

TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

**Board of Selectmen Amended Agenda
Village Fire Station – 32 North Street
October 22, 2015 – 7 PM**

1. Call to Order.
2. Approve the October 8, 2015, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).
4. Public hearing for amendment to the Animal Control Ordinance.
5. Request from Phil Morse: Seashore Trolley Museum to support the application for DOT grant funds.
6. Award the contract for information technology support services.
7. Abatement for Arthur Levin and Joan Rozolis for 11 New Biddeford Road, (Map 35, Block 6, Lot 1) for \$364.21
8. Assignment of capital reserve funds per the Fund Balance Policy.
9. Other business.
 - a. Matt Lanigan Bridge.
 - b. Government Wharf project.
 - c. Police Department construction update.
 - d. Silas Perkins Park ribbon cutting.
10. Approve the October 22, 2015, Treasurer's Warrant.
11. Adjournment.

**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station-32 North Street
October 8, 2015 – 7:00 PM**

Minutes of the Selectmen Meeting of October 8, 2015

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

Selectman absent: Patrick A. Briggs

Others present: Judy Barrett, Jim Burrows, Michael Davis, Nicholas DeMonte, Michael Dickenson, David Doubleday, Ellen Doubleday, David James, Matthew Leach, Jim McMann, Arlene McMurray, Martin Mead, Allan Moir, Karen Schlegel, Jennifer Scontras, Richard Stedman, Susan Stedman, Laurie Smith, and others

1. Call to Order.

Chair Matthews-Bull called the meeting to order at 7:04 PM.

2. Approve the September 24, 2015, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the September 24, 2015, selectmen meeting minutes. **Vote:** 3-0-1/Selectman Barwise abstained because he was not present at that meeting.

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. The American Heart Association awards ceremony.

Matthew Leach of KEMS and Michael Dickenson of the AHA presented the American Heart Association Lifesaver Award to the people involved in the chain of survival for a lifesaving incident that occurred in July. The bystanders, KEMS staff, and Kennebunkport Police involved and recognized were: David Doubleday, Susan Stedman, Adrian Baracco, Eric Beaulieu, Nicholas DeMonte, Jennifer Scontras, Richard Stedman, Martin Mead, Christopher Welch, Maureen Towne, Nathan Jones, and Marc Laflamme.

5. Interlocal contract for cooperative purchasing for fire truck.

Fire Chief Allan Moir found out about the Houston-Galveston Area Council (HGAC) cooperative purchasing process. The cooperative purchases trucks in volume and saves thousands of dollars. He would like to join the cooperative and checked with the town attorney. She saw no issues with Maine laws if the town were to join.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to approve the town joining the Houston-Galveston Area Council cooperative purchasing process. **Vote:** 4-0.

6. Award the following bids:

a. Wastewater air release valves bid.

Wastewater Superintendant Allan Moir solicited bids for air release valves from:

	Stainless Steel Valve	Composite Valves
G.L.Lyons Associates (offers discount)	\$1,435.00	\$1,018.00
Allagash International, Inc.	\$1,559.13	
Atlantic Fluid Technology, Inc.	\$2,986.00	

Mr. Moir recommended purchasing one stainless steel valve and 14 composite valves from G.L. Lyons Associates at a cost of \$15,687.00 minus the discount.

Motion by Selectman Daggett, seconded by Selectman Barwise, to award the bid for air release valves to G.L. Lyons Associates at a cost of \$15,687.00 minus the discount. **Vote:** 4-0.

b. Wastewater lab equipment bid.

Mr. Moir solicited bids for lab equipment from three companies:

Q.C. Services:

Autoclave:	\$3940.00
Drying oven:	\$2108.00
DO meter/probe:	\$2425.00

NCL:

Autoclave:	\$4765.00
Drying oven:	\$1550.00
DO meter/probe	\$2060.00

USA BlueBook:

Autoclave:	\$4935.25
Drying oven:	\$1739.05
DO Meter/probe	\$2180.85

Mr. Moir recommended purchasing the autoclave from Q.C. Services, who is local, at a cost of \$3,940.00 and the drying oven and DO meter/probe from North Central labs at a cost of \$3,610.

Motion by Selectman Daggett, seconded by Selectman Barwise, to award the bid for an autoclave from QC Services at a cost of \$3,940, and to North Central Labs for a drying oven and DO meter/probe at a cost of \$3,610, for a total cost of \$7,550. **Vote:** 4-0.

c. Wastewater pumps bid.

	Cost for 2	
Windward Compliance:	\$6398.00	Blue-White
ANS Industrial	\$6399.82	Blue-White
Maher Corp	\$5792.00	Watson-Marlowe

Mr. Moir recommended awarding the bid for two new chemical feed pumps to Windward Compliance because the replacement cost for pump tubing is lower.

Motion by Selectman Barwise, seconded by Selectman Hutchins, to award the bid for two chemical feed pumps to Windward Compliance for a total cost of \$6,398.00. **Vote:** 4-0.

7. Approval of the Treasurer's Disbursement Warrant Policy.

Town Manager Laurie Smith explained that it is a state law requirement to adopt an annual Treasurer's Disbursement Warrant Policy to allow an individual Selectman to approve the payroll and other warrant items.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the Treasurer's Disbursement Warrant Policy. **Vote:** 4-0.

8. Assessor's return for County Taxes.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the Assessor's return for County taxes in the amount of \$1,009,975.63. **Vote:** 4-0.

9. Other business.

Selectman Matthews-Bull announced that they are looking for trees for Dock Square and Lower Village for Christmas Prelude. She said to contact her or Mark Dufoe.

a. Dock Square parking machines.

Ms. Smith said she would like to purchase another parking payment machine for Dock Square for next year and that she found a good deal. Hollywood Slots has two machines that it purchased and is not using. She would like to buy one. These machines typically cost \$58,000, but they will sell it to her for approximately \$5,000. She said she would have them overhaul and update it

with the current software for approximately \$4,000. She asked the Board for permission to pursue this further. The Board approved.

Ms. Smith made the following announcements:

- The Town received IT proposals today from three companies.
- The Town also received RFQ's for construction management services for the Public Safety Building.
- The solar panels and charging station were installed this week at the Village Fire Station.
- The renovation of Silas Perkins Park is almost complete. A dedication ceremony will be held on October 23, at 10 AM.
- Town Hall will close early tomorrow, at 2 PM, to perform building maintenance.
- Town Offices are closed on Monday, October 12, to observe Columbus Day.
- Residents should find the *Kennebunkport Town Review* in their mail boxes and Post Office boxes next Friday, October 16.
- Absentee ballots are now available for the November 3, 2015, state and municipal election.

10. Approve the October 8, 2015, Treasurer's Warrant.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the October 8, 2015, Treasurer's Warrant. **Vote:** 4-0.

11. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Barwise, to adjourn. **Vote:** 4-0.

The meeting adjourned at 7:40 PM.

Submitted by

Arlene McMurray
Administrative Assistant

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**TOWN OF KENNEBUNKPORT
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE

A public hearing will be held at the Village Fire Station, 32 North Street
on Thursday, October 22, 2015 at 7:00 p.m.
by the Kennebunkport Board of Selectmen
to take public comment on the following topic to be voted on
by Referendum Ballot
at the November 3, 2015 Special Town Meeting:

Amendment to the Animal Control Ordinance.

**Copies of the proposed amendment are
available for inspection at the office of the Town Clerk
or on the Town's website at www.kennebunkportme.gov**

April Dufoe, Town Clerk

PROPOSED AMENDMENT TO THE ANIMAL CONTROL ORDINANCE

Shall an ordinance entitled "November, 2015 Amendment to the Animal Control Ordinance" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment redefines Restricted Area into Nesting Area and Limited Dog Access Area and reorganizes Section D(2).]

Amend the Animal Control Ordinance as follows:

ANIMAL CONTROL ORDINANCE

Section A: Purpose

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

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

Section B: Definitions

1. **ANIMAL:** Every living, sentient creature not a human being.
2. **ANIMAL CONTROL:** Control of dogs, cats and domesticated or undomesticated animals.
3. **ANIMAL CONTROL OFFICER:** Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. **ANIMAL SHELTER:** A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. **AT LARGE:** Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.

6. BEACH: The beaches within the Town of Kennebunkport commonly referred to as Goose Rocks Beach, Colony Beach, and Cleaves Cove.
7. DOG: Any of large and varied groups of domesticated animals in the canine family.
8. LEASH: Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. LIMITED DOG ACCESS AREA: Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated by the Board of Selectmen or designee for special protection of piping plovers or other endangered species based upon scientific and historical data, where dogs may be either prohibited entirely or permitted only if on-leash based on time of day and/or date, as provided herein or pursuant to rules adopted hereunder. This designation may be seasonal or permanent.
10. NESTING AREA: Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
- 9- 11. OWNER: Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
- ~~10- 12. RESPONSIBLE PARTY: Any person who has custody, possession or control of a dog, whether or not that person is the Owner.~~
- ~~11. RESTRICTED AREAS: Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated for special protection for piping plovers or other endangered species based upon scientific and historical data.~~
- ~~12- 13. VOICE AND SIGHT CONTROL: "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that the dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.~~

Section C: Requirements for Control of Animals

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

Section D: Specific Requirements for Dogs on Beaches

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C or Section D(2) of this Ordinance. For example, the Board of Selectmen or designee may designate Limited Dog Access Restricted Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RESTRICTIONS RULES ON BEACHES:** The following restrictions rules, ~~adopted in accordance with Section D.1 above,~~ apply to dogs on the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.
 - a. An owner or responsible party shall always be required to leash their dog on any of the applicable beaches referenced above when directed to do so by a law enforcement officer or Animal Control officer.
 - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.
 - ~~c. Dogs must be kept at least 200 feet from any designated Restricted Area.~~
 - ~~d. Restricted Areas include the following:~~
 - ~~i. Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.~~
 - c. The **West End Plover Protection Area** at is a ~~Restricted Area on~~ Goose Rocks Beach ("WEPPA"), which ~~that~~ begins at Norwood Avenue and continues westerly to the Batson River, is designated a Limited Dog Access Area.
 - d. From April 1 to September 30, in the Limited Dog Access Areas, dogs must be on leash at all times, except that from June 15 to September 30 between 8:30 am and 6:00 pm, no dogs are permitted on the beach (see Section 2(i) below).

- e. From April 1 to September 30, no dog shall approach or remain within 200 feet of any clearly marked Nesting Area, except that lawns or upland properties within 200 feet of a Nesting Area are excluded from this requirement.
- f. From April 1 to September 30, dog owners who live within 200 feet of a Nesting Area must leash their dog when attempting to access the beach and stay as far away as possible from the Nesting Area.
- g. From April 1 to June 14th, dogs must be on leash on the beach at all times other than between 6:00 am and 7:30 am, when they may be off leash if under Voice and Sight Control, except to the extent the restrictions in Sections D(2)(d), (e) or (f) above may require otherwise.
- h. From April 1 June 15 to September 30, if under Voice and Sight Control, dogs may be off leash on the beach between 6:00 am and 7:30 am, except to the extent the rules in Sections D(2)(a), (e) and (d) above may require otherwise. From April 1 to September 30, dogs must be on leash between 7:30 am and 8:30 am, and after 6:00 pm except to the extent the restrictions in Sections D(2)(d), (e) or (f) above may require otherwise.
- i. From June 15 to September 30, dogs are not permitted on the beach between from 8:30 am to and 6:00 pm. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability. Between 6:00 pm and 6:00 am and between 7:30 am and 8:30 am, dogs are permitted on the beach if on leash, except to the extent the restriction in Section D(2)(e) or (f) above may require otherwise. Between 6:00 am and 7:30 am, dogs may be off leash, if under Voice and Sight Control, except to the extent the restrictions in Sections D(2)(d), (e) or (f) may require otherwise.
- j. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash on the beach, except between for the hours of 12:00 pm and 2:00 pm when they must remain on leash, and except to the extent the rules in Sections D(2)(a), (e) and (d) above may require otherwise.

Section E: Rulemaking Authority governing Other Public Resources

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

Section F: Penalties

1. Any person who violates any provision of this Ordinance shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50.00 and not more than \$100.00, plus costs and reasonable attorneys' fees.

Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.

Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.

2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §§3918, 3924.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.
5. Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

Section G: Severability Clause

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

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Message

Thu, Oct 15, 2015 4:54 PM

From: Phil Morse <p.morse31@gmail.com>
To: Laurie Smith

Subject: Seashore Trolley Museum Request

Attachments: Narcissus 2010 MDOT Application Timeline.docx / Uploaded ...

Hi Laurie,

Here is my letter to you seeking your help to propose to the Board of Selectmen of Kennebunkport, that they please consider approving the Town of Kennebunkport's endorsement of the New England Electric Railway Historical Society's, Seashore Trolley Museum's application to the Maine Department of Transportation for Transportation Alternatives Program funding, to completely restore, Seashore Trolley Museum's, 1912 Portland-Lewiston Interurban No. 14 - Narcissus, and its associated exhibit and educational components.

I believe the 2010 application that won approval from the BOS, was able to be signed/authorized by the Town Manager?

With approval by the BOS to endorse the application now, we would then be able to seek letters of support for the application from various stakeholders. These letters will strengthen the application dramatically. The 2010 application had more than forty letters of support accompany the application. We have found these letters to be extremely important for a successful bid for funding. We anticipate submitting the application this winter. The application cycle is open, but a winter application is most favorable. A signature authorizing the Town's endorsement will not be required until the application is prepared and ready to be submitted to MDOT.

I've attached a short timeline of the Narcissus Project's application since 2010. I'm hoping this will help give you a little background for the project.

As you know from reviewing the original 2010 Narcissus application, the application to MDOT must be endorsed by the municipality in which the Trolley Museum resides. With our prior successfully funded application in 2004, which had that project completed in 2009, we learned that the Town of Kennebunkport was required to endorse the application, but that upon approval by the State, the actual project contract is directly between the State of Maine and the New England Electric Railway Historical Society/Seashore Trolley Museum. In that contractual agreement, the Museum accepts full responsibility for any and all local match components associated with the project application. What this means is the Museum is solely responsible for the financial portion of the local match of the project. The Town of Kennebunkport endorses the application, but is not responsible for any of the financial responsibilities associated with the project.

The application that the Museum would be submitting will be updated from the 2010 application. The Narcissus entered the Museum's restoration shop in late May, 2015 and restoration of the exterior of this National Register of Historic Places gem has commenced. The application will have the project, and related budget components, separated into phases to allow the State to allocate funds to certain portions of the project as it sees fit.

Please feel free to contact the MDOT program manager, Patrick Adams, with any questions you may have for the State concerning the application. 207-624-3311.
patrick.adams@maine.gov

And of course, should you have any questions for me, please call 207-985-9723 or my email
p.morse31@gmail.com

Thank you very much Laurie.

Most sincerely,

Phil Morse
NEERHS/Seashore Trolley Museum
Narcissus Project Manager

Philip W. Morse
Thornton Academy Residential Life Staff
Project Manager of Narcissus Renovation, Seashore Trolley Museum
Read my blog about restoration of this vintage interurban car
at <http://narcissus1912.blogspot.com>

Portland-Lewiston Interurban No. 14, Narcissus

2010 - MDOT Application Timeline

By Phil Morse, Narcissus Project Manager
New England Electric Railway Historical Society/Seashore Trolley Museum
Kennebunkport, Maine

June 2010 - Completed Application submitted to Maine Department of Transportation's (MDOT) Quality Community Program for Narcissus Project - Total Budget \$370,445

November 2010 - Submitted a two-page, revised budget to MDOT for Exterior-Only portion of the Narcissus project application - Revised Budget - \$116,210.

December 2010 - Notified that revised application was recommended for funding by application review committee. One of three applications, of forty-seven submitted state-wide, to come out of the committee with a recommendation for funding.

March 2011 - Notified that due to state deficit, funding for Narcissus Project reallocated to other needs. Narcissus Project application would be rolled-over to the 2012/13 application cycle.

March 2012 - Submitted letter to MDOT acknowledging that the Narcissus Project was still an active, viable project as requested by MDOT for inclusion in the 2012/13 application cycle.

March 2013 - Notified that due to state financial situation, funding for Narcissus Project reallocated to other needs. The state program manager would look at previous approved projects in search of unused fund for possible reallocation to the Narcissus Project.

May 2013 - Notified by MDOT program manager that no unused funds were available for use by the Narcissus Project. Went on to say, there likely were major changes coming to the program that would reduce funding for projects in the future.

August 2015 - Reopened communication with MDOT. Available funding is now within the "Transportation Alternatives Program", and has a different program manager. A site visit to the Museum to inspect the Narcissus by the new program manager was conducted on August 31, 2015. A new application, submitted to the Transportation Alternatives Program, for the Narcissus Project was discussed.

September 2015 - New England Electric Railway Historical Society Board of Trustees voted in favor to appointment, Phil Morse, to represent the Society and Seashore Trolley Museum, in the Society's application to the State of Maine for the Narcissus Project.

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MEMORANDUM

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Information Technology RFP
Dt: October 19, 2015

As part of the FY 2016 budgeting process, I submitted a request for additional funds to address our ever-growing information technology needs. Currently all Town departments use a limited support agreement with the County for IT services. Although the contract is inexpensive in comparison to other vendors it is not effective. Often times departments are left for days or weeks without the ability to resolve issues and the approach is more of a "band-aid" fix rather than a managed one. The Town needs additional IT services to proactively safeguard Town databases, programs and offer support in the integration of software across multiple platforms. Programs include Trio for finances and taxes, Vision for assessing, Perform Record System, IMC and Code Red for police, Municipal Geographic Management System for Code Enforcement and GIS for mapping. A specific example of how this need impacts daily operations is the failed implementation of the our new Code/building software. A qualified vendor will enable the Town to significantly improve information technology (IT) effectiveness, enhance its quality of services, minimize its support costs, and maximize return on investment in IT.

The Town requested proposals from a number of IT vendors and advertised the RFP in the normal method. Vendors were asked to supply costs and approaches for supporting 10 departments with 7 servers, 39 desktops, and 6 mobile police devices. Proposals should contain three items:

1. Cost for an initial assessment of all devices and networks to determine a planned budget approach for upgrades and outstanding issues.
2. Cost of annual support and monitoring for servers, networks, and personal computers.
3. Costs for the migration of Town email from virtual town hall to Microsoft outlook and the updating of all town desktops to a standard Microsoft office suite.

The Town received three proposals and our IT committee interviewed the three vendors last week and completed reference checks on Friday, October 16th. The committee was examining annual costs, support strategy, and company knowledge of municipal software and hardware issues. In particular, the Police Department has concerns that our chosen vendor will meet the FBI – CJIS (Criminal Justice Information Services) requirements and be familiar with the IMC software used to manage all police calls and complaints. At the end of the interviews we agreed that Burgess computers ranked the highest in our evaluation. The annual cost would be just under \$35,000 annually (please see attached spreadsheet).

Our current FY 16 budget is \$23,000 annually, which will mean an increase in costs for FY 17; however as the contract will cover half of FY 16 we will be able to stay within budget this fiscal year.

IT RFP Cost Comparison

	Systems Engineering	Burgess	w/ full annual support	pay per hour for on-site or remote
			WinXnet 1	WinXnet 2
			\$4510 / month	\$2434 / month
General Support and Monitoring	\$	13,972		
Help Desk	\$	10,800		
Server Management	\$	7,200		
Total	\$	31,972	\$ 34,752	\$ 54,120
Set up Fee			\$	\$ 3,000
Email Migration Only	\$	14,261		
Email Migration & All Office products				no cost estimate provided
Monthly cost		\$	\$12.50 /mailbox/month	
Annual cost		\$	438	
			5,250	
Remediation work		\$	\$ 3,375	\$ 5,000
			\$	\$ 5,000



TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

October 13, 2015

Arthur Levin & Joan Rozolis
4521 Delafield Ave
Bronx, NY 10471

Dear Mr. Levin & Ms. Rozolis:

This is in response to your request for abatement on your property identified as Map 35, Block 6, Lot 1. I have compared the valuation of your parcel and that of neighboring properties. All have the same neighborhood and location factors applied. A topography allowance had been given to the property located at 9 New Biddeford Road to recognize elevation and flooding issues. After a site visit to your parcel I find that you have somewhat similar topography and an allowance should be applied. This reduces your value by \$47,300 or \$364.21 in taxes.

I have reviewed the value of your land in relationship to abutting properties and find that your assessment is equitable and only the abatement for topography is warranted. It will be my recommendation to the Board of Selectmen/Assessors that this abatement be granted at their October 22, 2015 meeting. If you have any questions, please let me know.

Sincerely,

Donna Moore Hays, CMA
Assessors Agent

Town of Kennebunkport

Number 2015-4

Certificate of Abatement

36 M.R.S.A. § 841

2015

We, the undersigned Assessors/Municipal Officers of the municipality of Kennebunkport, Maine hereby certify to Laurie Smith, Tax Collector, that an abatement of property taxes has been granted as follows:

Date Granted: October 22, 2015

Type of Tax: Real Estate

Tax Year: April 1, 2015

Amount Abated: \$364.21

Taxpayer: Arthur Levin
Joan Rozolis
4521 Delafield Avenue
Bronx NY 10471

Location: 11 New Biddeford Road

MBL: 35/6/1

Reason: Topography

You are hereby discharged from any further obligation to collect the abated amount.

Date: October 22, 2015

Stuart Barwise

Patrick A. Briggs

Allen A. Daggett

Edward W. Hutchins

Sheila Matthews-Bull

Board of Assessors/Selectmen

CURRENT OWNER		TOPO	UTILITIES	STRT/ROAD	LOCATION	CURRENT ASSESSMENT	
LEVIN ARTHUR L	1 Level		1 Paved		Goose Rocks	Code	Appraised Value
ROZOLIS JOAN					2/Riverfront - Residen	1013	77,000
4521 DELAFIELD AVENUE					RES LAND	1013	426,300
BRONX, NY 10471							426,300
Additional Owners:							TENNEBUNKPORT.
Other ID: 0035 0006 0001		SUPPLEMENTAL DATA		House Color		4512	
TRNO ACCT. #		ASSOC PTID#		Total		VISION	
GIS ID: 2648		BE-VOL/PAGE		SALE DATE		PREVIOUS ASSESSMENTS (HISTORY)	

RECORD OF OWNERSHIP	BE-VOL/PAGE	SALE DATE	qth	wt	SALE PRICE	P.C.	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
LEVIN ARTHUR L	15576/ 114	03/04/2009	U	1	0	1A	2015	1013	77,000	2014	1013	77,000	2009	1013	84,736
LEVIN ARTHUR L	00000/0000						2015	1013	473,600	2014	1013	473,600	2009	1013	473,600
Total:		550,600		Total:		550,600		Total:		550,600		Total:		558,336	

EXEMPTIONS				OTHER ASSESSMENTS				APPRAISED VALUE SUMMARY				
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.	APPRAISED VALUE SUMMARY			
Total:												
									550.600		Total:	558
									550.600		Total:	558
This signature acknowledges a visit by a Data Collector or Assessor												
Appraised Bldg. Value (Card)												
75												

ASSESSING NEIGHBORHOOD		NOTES	
NEHD/ SUB	NEHD Name	Street Index Name	Tracing
0001A			
Total:		Total:	

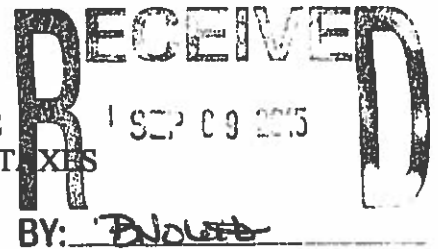
NATURAL 1A 10/15 TOPO ALLOWANCE APPLIED		503
Total Appraised Parcel Value		
Valuation Method:		
Adjustment:		
Net Total Appraised Parcel Value		503

BUILDING PERMIT RECORD										VISIT CHANGE HISTORY				
Permit ID	Issue Date	Type	Description	Amount	Issd. Date	% Comp	Date Comp.	Comments	Date	ID	CA	Purpose/Result		
01-261	08/23/2001	RS	Residential	20,000		0		REPLACE 24' BULKHEAD PER PB	07/15/2009 07/11/2008 07/31/1998 08/23/1997 08/08/1997	PM JP AB JD	43 02 40 00 10	Change Measure+2 Visit - Info No change Measure+Listed Measure/LtSnt Letter		

Total Card Land Units:		0.16 AC		Parcel Total Land Area: 0.16 AC		Total Land Value:		426,336	
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[illegible]

KENNEBUNKPORT ASSESSOR'S OFFICE
APPLICATION FOR ABATEMENT OF PROPERTY TAXES
(Pursuant to Title 36 M.R.S.A. § 841)



1. NAME OF APPLICANT: ARTHUR LEVIN & JOAN ROZOLIS
2. ADDRESS OF APPLICANT: 4521 DELAFIELD AVE BRONX NY 10471
3. TELEPHONE NUMBER: 917-379-1218
4. STREET ADDRESS OF PROPERTY: 11 NEW BIDDFORD RD, KPORT ME
5. MAP/BLOCK/LOT: 35/6/1 - #35 006 01
6. ASSESSED VALUATION:

(a)	LAND:	\$	<u>473,600</u>
(b)	BUILDING:	\$	<u>77,000</u>
(c)	TOTAL:	\$	<u>550,600</u>
7. OWNER'S OPINION OF CURRENT VALUE:

(a)	LAND:	\$	<u>428,511</u>
(b)	BUILDING:	\$	<u>77,000</u>
(c)	TOTAL:	\$	<u>505,511</u>
8. ABATEMENT REQUESTED (VALUATION AMOUNT): 45059
9. TAX YEAR FOR WHICH ABATEMENT REQUESTED: FISCAL YR 2016
10. AMOUNT OF ANY ABATEMENT(S) PREVIOUSLY GRANTED BY THE ASSESSOR FOR THE ASSESSMENT IN QUESTION: NONE

11. REASONS FOR REQUESTING ABATEMENT. PLEASE BE SPECIFIC, STATING GROUNDS FOR BELIEF THAT PROPERTY IS "OVER-VALUED" FOR ASSESSMENT PURPOSES. ATTACH EXTRA SHEETS IF NECESSARY. Please submit any documentation available to support your claim.

SEE ATTACHED

The above statements are correct to the best of my knowledge and belief.

9-9-15
Date

[Signature]
Signature of Applicant

THIS APPLICATION MUST BE SIGNED

A separate application form should be filed for each separately assessed parcel of real estate believed to be "over-valued."

Application for Abatement of Property Taxes - Attachment
Answer to Question 11

Re: 11 New Biddeford Road

The land value of 11 New Biddeford Road is listed at \$473,600 on the most recent personal property record. The size of the lot is listed at .16 of an acre. The adjacent and very similar house, 9 New Biddeford Road, which sold 2 years ago, lists a land value of \$348,100 and a lot size of .13 acre. See attached records for each property.

The lot size of 11 New Biddeford, therefore, is reported to be 23% greater than that of its neighbor at number 9, but the appraisal amount is 36% greater. Either the property at number 9 is grossly undervalued, or the property at number 11 is significantly overvalued. If the relationship of the lot size and appraisal amount between these two similar properties were to be consistent, the land appraisal for number 11 New Biddeford Road should be \$428,511 ($1.23 \times \$348,100$). This would require a reduction in the land appraisal for number 11 of \$45,089. We request that such a reduction be made.



Town of Kennebunkport General Fund - Fund Balance Policy

Purpose of this Policy

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

Definitions and Classifications

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

Background and Considerations

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

Adopted 12.11.14

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

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

Policy

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

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

Policy Administration

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

Town of Kennebunkport
Unassigned Fund Balance
10/13/2015

FY 15

Unassigned per draft from Statement 3	3,532,371.00
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retain 18% expenditures in general	(2,845,477.98)
Unassigned Fund Balance should be	

transfer to Capital Reserve budget	<u>686,893.02</u>
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