacts of the proposed sewer extension. Such study shall address but not be limited to the following issues:

1. Whether there are reasonable alternative methods of sewage disposal at the site or sites to be served by the proposed extension;
2. Whether the proposed extension will result in significant benefit or harm to environmental quality;
3. Whether the proposed extension will provide economic benefits or will significantly increase costs to the Town;
4. Whether the proposed extension will tend to significantly increase residential, commercial or industrial development in the area to be served by the extension and whether such increase is compatible with the Town's Comprehensive Plan; and
5. Such other issues as the Planning Board may direct.

Within forty-five (45) days of the close of the public hearing or receipt of the results of the Planning Board's study, whichever is later, the Planning Board shall issue a written recommendation to the Board of Selectmen as to whether the sewer extension project should be built and whether the proposed unconditional gift of such extension to the Town should be accepted or refused and shall state the reasons for its recommendation.

With the approval of the Town Manager, the Director of Public Works may arrange for a study of the likely impacts of the proposed sewer extension. Such study may address but not be limited to the following issues:

1. Whether the proposed extension will significantly increase or decrease user fees within the Town;
2. Whether the proposed extension will be compatible with future or planned extensions of the sewer system within the Town;
3. Whether the increase in sewage resulting from the proposed extension can be adequately handled by the existing treatment plant, pumping stations and other facilities;
4. Such other issues as the Director of Public Works may direct.

Within forty-five (45) days of the close of the Planning Board's public hearing or receipt of the results of the Director of Public Works study, whichever is later, the Director of Public Works shall issue a written recommendation to the Board of Selectmen as to whether the sewer extension project should be built and whether the proposed unconditional gift of such extension to the Town should be accepted or refused and shall state the reasons for its recommendation.

The studies requested by the Planning Board and/or the Director of Public Works shall be paid for from the non-lapsing account established under this Section or by such other monies as may be properly authorized. In the event that the costs associated with any of the studies exceed eighty percent (80%) of the application fees, the applicant will be assessed additional fees to cover the cost of doing the studies.

Following the receipt of the Planning Board's and Director of Public Works recommendations, the Board of Selectmen shall approve or deny the project.

(C) Acceptance of Unconditional Gift by Town Meeting:

All sewer extensions, including any pumping stations, constructed at the property owner's or applicant's expense, together with a sewer easement in a form satisfactory to the Selectmen, must be offered to the Town as an unconditional gift.

Following the Selectmen's approval of the project but prior to the Selectmen's insertion of an article in the warrant, the property owner, builder or developer must submit plans and specifications for the proposed sewer extension to the Director of Public Works for his review, including a complete set of drawings on paper and on a computer disk in the Auto- Cad format (DWG), showing the equipment as proposed to be installed. The Director of Public Works must approve said plans and specifications before any work is commenced and before an article can be placed in the warrant.

Following the Director of Public Works approval of the plans, specifications and drawings, the Selectmen shall insert an article in the warrant of the next annual or special town meeting to see if the Town will vote to accept the proposed unconditional gift of the sewer extension that will be in the Town's road way. A special town meeting may be called to address this one item if the applicant agrees to bear the cost of the meeting. The recommendations of the Planning Board and Director of Public Works may be set forth as an informational item beneath the article in the warrant calling the annual or special town meeting.

The article included in the warrant shall require as a condition to acceptance of the proposed gift that the applicant shall furnish the Town with an irrevocable letter of credit or cash or cash equivalent in a form acceptable to the Board of Selectmen to ensure proper completion of the project. The guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project and shall remain in effect until after the contractor's warranty period has expired or until any adjustments are made by the Director of Public Works as referenced in Section E below. The amount of the guarantee shall be increased if the cost of the project, as determined by final bids, is significantly higher than the estimated costs furnished to the Planning Board. The Town Manager shall order such adjustment to be made if needed to provide security equal to one hundred twenty-five (125%) of the cost of the project. The article included in the warrant shall also provide that acceptance of a sewer extension to be constructed at private expense shall be subject to prior approval of the contractor and the terms of the construction contract by the Selectmen.

(D) Construction and Inspection after Approval by Town Meeting:

If the Town votes to accept the proposed gift of a sewer extension to be constructed in a public

way under private contract, the applicant must obtain all permits required under existing ordinances and state law, including a permit from the Board of Selectmen. All construction shall at least meet the minimum design and construction specifications provided by the Town, which shall be given to the property owner, builder or developer at the time a permit is obtained. No construction or work on the sewer extension project may begin until (1) the Director of Public Works has approved the plans and specifications submitted by the property owner, builder or developer, and (2) the unconditional gift of the sewer extension has been accepted by the Town meeting.

Each building sewer must be installed and inspected as required in Article V and the fees required under Article V shall be paid. The installation of the sewer extension shall be subject to periodic inspection by the Director of Public Works or his authorized representatives, who shall include a full-time inspector if the Director of Public Works determines it to be in the Town's best interests. The expenses for said inspection shall be paid for by the owner, builder or developer. The Director of Public Works decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass all tests required in Article V before it is to be used.

It is the responsibility of the applicant to ensure compliance with all of the applicable requirements of the Maine Department of Environmental Protection (DEP), the federal Environmental Protection Agency (EPA) and the Town.

(E) Town Acquisition of All Sewer Extensions:

Within (30) thirty days after the installation, inspection of the project and the connection of 90% of the intended sewer units as described in Section 2(D) above, the owner shall convey title to said sewer extension to the Town, together with a perpetual sewer easement and maintenance easement. Said sewers and pump stations, after conveyance to the Town, shall be guaranteed by the property owner, builder, or developer against defects in materials or workmanship for twelve (12) months after acceptance by the Town, provided, however, that after completion of construction of the sewer line extension and acceptance thereof by the Town, but prior to the expiration of the twelve (12) month warranty period, the Director of Public Works shall have discretion to release to the owner up to ninety percent (90%) of the guarantee amount upon the Director of Public Works determination that the sewer extension has been properly constructed, is free of defects in materials or workmanship and is operationally sound. The guarantee shall be in a form and in an amount acceptable to the Town Manager, who may act in consultation with the Selectmen, the Director of Public Works, the Town's attorney, and any other appropriate persons.

Sec. 3. Sewer Extensions Located on Private Property at Private Expense. Any property owner may request permission of the Town to construct, at the property owner's own expense, a sewer extension on private property serving two (2) or more buildings. The property owner, builder, or developer shall offer to make an unconditional gift to the Town of a sewer extension to be constructed on private property at the property owner's own expense under a private contract. The property owner, builder, or developer offering to make such an unconditional gift to the Town shall follow the requirements outlined in Section 2(A) and (B) above.

Following the Selectmen's approval of the project, the property owner, builder or developer must submit plans and specifications for the proposed sewer extension to the Director of Public Works for his review, including a complete set of drawings on paper and on computer disk in the Auto-Cad format

(DWG), showing the equipment as proposed to be installed. The Director of Public Works must approve said plans and specifications before any work is commenced.

Digital transfer of any subdivision plan data shall be delivered on the Town's chosen Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone FIPS Zone 1802, North American Datum 1983; Units: US Survey Feet.

The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). The Ellipsoid is GRS 80 (Geodetic Reference System 1980).

Data shall have survey grade positional accuracy. Data could be developed using either Real Time Kinematic (RTK) GPS, survey-grade Static GPS data collection or traditional methods of occupying known, high-precision surveyed monuments. The datum, survey methods, and type of survey equipment used shall be identified.

Construction of a sewer extension on private property at private expense, however, need not be delayed until after a Town meeting vote to accept the proposed unconditional gift of the extension. Although the property owner, builder or developer must offer the sewer extension to the Town as an unconditional gift, if the unconditional gift is rejected the sewer extension will remain the property of the property owner and not the Town.

ARTICLE VII - USE OF PUBLIC SEWERS

Sec. 1. No person shall discharge or cause to be discharged any storm water surface waters, groundwater, roof run off, substance drainage, uncontaminated cooling water, or unpolluted commercial or industrial process waters to any public sanitary sewer.

Sec. 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm water sewers, or to a natural outlet approved by the Maine DEP and the Director of Public Works. Industrial cooling water or unpolluted process water may be discharged, on approval of the Maine DEP and the Director of Public Works, to a storm sewer or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or waste to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, which will create a fire or explosive hazard in the wastewater facilities.
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or in interaction with other wastes, to injure or interfere with any sewer treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

- c. Any water or waste having a pH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, tar, plastics, wood, underground garbage, fibers, whole blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, or other substances which are whole or ground by garbage grinders.
- e. Any waste or pollutants including oxygen-demanding pollutants (BOD, etc.) which released in quantities of flow or concentrations or both constitute a "slug" as defined in Article II.
- f. Any heated water or pollutants in amounts which will inhibit or interfere with biological activity in the waste water treatment works but in no case heated water or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 104 degrees Fahrenheit (40 degrees Celsius); unless the wastewater treatment works is designed to accommodate such heat.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, water, or waste if it appears likely in the opinion of the Director of Public Works that such waste may harm the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving streams, or may otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Director of Public Works shall consider such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment process, capacity of the wastewater treatment plant, degree of treat ability of waste in the wastewater treatment plant, and other relevant factors.

Substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred four (104) degrees Fahrenheit (40 degrees Celsius).
- b. Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- c. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not.
- d. Garbage grinders are prohibited for the commercial users.
- e. Any water or waste containing strong acid, iron, pickling waste, or concentrated plating solutions, whether neutralized or not.
- f. Any waste or water containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or waste exerting an excessive chlorine residual to such a degree that any such material in the composite sewage at the wastewater treatment plant exceeds the limits established by the Director of Public Works for such materials.

- g. Any water or waste containing phenols or other taste or odor-producing substances, in such concentrations exceeding limit which may be established by the Director of Public Works as necessary, after treatment of the composite sewage, to meet the requirement of the State, federal, or other public agencies having jurisdiction over such discharge to any receiving waters.
- h. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable State or Federal regulations.
- i. Any water or waste having a pH in excess of 8.0.
- j. Materials, which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration, such as, but not limited to, dye waste and vegetable tanning solutions.
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting a "slug" as defined in Article II.
- k. Waters or waste containing substances which are not amenable to proper treatment or reduction by the Town's wastewater treatment process, or which would result in impermissible levels of phosphates and nitrates being discharged in the wastewater treatment plant effluent.
- l. Overflow by draining from cesspools or receptacles storing organic waste (other than septic tank disposal at the Town's treatment plant in accordance with Town procedures).
- m. Steam exhausts, boiler blowoffs, sediment traps, or pipes carrying hot circulating water.

Sec. 5. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Director of Public Works may have detrimental effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Director of Public Works may:

- a. Reject the water;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or

- d. Require payment to cover the cost of handling and treating the waste not covered by existing taxes or sewer charges, pursuant to the provisions of Section 12 of this Article VII.

When considering the above alternatives, the Director of Public Works shall give consideration to the economic impact of each alternative on the discharger. If the Director of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equipment shall be subject to the review and approval of the Director of Public Works, and subject to the requirements of all applicable codes, ordinances, laws, and the municipal discharge permit.

Sec. 6. Grease, oil and sand interceptors shall be provided when in the opinion of the Director of Public Works, they are necessary for the proper handling of the liquid waste containing floatable grease or for any flammable waste, sand, other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director of Public Works, and shall be located as to be readily and easily accessible for cleaning and inspection. All new construction and the remodeling of any old construction shall conform to the requirements of the Maine State Plumbing Code and the State of Maine Subsurface Wastewater Disposal Rules for grease and oil interceptors. The minimum size for an external grease trap shall be at least one thousand (1,000) gallons of liquid capacity.

With the approval of the Director of Public Works, an automatic / mechanical (self-cleaning) grease removal unit may be used instead of the external grease trap. The automatic grease removal unit must be sized in accordance with the manufacturer's written recommendations and the water temperature of the influent, as it enters the unit can not exceed one hundred fifty (150) degrees F.

Dishwasher wastewater shall not be discharged into an automatic grease removal unit, except that the wastewater from the pre-rinse station shall discharge to the grease removal unit.

In maintaining these interceptors, the owner (s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Director of Public Works. Any removal and hauling of the collected materials not performed by the owner (s) or the owner (s)' agent (s) must be performed by currently licensed waste disposal firms.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Sec. 8. When required by the Director of Public Works, the owner of any property serviced by a building sewer carrying commercial, industrial waste shall install a suitable manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole, if required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director of Public Works. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

Sec. 9. The Director of Public Works may require a user of the sewer services to provide information

needed to determine compliance with this Ordinance. These requirements may include:

- a. Description of wastewaters discharged, together with peak rate and volume over a specified time period.
- b. Chemical analyses of wastewaters.
- c. Information on raw materials, processes, and products affecting wastewater volume and quality.
- d. Quantity and disposition of specific liquid, sludge, oil, solvents, or other materials important to sewer use control.
- e. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 10. All measurements, tests, and analyses of the characteristics of water and pollutants to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association or other methods approved by the U.S. EPA and the Me. DEP, and shall be determined at the structure as required in Article VII, Section 8, or upon suitable samples taken at said structure. In the event that no special structure has been required, suitable samples shall be taken at the downstream manhole in the public sewer nearest to the point of origin. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater facilities and to determine the existence of any hazard to life, limb, or property.

- a. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director of Public Works and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director of Public Works. Such records shall be made available upon request by the Director of Public Works to other agencies having jurisdiction over discharges.

Sec. 11. The municipality shall develop, and the Director of Public Works shall enforce, pretreatment regulations for existing and new sources of pollution that are discharging or proposed to be discharged into the municipally owned wastewater treatment facilities as set forth in Title 40, Chapter 1, Part 128 and Part 403 of the Final Rules of the United States Environmental Protection Agency.

Sec. 12. Nothing in this Article shall be construed to prevent any agreement between the Town and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern; provided that such agreements do not contravene any requirement of existing Federal or State laws and/or regulations and are compatible with any User Charge and Industrial Cost Recovery System in effect.

ARTICLE VIII - SEWER CAPACITY ALLOCATIONS

Sec. 1. Renovation to the Kennebunkport Water Pollution Control Facility which were completed in the spring of 1998 have increased its capacity to an amount in excess of 2,000 pounds of BOD5 per day. However until such time as the facility additions are operated to its capacity, the actual capacity added by these renovations will be unknown. Therefore, upon the completion of these renovations, as evidenced by the Town Manager's receipt of a letter from the Director of Public Works stating the renovations are completed, persons may then apply for sewer units which will be allocated on a first come / first served basis until such time as the sewer units capable of generating a total of two hundred (200) pounds of BOD 5 per day (based upon the typical load production of 0.7085 * pound of BOD 5 per day) shall be allocated. At that time, no further sewer units shall be allocated until the Town studies the remaining capacity, if any, and determines how it shall be allocated. A sewer permit or letter of adequate capacity issued under the allocation formula repealed by the amendment remains valid unless it lapses or becomes invalid in accordance with one or more of the provisions of Article IX of this Ordinance.

Sec. 2. The Town reserves the right to reject any and all application for sewer connection permits if, in the best judgment of the Director of Public Works and/or the Board of Selectman, such denials are necessary to protect the health, safety and welfare or the citizens of the Town of Kennebunkport. This provision shall apply regardless of whether lots were previously determined to be "vacant "by the Town, or whether the property owner has purchased a stub or incurred any other expense in anticipation of connecting to the sewer system.

Sec. 3. With respect to any sources to which capacity is allocated, that capacity shall be forfeited or reduced as follows:

- a. Capacity shall be forfeited in its entirety if a letter of adequate capacity or a permit lapses or becomes invalid in accordance with one or more of the provisions of Article IX of this Ordinance.
- b. In parallel with the provisions of Article IX, capacity shall be reduced if the project as ultimately approved or constructed contains fewer units than the number set forth in the preceding section.

Sec. 4. Neither the allocation of the sewer capacity to a lot nor the placement of a sewer stub for a lot shall be construed to mean that the lot is buildable. The determination as to whether a lot is buildable shall be based on any applicable ordinances and regulations.

ARTICLE IX - LAPSE OF SEWER PERMIT AND ENTITLEMENT TO SEWER CAPACITY

A sewer permit issued under the terms of this Ordinance, or a letter from the Director of Public Works as part of any other municipal review process stating that adequate sewer capacity exists for a proposed project ("letter of adequate capacity"), shall lapse, become invalid, and be of no further force or effect, if any one or more of the following occurs:

- a. The sewer permit or letter of adequate capacity expires by its own terms.
- b. A project approved by the Planning Board loses its approval for any reason, including the failure to timely commence or complete construction as required by applicable regulations or ordinances.
- c. The building permit (s) for a particular structure or project expires or becomes invalid for any reason, including the failure to timely commence or complete construction as required by the terms of the permit itself or by applicable regulations or ordinances.
- d. A project pending before the Planning Board is transferred to another owner of record, and the new owner fails to obtain a determination by the Planning Board that the new owner has adequate financial and technical capacity to complete the project and/or the new owner fails to provide the performance guarantees required by the Planning Board.
- e. The applicant fails to comply with applicable time periods and deadlines for processing the application and fails to get an extension of time prior to the expiration of those time periods and deadlines.
- f. The application is withdrawn by the applicant or by the Planning Board.

ARTICLE X - PROTECTION FROM DAMAGE

Sec. 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, Subsection 806 as amended as well as be subject to civil liability for reasonable costs to repair or replace the damaged structure or equipment including, without limitation, the Town's reasonable costs and attorney's fees.

ARTICLE XI - POWER AND AUTHORITY OF INSPECTORS

Sec. 1. The Director of Public Works, and other duly authorized representatives of the Town having proper credentials and identification, shall be permitted to enter all properties at all reasonable times upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing in accordance with this Ordinance. The Director of Public Works and Town representative(s) shall have no authority to inquire about any commercial process, including metallurgical, chemical, oil, refining, ceramic, paper, or other process beyond that point having a direct bearing on the kind and source of discharge to the wastewater facilities. Such information shall be kept confidential upon the company's establishing, to the satisfaction of the Director of Public Works, that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 2. The Director of Public Works and other duly authorized representatives of the Town having proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duty negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, or property within said easement shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved.

Sec. 3. While performing the necessary work on private properties referred to in Article XI, Section 1 above, the Director of Public Works or authorized representative(s) of the Town shall observe all the safety rules applicable to the premises established by the company. The Town shall hold the company harmless from any liability for injury or death to Town employees performing such work; and the Town shall indemnify the company against loss or damage to the company's property caused by Town employees and against liability claims for personal injury or property damage against the company arising out of any sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8 of this Ordinance.

ARTICLE XII - PENALTIES

Sec. 1. Any person found to be violating any provision of this Ordinance, except Article X, shall be served by the Director of Public Works with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction or cessation thereof. The offender shall within the period of time stated in such notice permanently cease or correct all such failures or violations.

Sec. 2. Any violation which continues beyond the time limit set forth in a written notice to cease or correct the violation shall constitute a civil violation punishable by a fine of not less more than one hundred dollars (\$100.00) nor more than \$2,500 for each violation. Each day a violation continues shall be considered a separate offense. Fines, costs, and attorney's fees may be recovered as provided under 30-A M.R.S.A. § 4452.

Sec. 3. Any person violating any of these rules and regulations shall become liable to the Town for any expense, loss or damage caused the Town by reason of such violation, including but not limited to costs and reasonable attorneys' fees to enforce this Ordinance.

Sec. 4. Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain, or abate a violation hereof.

Sec. 5. No permit for expansion of an existing facility shall be issued if there are outstanding sewer permit or connection fees unless and until satisfactory arrangement for payment of the same has been made with the Board of Selectmen.

ARTICLE XIII - SEWER SERVICE CHARGE

Sec. 1. The source of a portion of the revenues for retiring debt service, capital expenditures, operation and maintenance of the public sewer system of the Town shall be a sewer service charge assigned to owners of property located within the limits of the Town whose property, residence, or place of business is capable of being tied into the sewer system pursuant to Article III, section 5 of this Ordinance. A portion of the funds collected pursuant to this Article shall be placed in a separate reserve fund for operation and maintenance, including replacement, of the public sewer system. The contribution to the reserve fund shall be determined by the Selectman on a year to year basis.

Sec. 2. Sewer service charge rates shall be determined by the Board of Selectmen on a year to year basis. The sewer service charge will be computed and billed at regular intervals though the calendar year, as established by the Board of Selectmen. In general, charges will be calculated based on the following criteria:

- a. The total cost annually of operating and maintaining the sewer system.
- b. Forty percent (40%) of the cost annually necessary to retire the debt service.
- c. The following schedule of sewer unit charges:

Minimum charge.....	1 Sewer Unit
Single Family Dwelling Unit.....	1 Sewer Unit
Multi-family Dwelling Unit or Condominium Dwelling Unit.....	1 Sewer Unit per dwelling unit
School students every 20	1 Sewer Unit
Motel/Hotel/Inn/Bed and Breakfast Units (every two rooms with double occupancy).....	1 Sewer Unit
Motel/Hotel/Inn/Bed and Breakfast Units (every four rooms with single occupancy)	1 Sewer Unit
Restaurant Seats (every ten seats).....	1 Sewer Unit
Tourist-House Rooms (every two double occupancy rooms).....	1 Sewer Unit
Tourist-House Rooms (every four single occupancy rooms)	1 Sewer Unit

Yacht or Country Club Members (every fifty members)	1 Sewer Unit
Church or Club Members (every 100 members)	1 Sewer Unit
Commercial Employees (every zero to five employees)	1 Sewer Unit
Commercial Employees (every five to ten employees)	1.5 Sewer Unit
Industry Employees (every zero to ten employees).....	1.5 Sewer Unit
Gas Station.....	3 Sewer Units
Laundromat Machines (every two machines).....	1 Sewer Unit
Campground (sewer hookups).....	1 Sewer Unit
Septic Waste	\$.10 per gallon

Sec. 3. The sewer service charges assigned to any property owner who contributes a significant quantity of industrial waste to the public sewers, or who contributes a combination of sewage and industrial waste to the public sewer, shall be determined on a block rate structure based on water consumption. The property owners to be charged in this manner will be determined by the Selectmen on a year-to-year basis.

Sec. 4. A special sewer service charge shall be assigned to any commercial, industrial firm or organization who, by virtue of the volume, strength or unusual characteristics of their waste alone, would overload or upset the capacity or efficiency of the public sewer system or a part thereof if such waste entered the public sewer or whose waste disposal situation is such that it would be in the public interest to waive the requirements of Section 1, 2, and 3 of this Article. The Selectmen, after appropriate study, and advice from the Director of Public Works, shall assign a special sewer service charge to such an entity by separate agreement with said entity. The applicable portions of the preceding section, as well as the equitable rights of the public, shall be the basis for such an arrangement.

Sec. 5. The Director of Public Works reserves the right, from time to time, to change sewer service charges originally or previously assigned to any property owner.

Sec. 6. Each sewer service charge levied pursuant to these rules and regulation is hereby made a lien on the premises. If said charge is not paid within thirty (30) days after it becomes due and payable, it shall be certified to the Town Treasurer who shall record notice of said lien with interest and penalties allowed by law in the York County Registry of Deeds.

Sec. 7. The charges and assessments levied pursuant to this Article XIII shall be used consistently with the Clean Water Act, 33 U.S.C. e 1251 et seq., as amended, and all other applicable federal regulations.

Sec. 8. When a Sewer Connection Application is processed, and a permit is issued, the owner of the property for which the application was issued will be billed for the units that were approved upon receiving an Occupancy Permit from the Code Enforcement Officer. For the purpose of this ordinance, occupancy shall mean a certificate of occupancy that has been issued by the Code Enforcement Officer as it pertains to Article 11.8 of the Town of Kennebunkport's Land Use Ordinance titled "Occupancy Permit". If an occupancy permit is issued during the billing year, the sewer charge will be pro-rated for the rest of that year; any year thereafter the owner will receive a bill for all the units that were approved for a full year. ~~If the application was approved during the billing year, the sewer charge will be pro-rated for the rest of that year; any year thereafter the owner will receive a bill for all the units that were approved for a full year.~~ The sewer bill will be assessed regardless of whether the units are tied into the collection system or not.

ARTICLE XIV LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTION TO THE PUBLIC SEWERS

Sec. 1. Plumbers and drain layers of established reputation and experience, as determined by the Director of Public Works, will be licensed by the Town as A Drain Layer authorized to perform work, subject to compliance with the following requirements:

- a. Applicants for licenses, after approval by the Director of Public Works, shall file with the Director of Public Works a Certificate of Insurance in the sum of \$1,000,000/\$1,000,000 to cover Public Liability and a Certificate of Insurance in the sum of \$500,000 covering Property Damage. In addition, a Certificate of Insurance covering Workman's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said Insurance shall indemnify the Selectmen and the Town of Kennebunkport against any all claims, liability or action for damage, incurred in or in any way connected with the performance of work by the Drain Layer, and for or by reason of any acts or omission of said Drain Layer in the performance of his work, including acts of negligence.
- b. Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.

Sec. 2. All licenses expire one year from the date of issuance thereof and no licenses are transferable.

Sec. 3. The Director of Public Works reserves the right to revoke any license if any provision or requirement of said license is violated.

Sec. 4. Each licensee shall give personal attention to all installations, shall ensure that work is performed in a workmanlike manner, and shall employ only competent workers.

Sec. 5. All licensees are required to give a full written report to the Director of Public Works within twenty-four (24) hours in the event any prohibited substances are found in a sewer or house drain

during the course of the work.

Sec. 6. Notification that work has been completed and certification that all conditions of this Ordinance have been complied with shall be filed in writing with the Director of Public Works within twenty-four (24) hours after the completion of the work authorized by each permit.

ARTICLE XV - SEPTIC WASTE

The following regulations shall govern the disposal of septic waste at the treatment facilities:

- a. Septic waste from the Town of Kennebunkport, or from any other municipality with written authorization from the Selectmen, will be accepted.
- b. A permit must be procured from the Director of Public Works or the Director of Public Works' authorized representative prior to receiving any septic waste for subsequent disposal at the Town's treatment facilities.
- c. The application for said permit shall be signed by the property owner or the property owner's duly authorized representative and shall indicate the source of the septic waste.
- d. Any waste which the Director of Public Works or any agent of the Director of Public Works deems suspicious shall be tested, at the waste hauler's expense, to ascertain that the waste meets the specifications for sludge composition and is free of detrimental chemicals.
- e. The waste hauler shall be responsible for the removal and proper disposal of the contaminated waste and any other materials that may have contaminated.
- f. The waste hauler shall be duly licensed in accordance with the laws of the State of Maine, and shall provide a copy of the license to the Director of Public Works.

ARTICLE XVI - VALIDITY

Sec. 1. All rules, regulations, or other ordinances in conflict herewith are repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not affect the validity of any other part of these rules and regulations, which can be given effect without such invalid part or parts.

ARTICLE XVII - APPEALS

Sec. 1. The Selectmen shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Director of Public Works, Plumbing Inspector and/or Town Health Officer, insofar as such decision arises from requirements of this Ordinance:

- a. To determine whether the decisions of these authorities are in conformity with the provisions of this Ordinance, and to interpret the meaning of this Ordinance in a case of uncertainty.
- b. To grant variances from the terms of this Ordinance where there is no substantial departure from the intent of this Ordinance and where necessary to avoid undue hardship. A projected expenditure of an amount exceeding fifteen percent (15%) of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship.
- c. To permit an exception to this Ordinance only when the terms of the exception have been specifically set forth in this Ordinance.

Sec. 2. The Selectman shall schedule a hearing on each appeal under this Ordinance within sixty (60) days of receipt of a completed application. At least ten (10) days prior to the hearing the Town Clerk shall cause to be advertised in a newspaper of general circulation in the Town a notice of such appeal identifying the property involved, the nature of the appeal and the starting time and place of the public hearing on the appeal. Owners of properties within two hundred (200) feet of the property for which the appeal is made shall be notified by mail. Failure of any such owner to receive this notice shall not invalidate the proceeding herein prescribed.

The Selectmen shall not continue a hearing on an appeal to a future date except for good cause or by agreement of the appellant. Upon conclusion of the hearing and a determination by the Selectmen, written notice of the Selectmen's decision shall be sent forthwith to the appellant and to the municipal employee or officer concerned. Failure of the Selectmen to issue such notice within thirty (30) days of the date the hearing concludes shall constitute a denial of said appeal.

Sec. 3. The procedure for instituting an appeal shall be as follows:

- a. Any person including any municipal department head aggrieved by a decision of the Director of Public Works, the Town Health Officer, and/or the Plumbing Inspector, which decision arises from interpretation or application of this Ordinance, may appeal such decision to the Selectmen.
- b. Any such appeal must be filed with the Town Clerk within thirty (30) days of the date of the decision of the Director of Public Works, Health Officer, and/or Plumbing Inspector. Said appeal shall be filed upon forms to be approved by the Selectmen. The appellant shall set forth the grounds for appeal and shall refer to the specific provision of this Ordinance involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the employee or

officer concerned and the Chairperson of the Board of Selectmen. The appellant shall pay to the Town Treasurer a fee of Twenty-five (\$25.00) plus the cost of advertising and mailing notices. The appellant shall supply the names and address of all the property owners that have property within two hundred feet of the property that the appeal is for.

- c. An aggrieved party may appeal any decision of the Selectmen to Superior Court as provided by the laws of the State of Maine.

Sec. 4. After a decision on an appeal has been made by the Selectmen, a new appeal of similar import shall not be entertained by the Selectmen until one year shall have elapsed from the date of said decision, except that the Selectmen may entertain a new appeal if the Chairperson determines that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if the Chairperson determines that a change has taken place in some essential aspect of the appeal.

ARTICLE XVIII - EFFECTIVE DATE

Sec. 1. This Ordinance shall be in full force and effect upon adoption by the Selectman.

Passed and adopted by the Selectmen of the Town of Kennebunkport, County of York, State of Maine on the 22nd day of February, 2018, by the following votes:

Ayes: 5 Namely _____

Nays: 0 Namely _____

Signed: _____

Patrick Briggs

Allan Daggett

Stuart Barwise

Edward Hutchins

Sheila Matthews-Bull

Tracey O'Roak, Clerk



Agenda Item Divider



16

Proposed Recycling Education Plan

February 13, 2020

Introduction:

Education is the key to successful, cost-effective recycling. Our proposed education plan has three major thrusts – Initial Training, Evaluation, and Maintenance.

Initial Training

March 1 to April 30:

1. Send town email announcement stating that:
 - a. The Solid Waste Committee has recommended the return of Curbside Recycling.
 - b. We have an opportunity with ecomaine to have reduced rates on recycling processing if we can produce a clean – uncontaminated – curbside recycling stream for them to process.
2. Ready the “Kennebunkport Recycle” website (<https://kennebunkportrecycle.com>) to disseminate educational and procedural information on how to properly do recycling.
3. Use the Kennebunkport Recycle website to:
 - a. Present and promote the Reduce-Reuse-Recycle concept to educate and inspire residents to rethink their approach to purchasing and disposing of recyclable, and non-recyclable, packaging and waste;
 - b. Encourage the public to review online information from ecomaine. (<https://www.ecomaine.org/recyclopedial/>);
 - c. Collect input on improving curbside recycling; and
 - d. Solicit volunteers to assist in Kennebunkport’s recycling efforts.

May 1 to June 30:

1. Hire intern to:
 - a. Receive training at ecomaine on recycling best practices;
 - b. Coordinate Kennebunkport’s recycling education efforts with ecomaine’s education program;
 - c. Interview other towns’ sustainability coordinators to see what worked best last summer;
 - d. Organize recycling sustainability promotional material and expand our Kennebunkport Recycle website with updated material; and
 - e. Initiate Instagram and twitter accounts for Kennebunkport recycling.
2. Solid Waste Committee to:

- a. Work with realtors and landlords to establish “responsible tenant recycling practices” with (if possible/practical) enforceable incentives to keep contamination low;
- b. Distribute promotional material on town website, cable TV, email, and through local groups (Graves Library, KCT, Rotary, etc.);
- c. Design and have printed stickers with recycling do’s and don’ts for residents to label a container of their choice as a recycling bin; and
- d. Design and have printed recycling bin grading cards to be used in the Evaluation phase.

First week of July

1. Ecomaine, with the support of the Solid Waste Committee, will host a kick-off weekend.
 - a. This is an established, two-day ecomaine promotional program with a collection of booths and educational recycling swag.
 - b. Locate it on the grounds of the Town Recreation Center (if available).
 - c. Focus on educating residents as to how to successfully recycle by only adding appropriate materials and keeping contamination levels low.
 - d. Emphasize inspiring youth to become active in the recycling process.

Evaluation

Collecting and communicating metrics on how well we are recycling will be an important part of the education and promotional process – people need to feel that they are having an effect, as well as know if they need to improve their game.

Evaluation efforts will include:

1. For the first four to six collection days, the intern, along with other volunteers, will go in front of recycling trucks to grade recycling bin contents.
 - a. An objective grade will be given for the appropriateness of materials and the contamination level.
 - b. Grading card (green, yellow, red) will be left with each bin. Those bins receiving a red card will not be emptied.
2. Metrics will be collected, emailed to residents, and posted on the Kennebunkport Recycle website. Sample of metrics to include:
 - a. Current and historical contamination rate (and associated up-charge).
 - b. Current and historical tonnage of recyclables.
 - c. Separate accounting for Saturday (rental) pickups.
3. Concerted effort will be made through emails and the website to collect input on challenges that residents and business are having in meeting our recycling goals.

Maintenance

Like any continuing process, it will be important to keep our residents focused on the mechanics and decisions that make recycling successful.

1. Commit to maintaining an updated presence on the Kennebunkport Recycle website.
2. Hold annual recycling awareness events (for example):
 - a. Spring/Early Summer
 - i. With ecomaine support, hold a 3 Rs community event at the Town's Recreational Center.
 - ii. Have annual presence in the Memorial Day Parade in Dock Square.
 - iii. Have a float/presence in the GRB 4th of July Parade.
 - iv. Hold a recycling education/information event at GRB Community House.
 - b. Late Summer/Fall
 - i. Support and help organize a new annual Dump/Recycle Parade.
 - ii. Hold recycling awareness events at local schools.
 - iii. Engage with local schools to participate in ecomaine's annual "Upcycle Challenge."

With a commitment to initial education, continuing evaluation, and ongoing maintenance, we can successfully commit ourselves to a recycling program that moves the largest amount of material at the most economical costs.

THE SOLID WASTE COMMITTEE

The Solid Waste Committee (the Committee) was organized by the direction of the Board of Selectmen in June of 2019 to investigate the feasibility, and associated costs, of re-establishing a publicly funded recycling program in Kennebunkport. Since that time, the Committee has visited the ecomaine recycling center, and several recycling and solid waste transfer stations. We have also investigated the past and current recycling and waste disposal costs incurred by Kennebunkport and other surrounding towns.

In carrying out their work, the Committee was guided by the following goals:

- Ensure the best, most cost effective, use of public funds – find the best balance between cost and effectiveness.
- Ensure that the maximum amounts of potentially recyclable materials are collected and effectively (successfully) recycled.
- Allow flexibility to respond to changing market demands and opportunities for recyclable materials (i.e. ability to respond to new processing/sorting options).
- Encourage, not discourage, residents to participate.
- Seek the lowest carbon footprint option.

After reviewing recycling programs in other towns, the Committee believes that Kennebunkport has two viable recycling options – curbside pickup, or construction of a recycling center.

- Curbside Pickup – This option would appear very much like recent recycling in Kennebunkport. The major difference is that there would be an aggressive resident education program launched, with the support of ecomaine's education department, several months prior to commencing the program and for many months into the first operational year.
- Recycling at a Recycling Center – This option would entail the construction and staffing of a recycling center within Kennebunkport. Here again, an aggressive resident education program will be critically important to ensure that recyclables are not contaminated with non-recyclable materials, and that other forms of contamination are kept to a bare minimum.

After considering the Pro's and Con's of each, the Committee reached the conclusion that Curbside Pickup would be the best recycling choice for Kennebunkport. Our conclusion was based on the reasoning that Curbside Pickup would:

- Result in the collection and processing of the largest amount of recyclables.
- Allow the most flexibility to respond to evolving recycling markets.
- Create the largest reduction in the volume of other types of solid waste.
- Avoid the need to construct and staff a recycling center.
- Have the least negative impact on seniors and physically challenged individuals.
- Provide the best option to capture seasonal renters' recyclables; and
- Cost taxpayers an estimated \$57 per year (only \$26 more per year than the least expensive option).

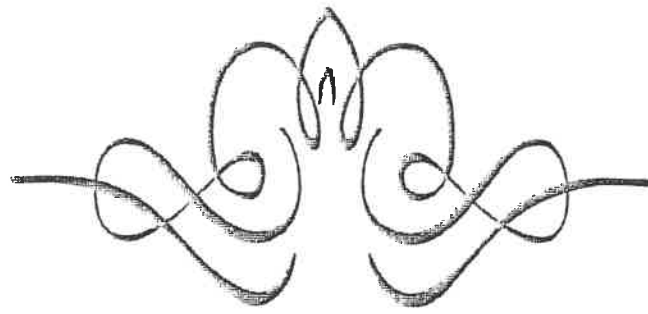
During the course of our investigations, the Committee has become convinced that successful, publicly funded recycling can only occur when residents have been fully educated as to exactly what can be effectively recycled and how to ensure that recyclables are sufficiently clean (i.e. ensuring contamination levels are kept low). To that end, the Committee is planning on playing a principal role in designing and carrying out a focused education program. Working in close coordination with the Town and ecomaine, this program would seek to prepare Kennebunkport residence, and seasonal guests to our community, to have the information and support required to keep contamination levels down and establish cost-effective and successful recycling in Kennebunkport.

Solid Waste Committee Members

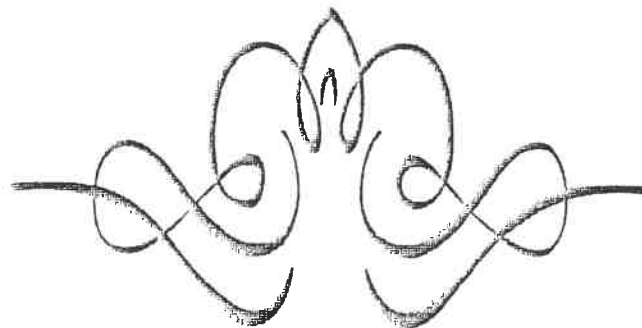
Jon Dykstra, Chair
Tom McClain
Harvey Flashen

Paul Hogan, Secretary
David Eglinton

Mike Claus, Town Rep.
Kinder Wilson



Agenda Item Divider



17

MEMO

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: FY 21 Capital Improvement Plan

Dt: February 10, 2020

Attached please find the five-year capital improvement plan for FY 21-25. This is our sixth annual CIP process. It is difficult to make major financial decision unless you are aware of what other impacts you are likely to face in the short and long term.

There are some proposed major capital expenses in the next five years. These include the replacement of Cape Porpoise Pier, construction of a new Town Hall, renovations of the Village Fire Station, the replacement of a ladder truck, upgrades to our radio system and network, and major replacements in our wastewater system.

Over the past few years we have seen a continued degradation to the infrastructure under Cape Porpoise Pier. In FY 18 we budgeted funds to perform geotechnical and survey work to better understand the best course of action. In FY 19 budget we asked Baker Design Consultants to develop a cost estimate for the necessary replacement and repairs in Cape Porpoise. Mr. Baker is proposing a plan that would allow us to renovate the pier over a three year period, hopefully taking advantage of state grant funding through the Small Harbor Improvement Program.

Architect David Graham has completed a facility needs survey for both our town hall and fire station. He has proposed a renovation and addition to the Village Fire Station and the construction of a new Town Hall facility. Both projects would require planning and reserve funds to complete.

Our public safety departments are currently working with a consultant to examine our radio system network and infrastructure needs. The change in technology in public safety response, as well as additional use from the general public has created communication challenges for public safety responders. Although the results from their analysis are not yet available, we do understand that it will be a sizeable upgrade and beginning to reserve funds this year for a possible upgrade in three years would be prudent.

As part of our recent wastewater projects we undertook an assessment of our capital and infrastructure. Wright Pierce Engineers have provided us with a list of projects in both our wastewater treatment facility and our collections system. Their priority list for the next five years includes twelve items totaling in the millions of dollars. These significant projects are important for both the continued operation of the system as well as meeting new environmental regulations from both the DEP and the EPA.

I look forward to discussing these projects with you on the 13th and await your feedback.

Capital Improvement Program

Department	Type	FY 21	FY 22	FY 23	FY 24	FY 25	Future
<u>Administration</u>							
Records Preservation	Admin	\$ 5,000					
Records Preservation	Admin	\$	5,000				
Records Preservation	Admin			\$ 5,000			
Town Hall Construction	Bldg/Facilities			\$ 3,000,000			
Records Preservation	Admin			\$	5,000		
Records Preservation	Admin				\$	5,000	
Replace 2017 Codes Vehicle	Equipment						\$ 30,000
Records Preservation	Admin						\$ 200,000
		\$	55,000	\$ 5,000	\$ 3,005,000	\$ 5,000	\$ 230,000
subtotal - Administration							
<u>Communications</u>							
Replace HVAC System	Bldg/Facilities			\$ 40,000			
Replace Radio Infrastructure and Equipment	Bldg/Facilities			\$ 1,200,000			
		\$	-	\$ 1,240,000	\$	-	\$
subtotal - Communications							
<u>Dock Square</u>							
Sidewalk replacment on West side of Dock square	Infrastructure						
Wayfinding signs for Downtown	Bldg/Facilities						\$ 25,000
		\$	-	\$	-	\$	\$ 25,000
subtotal - Dock Square							
<u>Fire</u>							
Firefighter PPE	Equipment	\$ 18,500					
Firefighter PPE	Equipment		\$ 18,500				
Rigid Inflatable Boat/engine/trailer - GRB - new 2003 (2022)	Equipment		\$ 18,000				
Firefighter PPE	Equipment			\$ 18,500			
Replace Brush 35 1980 GMC	Equipment			\$			
Replace Engine 12 - 1997 PV REPLACE IN 2023	Equipment			\$ 60,000			
Firefighter PPE	Equipment			\$	635,000		
	Equipment			\$		18,500	

Capital Improvement Program

Department	Type	FY 21	FY 22	FY 23	FY 24	FY 25	Future
Replace Ladder 34 - GRB new 1999 - Replace 2024	Equipment				\$ 1,000,000		
Firefighter PPE	Equipment					\$ 18,500	
Village Fire Station	Bldg/Facilities					\$ 500,000	
Replace Car 1 - 2015 Ford F-150 (2026)	Equipment						\$ 60,000
SCBA Air Packs (45) (2027)	Equipment						\$ 280,000
Rigid Inflatable Boat/engine/trailer - CP - New 2008 (2028)	Equipment						\$ 18,000
Replace Squad 11 2006 REPLACE IN 2031	Equipment						\$ 150,000
Replace Tank 1 -GRB new 2008 Replace 2038	Equipment						\$ 300,000
Engine 23 VW REPLACE IN 2039	Equipment						\$ 900,000
Generator - WD	Equipment						\$ 7,500
Generator - Village	Equipment						\$ 20,000
Hydraulic rescue tool	Equipment						\$ 80,000
Wildes Dist, Fire Station	Bldg/Facilities						\$ 250,000
Engine 33 GRB - new 2017 (2042)	Equipment						\$ 900,000
subtotal - Fire		\$ 18,500	\$ 36,500	\$ 78,500	\$ 1,653,500	\$ 518,500	\$ 2,965,500
<u>Parks and Recreation</u>							
Resurface Tennis Courts	Bldg/Facilities	\$ 45,000					
Trail and Beautification of Village Parcel	Infrastructure	\$ 20,000					
Firemen's Park Playground	Equipment	\$ 12,000					
Addition of Ice Rink Lights	Bldg/Facilities		\$ 10,000				
Ice Rink Expansion	Bldg/Facilities		\$ 8,000				
Zero Turn Mower replacement	Equipment			\$ 10,000			
Trail Development	Infrastructure				\$ 10,000		
Replace 2015 Bus	Equipment					\$ 60,000	
Public Boat Access	Infrastructure						\$ 100,000
subtotal - Parks and Recreation		\$ 77,000	\$ 18,000	\$ 10,000	\$ 10,000	\$ 60,000	\$ 100,000

Capital Improvement Program

Department	Type	FY 21	FY 22	FY 23	FY 24	FY 25	Future
<u>Piers</u>							
<u>Cape Porpoise</u>							
Float Replacement	Bldg/Facilities	\$ 5,000					
Punt Float Pylons	Bldg/Facilities	\$ 10,000					
#3 Hoist Replacement	Equipment	\$ 5,000					
Cape Porpoise Pier Replacement and Bait Shed - Phase 1	Bldg/Facilities	\$ 890,000					
Cape Porpoise Pier Replacement and Bait Shed - Phase 2	Bldg/Facilities		\$ 820,000				
Cape Porpoise Pier Replacement and Bait Shed - Phase 3	Bldg/Facilities			\$ 750,000			
#1 Hoist Replacement	Equipment			\$ 5,000			
Harbormaster Boat	Equipment				\$ 30,000		
<u>Government Wharf</u>							
Replace Coolers	Bldg/Facilities					\$ 25,000	
Government Wharf Maintenance Dredge	Infrastructure					\$ 50,000	
	subtotal - Piers	\$ 20,000	\$ 890,000	\$ 820,000	\$ 755,000	\$ -	\$ 105,000
<u>Police</u>							
Replace 2010 Travel Cruiser	Equipment	\$ 35,000					
Replace Cruiser Computers	Equipment		\$ 6,000				
Replace 2016 Doge Charger	Equipment		\$ 37,000				
Replace Cruiser Computers	Equipment			\$ 6,000			
Replace 2XXX Cruiser (2)	Equipment			\$ 72,000			
Replace Weapons	Equipment				\$ 50,000		
Replace 2XXX Cruiser	Equipment				\$ 37,000		
Replace 2XXX Cruiser	Equipment					\$ 37,000	
Replace 2XXX Cruiser (2)	Equipment					\$ 72,000	
Replace 2XXX Cruiser	Equipment					\$ 37,000	
Replace 2XXX Cruiser (2)	Equipment					\$ 72,000	
	subtotal - Police	\$ 35,000	\$ 43,000	\$ 78,000	\$ 87,000	\$ 37,000	\$ 181,000

Capital Improvement Program

Department	Type	FY 21	FY 22	FY 23	FY 24	FY 25	Future
Public Works							
Repair and reconstruct roads	Infrastructure	\$ 450,100					
Repair and construct sidewalks.	Infrastructure	\$ 70,000					
Replace 2004 International Tandem	Equipment		\$ 280,000				
Repair and reconstruct roads	Infrastructure		\$ 513,659				
Repair and construct sidewalks.	Infrastructure		\$ 10,000				
Repair and reconstruct roads	Infrastructure			\$ 484,913			
Repair and construct sidewalks.	Infrastructure			\$ 20,000			
Replace 2011 International	Equipment				\$ 180,000		
Repair and reconstruct roads	Infrastructure				\$ 302,874		
Repair and construct sidewalks.	Infrastructure				\$ 29,106		
Replace 2012 International	Equipment				\$ 180,000		
Repair and reconstruct roads	Infrastructure				\$	\$ 180,000	
Replace 2011 International	Equipment				\$	\$ 355,119	
Replace 2001 Titan 5000 Line Striper	Equipment						\$ 170,000
Repair and reconstruct roads	Infrastructure						\$ 9,000
Repair and construct sidewalks.	Infrastructure						\$ 411,330
Repair and reconstruct roads	Infrastructure						\$ 29,106
Repair and construct sidewalks.	Infrastructure						\$ 391,200
Repair and reconstruct roads	Infrastructure						\$ 10,915
Repair and construct roads	Infrastructure						\$ 100,242
Repair and reconstruct roads	Infrastructure						\$ 140,864
Replace 2015 International	Equipment						\$ 98,103
Replace 2013 JD Loader	Equipment						\$ 170,000
Repair and reconstruct roads	Infrastructure						\$ 160,000
Replace 2020 Ford Ranger	Equipment						\$ 391,200
							\$ 35,000
subtotal - Public Works		\$ 520,100	\$ 803,659	\$ 504,913	\$ 511,980	\$ 535,119	\$ 2,116,960

Capital Improvement Program

Department	Type	FY 21	FY 22	FY 23	FY 24	FY 25	Future
Special Projects							
Purchase of Streetlights	Infrastructure	\$ 58,500					\$ 2,000,000
Sea Walls on Ocean Avenue Evaluation	Infrastructure						\$ 1,000,000
Pier Road Reconstruction	Infrastructure						\$ 3,000,000
	subtotal - Special Projects	\$ 58,500	\$ -	\$ -	\$ -	\$ -	\$ -
Wastewater							
Grinder Pump Replacement	Equipment	\$ 11,380					
SCADA Computer upgrade	Equipment	\$ 15,000					
(4) Toshiba S3ASD VFD's for effluent pumps	Equipment	\$ 7,920					
(3) Spare pump station motors	Equipment	\$ 26,517					
Repair concrete foundation issue Pump Station #12	Infrastructure	\$ 8,000					
Repurpose/install existing generator at Pump Station #13	Infrastructure	\$ 8,000					
Grinder Heads for Green Street Pump Station	Infrastructure	\$ 12,500					
Rehabilitation of circular clarifier (1)	Bldg/Facilities	\$ 500,000					
Replace Filter Press (1)	Bldg/Facilities	\$ 600,000					
Grinder Pump Replacement	Equipment	\$ 28,180					
Replace Filter Press (1)	Bldg/Facilities		\$ 600,000				
Rehabilitation of circular clarifier (1)	Bldg/Facilities		\$ 500,000				
Replace Ocean Ave. Pump Station #6	Infrastructure			\$ 300,000			
Replace Wildes District Rd. Pump Station #8	Infrastructure			\$ 819,000			
Replace Paddy Creek Pump Station	Infrastructure					\$ 819,000	
Replace South Main St. Pump Station #5	Infrastructure					\$ 300,000	
Replace Ocean Avenue Gravity Main from Nonantum to Bridge	Infrastructure						\$ 300,000
Repair Compost Building Side Panels	Bldg/Facilities						\$ 20,000
Replace Cape Porpoise Pump Station #10	Infrastructure						\$ 525,000
Replace Mills Lane Pump Station #2	Infrastructure						\$ 525,000
Replace Submersible Mixer	Equipment						\$ 71,000
Replace Axial Flow Pumps (2)	Equipment						\$ 85,000
Huber fine screen #101 2011	Equipment						\$ 125,000.00

Capital Improvement Program

Department	Type	FY 21	FY 22	FY 23	FY 24	FY 25	Future
Huber fine screen #102 2011	Equipment						\$ 125,000.00
Grinder Pump Replacement	Equipment						\$ 100,000
Replace 2013 Service Truck	Equipment						\$ 50,000
Repair Compost Building Interior Column	Bldg/Facilities						\$ 10,000
Replace 2006 Jetter	Equipment						\$ 60,000
Replace Turbats Creek Pump Station #7	Infrastructure						\$ 525,000
Replace Paddy Creek Pump Station #9	Infrastructure						\$ 525,000
Replace Mills Rd. Pump Station #11	Infrastructure						\$ 525,000
Replace Kings Highway Pump Station #12	Infrastructure						\$ 525,000
Replace Kings Lane Pump Station #13	Infrastructure						\$ 525,000
Replace Kings Highway (West) Pump Station #14	Infrastructure						\$ 300,000
Replace Prescott Drive Pump Station #15	Infrastructure						\$ 300,000
Replace Washington Court Pump Station #16	Infrastructure						\$ 300,000
Replace Wakefield Pasture Pump Station #17	Infrastructure						\$ 300,000
Replace 6.5 miles 1972 Sewer Lines	Infrastructure	\$ 1,189,317	\$ 28,180	\$ 1,100,000	\$ 1,119,000	\$ 1,119,000	\$ 2,100,000
	subtotal - Wastewater	\$	\$	\$	\$	\$	\$
GRAND TOTAL		\$ 1,973,417	\$ 1,824,339	\$6,836,413	\$4,141,480	\$2,274,619	\$ 16,644,460

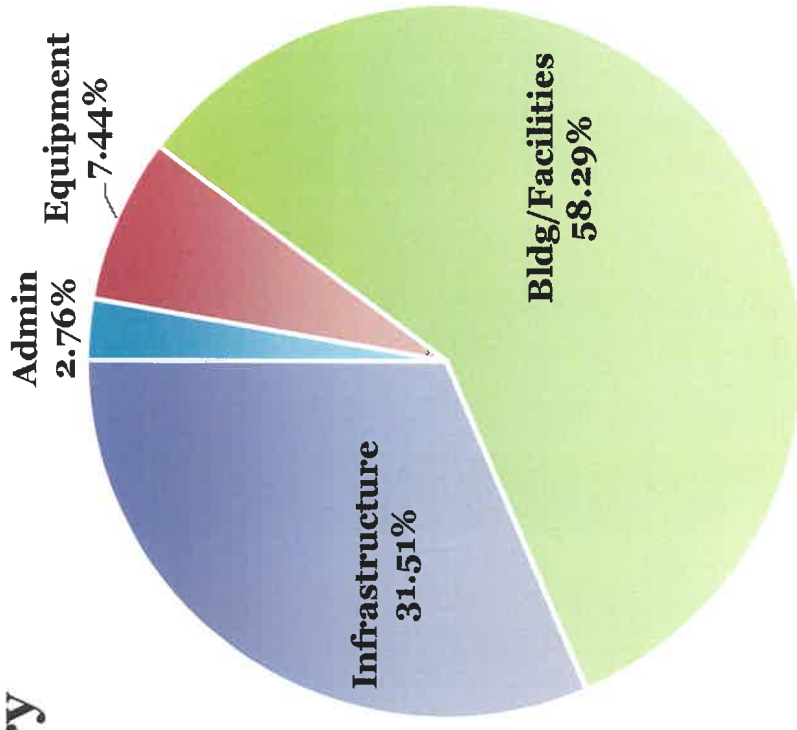
ES.3 ASSET RENEWAL TIMETABLES

Asset renewal timetables were developed based on priority and the feasibility of completing the renewal work affordably within the timetable. Table ES-4 summarizes the asset renewal timetable for high priority WWTF and pump stations assets. Figure ES-1 shows the the high priority sewer assets recommended for renewal in the 0-5 year timetable highlighted in red.

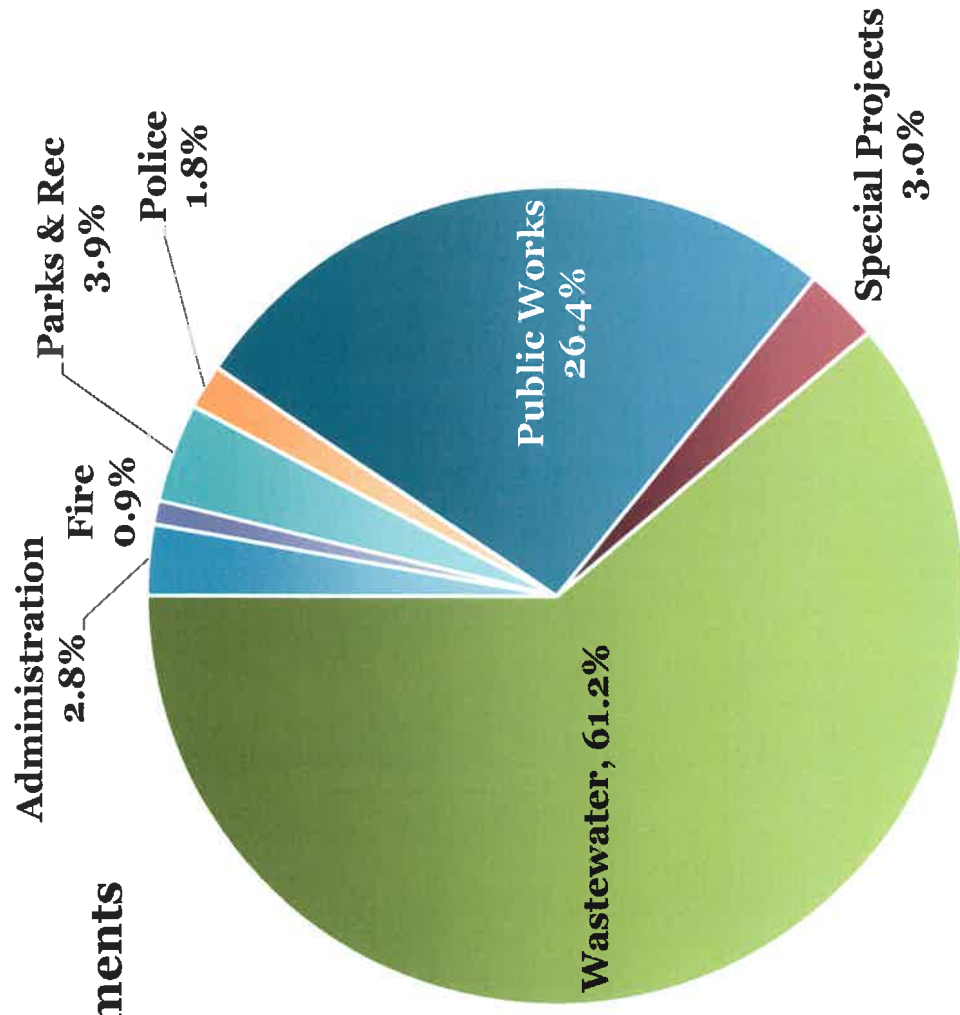
**TABLE ES-4
RENEWAL TIMETABLES FOR HIGH PRIORITY WWTF & PUMP STATION
ASSETS**

RANK	DESCRIPTION	RENEWAL TIMETABLE
WASTEWATER TREATMENT FACILITY		
1	CIRCULAR CLARIFIER #1 MECHANISMS	0-5 YEARS
2	CIRCULAR CLARIFIER #2 MECHANISMS	0-5 YEARS
3	CLAR. DRIVE MOTOR #1	0-5 YEARS
4	CLAR. DRIVE MOTOR #2	0-5 YEARS
5	CLARIFIER DRIVE REDUCER #1	0-5 YEARS
6	CLARIFIER DRIVE REDUCER #2	0-5 YEARS
7	BELT FILTER PRESS #1	0-5 YEARS
8	BELT FILTER PRESS #2	0-5 YEARS
9	GENERATOR: TREATMENT PLANT	0-5 YEARS
10	INFLUENT PUMP CONTROL PANEL	6-10 YEARS
11	EFFLUENT PUMP CONTROL PANEL	6-10 YEARS
12	VFD FOR INF-P-01	6-10 YEARS
13	VFD FOR INF-P-03	6-10 YEARS
PUMP STATIONS		
1	OCEAN AVENUE PUMP STATION	0-5 YEARS
2	WILDES DISTRICT ROAD PS GENERATOR	0-5 YEARS
3	WILDES DISTRICT ROAD PUMP STATION	0-5 YEARS
4	TURBATS CREEK PS GENERATOR	6-10 YEARS

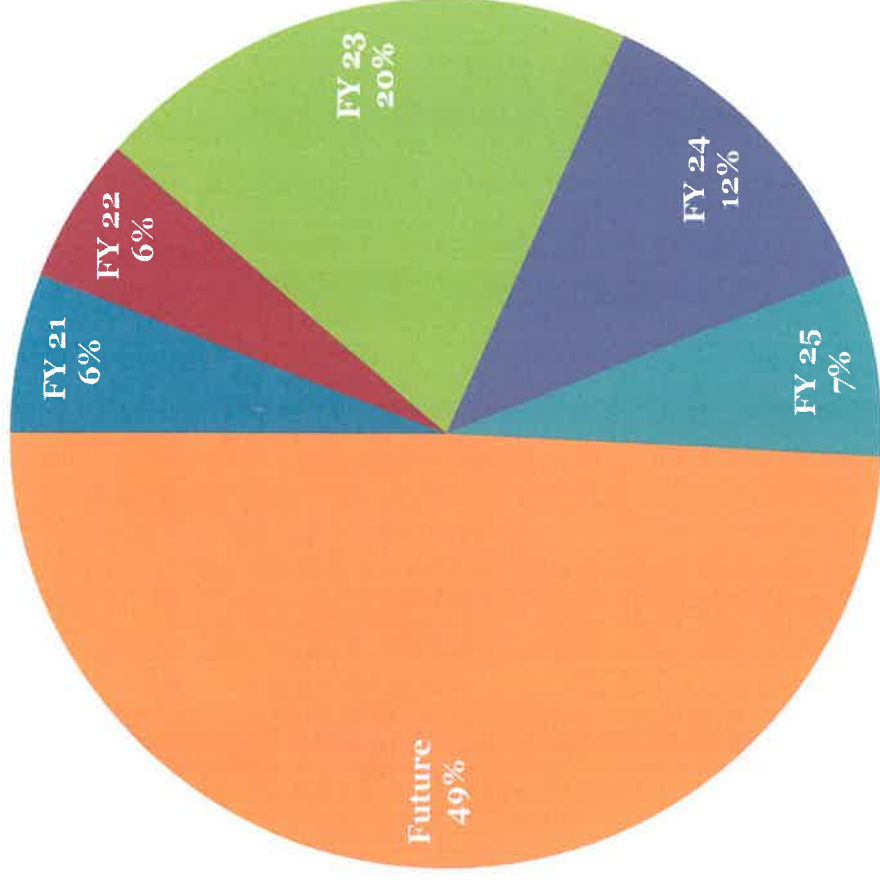
FY '21 by Category

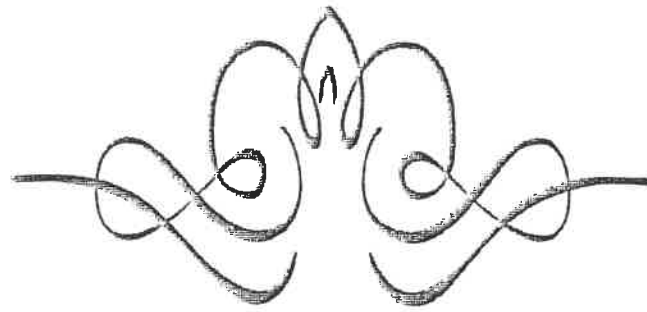


Funding by Departments FY 2021

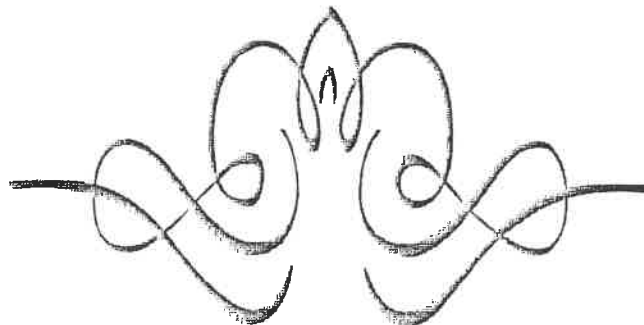


Funding by Fiscal Year





Agenda Item Divider



18

Memorandum

To: Board of Selectmen

Fr: Laurie Smith, Town Manager

Re: Parking Equipment and Infrastructure in Dock Square Parking Lot

Dt: February 4, 2020

A few years ago, the Town transitioned to an automated parking system at Dock Square Parking Lot. The Town was fortunate at that point to acquire two pay on foot parking machines from Hollywood Casino in Bangor for a cost of \$7,000. We implemented a pay on foot machine at the public restrooms and a credit card gate system at the exit. This winter we were informed by our vendor that will no longer be PCI (payment card system) compliant as of Jan 14, 2020. The reason being that the device runs on the Windows 7 platform and Microsoft no longer supports that operating system.

The issue with being non-PCI compliant is that you are more prone to hacking when processing credit card payments and financial institutions are unlikely to continue business operations with you as a client. In order to address this challenge, the Town must upgrade its equipment. The new OPUS equipment is based on barcode technology vs our current magnetic stripe system and uses ethernet as its transmission protocol.

Our options are as follows:

- 1) We can do nothing, the system will still function, but it will not be PCI Compliant. Our bank / processor may force us to do something if they identify it. The operating system (Windows 7) is no longer supported so it may cause additional operating issues. The machines are no longer in production, so any replacement parts are limited if available on the market at all.
- 2) To make the system compliant, we can replace the entry, exit and pay on foot with barcode-based OPUS equipment. This would enable us to be PCI compliant and use the newest technology advances we have moving forward.

Staff recommend upgrading the equipment currently. Our quote from our current vendor is \$70,650. This includes a new pay on foot station and upgrading the entry and exit gates. We would also take advantage of the purchase of a bulk validation system which would allow us to print "chaser tickets" in-house saving us money each year in our operating budget. Finally,

the new system has a bank note recycling system that uses the dollars that people input into the device as change for customers. Currently staff load bins two to three times per week which can take about an hour for two people each time. The hundred hours over the summer spent on these tasks can be used towards accounts receivable collection during our busy summer months.

Deputy Chief Moses and Treasurer Jen Lord did an on-site inspection of the system currently in operation at the Cumberland County Courthouse. They learned that there have been zero card read errors since the machine went into service last fall. Due to the enhancement of a bank note recycler they went four months before needing to add change to the machine. There is no need to be concerned about rejected bills as the machine is loaded through the front “throat” and any rejected bills are returned at that time. Lastly, it is easier to program for special events, (i.e. lower or no charge times). It appears from the information provided that the machine is more reliable and efficient.

The unrestricted fund balance in the Dock Square enterprise fund as of June 30, 2019 was \$454,297.

**Cincinnati Time of Maine**

79A Bradley Drive
Westbrook, ME 04092

Tel: 207-774-2336 Fax: 207-774-3681
Email: tkane@ctrmaine.com
Website: www.ctrmaine.com

Quotation No: **QU019100193**

Prepared For:

Town of Kennebunkport

Kennebunkport, Maine

Phone: (207) 967-2454

Quotation

Date	30-Oct-2019	Order No		Sales Person	
Shipping Date	30-Oct-2019	Shipping Terms		Terms	50% Deposit / 10 Days af

No.	ID	SKU / Description	Unit Price	Qty	Amount
1	O-2000/0S1-0000	OPUS-2000 Series Entry Terminal	13000.00	1	13000.00
2	O-4700/0S1-0001	OPUSeries Credit Card Exit Terminal, FlexScan Ready	15000.00	1	15000.00
3	O-0120/000-0100	Proximity Reader Kit MDR 900 for OPUS-2000/4000 Series	600.00	2	1200.00
4	PMC4840C	Proximity Card w/ System Code	6.00	50	300.00
5	O-0120/002-0000	Intercom Mounting Kit for Commend ET908AMI-1 for OPUS-2000/4000/4800	300.00	1	300.00
6	C-ET908AMI-1	Commend IP-Intercom Module RJ45 port faced vertical, with MIC480	852.00	1	852.00
7	MP114FXO	4-Port Analog VoIP Gateway	1236.00	1	1236.00
8	O-7800/0S1-0001-A10	OPUSeries Pay-on-Foot Station, BNR,Coin, FlexScan-Ready, ID Tech	45000.00	1	45000.00
9	O-9200/0B0	OPUS Bulk Validation Production System (BVPS)	10000.00	1	10000.00
10	MISC	Miscellaneous	500.00	1	500.00
11	L-P	Labor / Parking	2800.00	1	2800.00

**Cincinnati Time of Maine**

79A Bradley Drive
Westbrook, ME 04092

Tel: 207-774-2336 Fax: 207-774-3681
Email: tkane@ctrmaine.com
Website: www.ctrmaine.com

Quotation No: **QU019100193**

Prepared For:

Town of Kennebunkport

Kennebunkport, Maine

Phone: (207) 967-2454

Quotation

Date	30-Oct-2019	Order No		Sales Person	
Shipping Date	30-Oct-2019	Shipping Terms		Terms	50% Deposit / 10 Days af

Notes:

Quote Valid for 90 days.

Includes replacement of existing Ticket Dispenser, Exit Pay Station and Pay on Foot Station with OPUS Barcode based equipment. Assume re-use of existing gates and software.

Includes replacement of current card readers and telephone intercom system with integrated card reader and entry and exit and integrated intercom at exit.

Includes removal of old equipment and installation of new devices, setup, rate configuration and training. Software upgrade include to latest version of iParc Professional B19 or Pro+. Disposal of existing central pay station and backup device at town office are the responsibility of others.

OPUS 7800 includes BNR (Bank Note Recycler), reducing the number of times needed to replenish inventory.

OPUS Bulk Validation System allows you to create your own chaser tickets.

Tickets for OPUS Ticket Dispenser or Chaser Tickets are not included in quote.

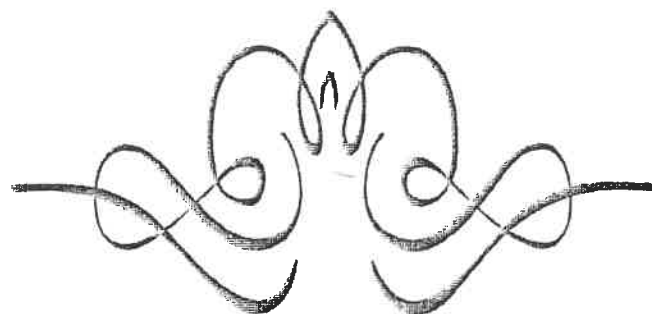
Will use existing wiring, islands, and barrier gates. Will need ethernet at all devices. Will attempt to pull wire using existing wire. Any additional conduit or communication pathways are outside the scope of this quote.

Must have GFCI breakers added to breaker box for each circuit.
(provided by others)

Modifications to existing exit gatehouse will be required (provided by others)

Quote assumes the trade-in of AMG entry and exit revenue devices.

Sub Total:	90188.00
Discount:	(20488.00)
Shipping:	950.00
Sales Tax	.00
Total:	\$ 70650.00



Agenda Item Divider



19

Memorandum

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Dock Square Parking Lot Fees
Dt: February 7, 2020

Last year as part of the FY 20 budget adoption process we discussed increasing the parking fees at Dock Square Parking Lot for the 2020 season. The current fee of \$3.00 per hour have been in place for a long time. I have surveyed surrounding communities and have the following information.

Hourly Parking Fees

	Summer	Shoulder
Biddeford	\$ 2.00	\$ 2.00
Ogunquit	\$ 4.00	\$ 4.00
Kennebunk (Lower Village)	\$ 5.00	\$ 5.00
Wells	\$ 4.00	\$ 4.00
Dock Square	\$ 3.00	\$ 3.00

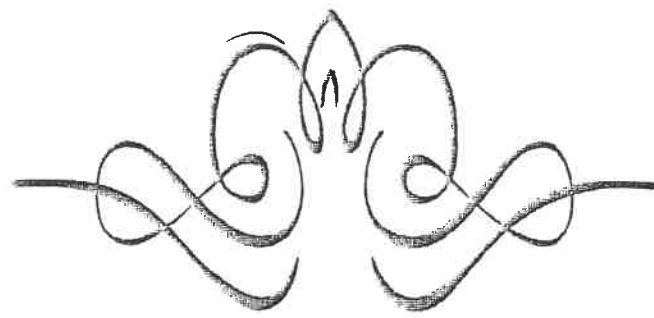
Biddeford just recently began charging fees in their downtown area.

Ogunquit increased their fees for summer 2019.

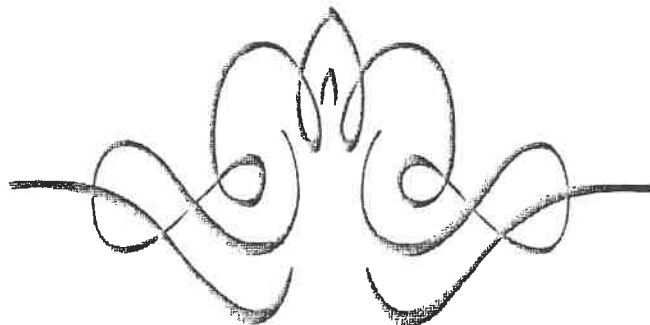
Kennebunk doesn't have paid parking lots as the ones in lower village are private, but the fees above are the current hourly charges.

Wells has increased their fees recently to \$4.00 per hour for the beach lots.

Staff are recommending an increase in parking fees to assist with future budgetary needs in the dock square area.



Agenda Item Divider



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 Spang, Kathleen 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 024-005-006B, on the Town Assessors' maps for Kennebunkport, which are on file at the municipal office, being the same premises described in Town of Kennebunkport Tax Lien Certificates, recorded in the York County Registry of Deeds in Book 17757 Page 598 and Book 17993 Page 826.

The Inhabitants of the Town of Kennebunkport have caused this instrument to be signed in its corporate name by
its Municipal Officers duly authorized.

Witness our hands and seals this 13th day of February, 2020.

Inhabitants of the Town of Kennebunkport

_____	_____
Witness	
_____	_____
Witness	
_____	_____
Witness	
_____	_____
Witness	
_____	_____
Witness	

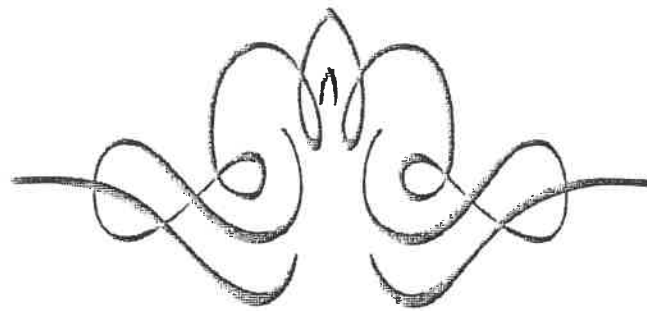
ACKNOWLEDGEMENT

State of Maine
York, County, ss. February 13, 2020

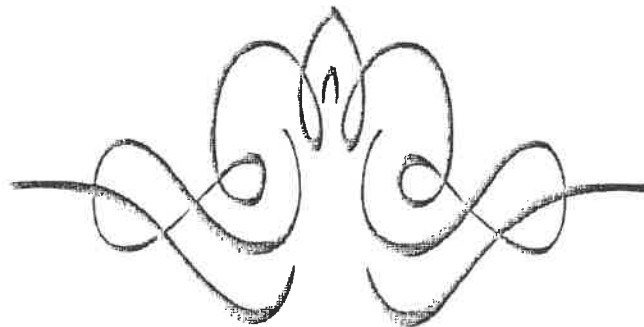
Then personally appeared before me the above-named

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,



Agenda Item Divider



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Kennebunkport Public Health

January 21, 2020

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

Please accept this generous donation of \$50.00 from the Madonna chapter. This gift is dedicated towards the emergency food fund. This fund will provide emergency food to a family in need upon request. This fund will work alongside Community Outreach Services who provides food to our residents upon request along with the weekly food pantry at St Martha's church in Kennebunk.

Thank you!

Alison Kenneway RN, BSN

MADONNA CHAPTER 144, O. E. S.

871

51-7218/2211
B0403

December 21, 2019

Date

Pay to the
Order of Town of Kennebunkport
Fifty and 00/100

\$50.⁰⁰

Dollars

**People's United
Bank**

peoples.com



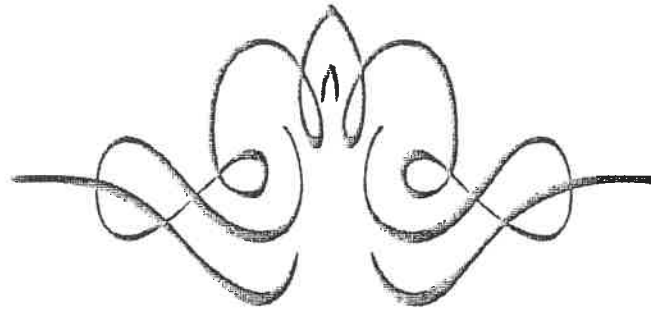
Photo
Safe
Deposit
Details on back

For Ford Service

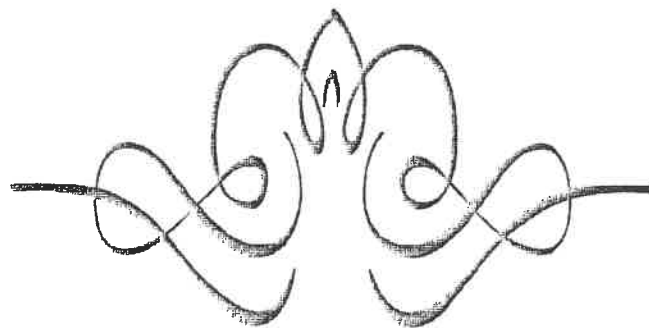
Rhonda Heiden

MP

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Agenda Item Divider



22

Kennebunkport Public Health

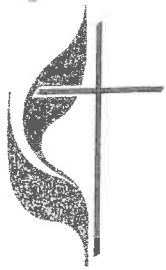
January 31, 2020

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

Please accept this donation of \$1000.00 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

27 January, 2020

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
DATE 27 Jan. 2020

2768

PAY TO THE ORDER OF Kennebunkport Public Health Dept. \$ 1,000⁰⁰

One thousand ⁰⁰/₁₀₀ DOLLARS

MEMO Fuel Assistance

Kennebunk Savings

David Sandtorv MP

2768