

# TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

## **Board of Selectmen/Assessors Agenda Village Fire Station – 32 North Street February 23, 2017 – 6:00 PM**

1. Call to Order.
2. Approve the February 9, 2017, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).
4. Consider a renewal liquor license application submitted by US Hotels New England, LLC and US Hotels New England Management Corp, d.b.a. the Breakwater Spa, 127 Ocean Avenue.
5. Consider dock applications.
  - a. Application to reconstruct an existing dock with different dimensions from Chester Homer III, 83 Ocean Avenue.
  - b. Application to construct a dock consisting of an access ramp that connects to a permanent pier with seasonal ramp and float for Justin D. Benincasa and Grace M. Benincasa, at 159 Wildes District Road.
6. Accept resignation of David Kling from the Planning Board and consider appointment to the Board.
7. Presentation by Public Works Director Michael Claus regarding the Mills Road improvement project.
8. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.
9. Request from the Goose Rocks Beach Advisory Committee to request the State to lower the seasonal speed limit of New Biddeford Road to 20 mph in the area between King's Highway and the bridge.
10. Review proposed ordinance revisions for Town Meeting Warrant:
  - a. Shellfish Ordinance
  - b. Lock Box Ordinance

11. Accept resignation of Deb Bauman of the Conservation Commission.
12. Approve the 2017 waste hauling permits.
13. Consider Mat Lanigan Bridge 24-hour construction.
14. Meet as Assessors to consider the following tax abatement.

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2017
Katherine Fisher	25 Elizabethan DR	20	4	25	\$1,109.52

15. Consider candidate for Spirit of America Award.
16. Authorize the Town Manager to sign the Animal Shelter Agreement.
17. Accept a \$1,000 donation from the Atlantic Fireman's Association to the emergency fuel program.
18. Other business.
19. Approve the February 23, 2017, Treasurer's Warrant.
20. Adjournment.



# Agenda Item Divider



**Town of Kennebunkport  
Board of Selectmen Meeting  
Village Fire Station-32 North Street  
February 10, 2017 – 1:00 PM**

Minutes of the Selectmen Meeting of February 10, 2017

**Selectmen present:** Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett  
Edward W. Hutchins

**Selectmen absent:** Sheila Matthews-Bull

**Others present:** Michael Davis, David James, and Laurie Smith

**1. Call to Order.**

Chair Barwise called the meeting to order at 1:00 PM. He explained that the meeting yesterday was cancelled due to the snowstorm and that this agenda is shorter. He said the other items from yesterday's agenda will be covered at a future date.

**2. Approve the January 26, 2017, selectmen meeting minutes.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the January 26, 2017, selectmen meeting minutes. **Vote:** 4-0.

**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 renewal liquor license application submitted by Alisson's/Dock Square LTD, DBA Alisson's Restaurant, 11 Dock Square.**

**5. Motion** by Selectman Daggett, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by Alisson's/Dock Square LTD, DBA Alisson's Restaurant, 11 Dock Square. **Vote:** 4-0.

**6. Consider a renewal special amusement permit submitted by Ashley Padget DBA Alisson's Restaurant, 11 Dock Square.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the renewal special amusement permit submitted by Ashley Padget, DBA Alisson's Restaurant, 11 Dock Square. **Vote:** 4-0.

**7. Consider a liquor license renewal application for Sheila W. Matthews-Bull, DBA Rhumb Line Resort, 41 Turbats Creek Road.**

**Motion** by Selectmen Daggett, seconded by Selectman Hutchins, to approve the liquor license renewal application for Sheila W. Matthews-Bull, DBA Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 4-0.

**8. Consider a special amusement permit renewal application for Sheila W. Mathews-Bull, DBA Rhumb Line Resort, 41 Turbats Creek Road.**

**Motion** by Selectman Briggs, seconded by Selectman Hutchins, to approve the special amusement permit renewal application for Sheila W. Mathews-Bull, DBA Rhumb Line Resort, 41 Turbats Creek Road. **Vote:** 4-0.

**9. Consider a renewal liquor license application submitted by Cape Porpoise Lobster Co., DBA Cape Pier Chowder House, 79 Pier Road.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to approve the renewal liquor license application submitted by Cape Porpoise Lobster Co., DBA Cape Pier Chowder House, 79 Pier Road. **Vote:** 3-0-1/Selectman Daggett recused himself due to conflict of interest.

**10. Review proposed ordinance revisions for Town Meeting Warrant:**

- a. Shellfish Ordinance**
- b. Lock Box Ordinance**

There have been no changes since the last meeting.

**11. Review and authorize the Government Wharf construction bid.**

Town Manager Laurie Smith explained that the lowest bid was for \$84,765.00 from Maritime Construction. There were not enough funds in the budget to cover that amount. She said the state agreed they could make some changes to the bid, and explained those changes. The additional funding needed is \$50,000.

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to use the remaining dredge funds (approximately \$50,000) to cover the amount over budget. **Vote:** 4-0.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to authorize the Town Manager to sign the contract with Maritime Construction for the Government Wharf construction project. **Vote:** 4-0.

**12. Accept the \$500 donation from the Church on the Cape United Methodist to the emergency fuel program.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to accept the \$500 donation from the Church on the Cape United Methodist to the emergency fuel program. **Vote:** 4-0.

**13. Other business.**

Selectman Hutchins congratulated the Patriots for their win.

**14. Approve the February 9, 2017, Treasurer's Warrant.**

**Motion** by Selectman Daggett, seconded by Selectman Hutchins, to approve the February 9, 2017, Treasurer's Warrant. **Vote:** 4-0.

**15. Adjournment.**

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

The meeting adjourned at 1:10 PM.

*Minutes taken via video stream*

Submitted by

Arlene McMurray  
Administrative Assistant



# Agenda Item Divider



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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 4/24/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)  
☐ HOTEL (Class I,II,III,IV) ☒ HOTEL NO FOOD (Class I-A)  
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)  
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: US Hotels New England LLC US Hotels New England Management Corporation			Business Name (D/B/A) The Breakwater Spa		
APPLICANT(S) –(Sole Proprietor) DOB:			Physical Location: 127 Ocean Avenue		
DOB:			City/Town Kennebunkport	State ME	Zip Code 04046
Address 127 Ocean Avenue			Mailing Address PO Box M		
City/Town Kennebunkport	State ME	Zip Code 04046	City/Town Kennebunkport	State ME	Zip Code 04046
Telephone Number (207) 967-5333	Fax Number (207) 967-0675		Business Telephone Number (207) 967-5333	Fax Number (207) 967-0675	
Federal I.D. # L11			Seller Certificate #: 1080890 or Sales Tax #:		
Email Address: <a href="mailto:njenulevich@thebreakwaterinn.com">njenulevich@thebreakwaterinn.com</a> Please Print			Website: <a href="http://www.thebreakwaterinn.com">www.thebreakwaterinn.com</a>		

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

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 15
2. State amount of gross income from period of last license: ROOMS \$ 1,549,221 FOOD \$ 549,918 LIQUOR \$ 310,877
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 ☐

5. If manager is to be employed, give name: N. JENULEVICH

6. Business records are located at: 131 Ocean Avenue Kennebunkport, ME 04046

7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐



9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Nazba Jenulevich	3/6/1965	NEW YORK, NY

Residence address on all of the above for previous 5 years (Limit answer to city & state)

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

12. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

13. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: \_\_\_\_\_

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) Full service cafe

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: \_\_\_\_\_

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mile Which of the above is nearest? church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: mortgage—TD Bank

18. Does/do applicant(s) have all the necessary permits required by the Department of Health & Human Services?

YES ☒ NO ☐ Applied for on: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mile Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If Yes, give details: TD Bank (mortgage)

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kennebunkport ME on Jan 26, 20 17  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

### FEE SCHEDULE

**FILING FEE:** (must be included on all applications) ..... \$ **10.00**

**Class I** Spirituous, Vinous and Malt ..... \$ 900.00

**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) ..... \$1,100.00

**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only ..... \$ 550.00

**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only ..... \$ 220.00

**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only ..... \$ 220.00

**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... \$ 495.00

**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge ..... \$2,200.00

**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge ..... \$1,500.00

**CLASS XI:** Restaurant/Lounge; and OTB.

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:  
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, ME 04333-0008.  
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**STATE OF MAINE**

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license

fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][ 2003, c. 213, §1 (AMD) .]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[ 2009, c. 81, §§1-3 (AMD) .]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]

[1995, c. 140, §6 (AMD) .]

**4. No license to person who moved to obtain a license.** [ 1987, c. 342, §32 (RP) .]

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

**Please be sure to include the following with your application:**

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207)624-7220.

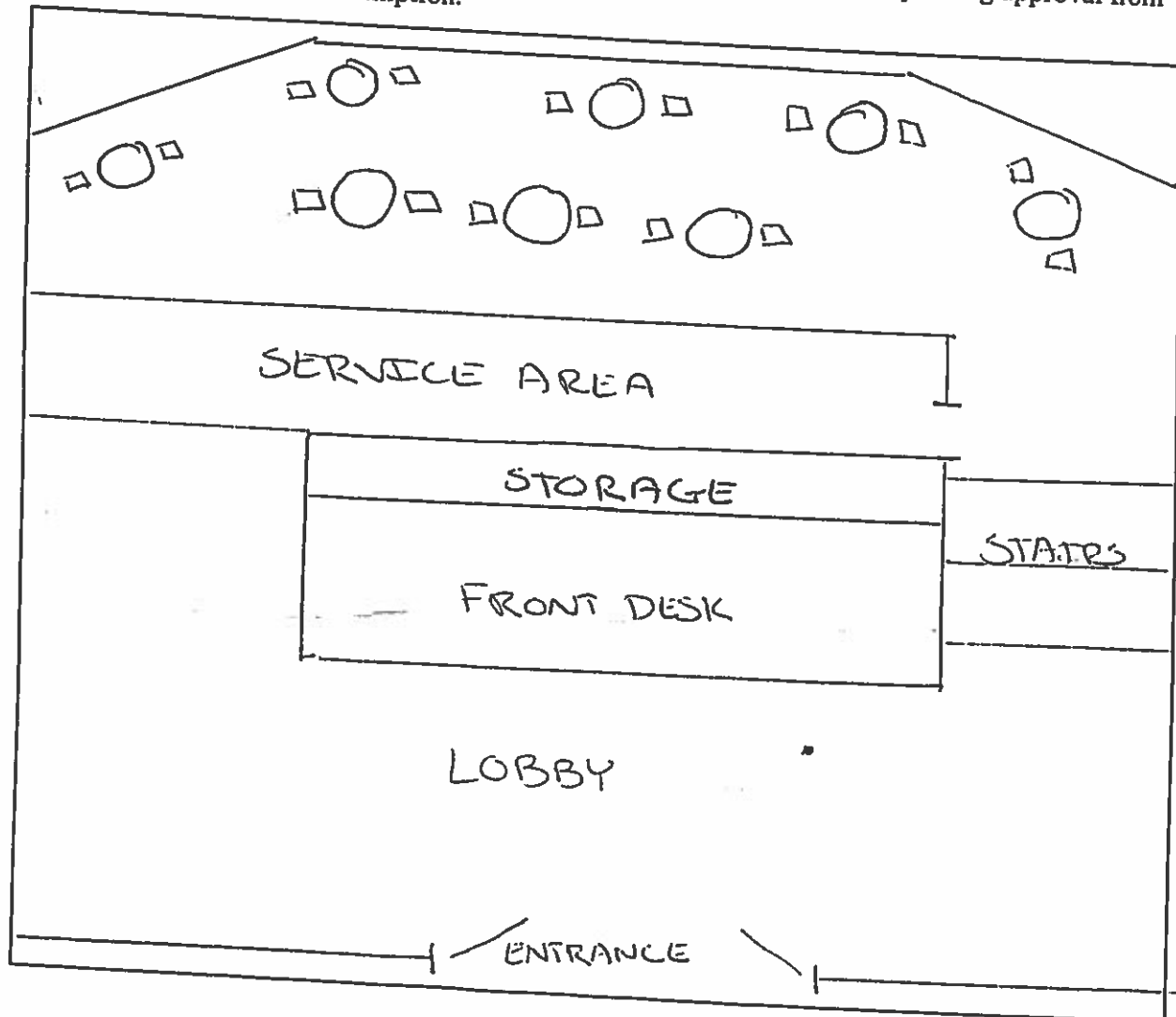


Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

SOS Checked: \_\_\_\_\_

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: US Hotels New England, LLC
2. Doing Business As, if any: The Breakwater Spa
3. Date of filing with Secretary of State: 9/17/04 State in which you are formed: Delaware
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
1/14/05
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Paul Hanley	4 Lone Oak Lane Boonton, NJ 07005	10/30/49	CEO	0
Felipe Espinoza	134 E. 40 <sup>th</sup> Street New York, NY 10016	3/26/70	COO	0
Jennifer Usaty	67 Bonneyview Lane New Milford, CT 06776	3/7/67	CFO	0
US Hotels Inc.	Wilmington, DE		owner	100

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature of Duly Authorized Person

Date

1/26/17

Print Name of Duly Authorized Person

PAUL HANLEY

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)



# Agenda Item Divider







## TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

MAINE'S FINEST RESORT

### **NOTICE TO ABUTTERS RECEIPT OF APPLICATION FOR SELECTMEN REVIEW Reconstruction of an existing dock**

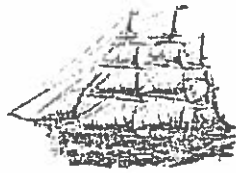
You are receiving this notice of site walk because you are an abutting property owner.

**Date:** February 8, 2017

In accordance with Title 38 Section 1022 M.R.S.A., the Kennebunkport Board of Selectmen has received an application for review from Chester Homer III. The subject's property is located on 83 Ocean Avenue identified as Assessor's Tax Map 8, Block 1, Lot 19. The applicant proposes to remove existing dock and rebuild it in the same location with different dimensions. This application is available for review at the Kennebunkport Town Office.

Our records indicate that you own property abutting the proposed site. A copy of the tax map is enclosed to assist you in locating the proposed site.

All site walks regarding the placement of a Bridge, Wharf, Dock or Pier are open to the public. The site walk for this application is scheduled for February 21, 2017, at 1:30 P.M., at 83 Ocean Avenue, Kennebunkport.



## TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1633 —

MAINE'S FINEST RESORT

### **NOTICE TO ABUTTERS RECEIPT OF APPLICATION FOR SELECTMEN REVIEW WHARVES, DOCKS AND PIERS**

You are receiving this notice of Site Walk because you are an abutting property owner.

Date: February 14, 2017

In accordance with Title 38 Section 1022 M.R.S.A., the Kennebunkport Board of Selectmen has received an application for review from Justin D. Benincasa and Grace M. Benincasa. The subject property is located on 159 Wildes District Road, identified as Assessor's Tax Map 22, Block 5, Lot 21. Our records indicate that you own property within 200 feet of the proposed site. A copy of the tax map is enclosed to assist you in locating the proposed site.

The applicant proposes to construct a dock consisting of an access landing that connects to a permanent pier with a seasonal ramp and float. The application is at the Kennebunkport Town Office for review.

All Site Walks regarding the placement of a Wharf, Dock, or Pier are open to the public. The Site Walk for this application is scheduled for Tuesday, February 21, 2017, at 2:00 P.M.



# Agenda Item Divider



6 Goose Fair  
Kennebunkport, ME 04046

February 13, 2017

Laurie Smith, Town Manager  
Town of Kennebunkport  
Kennebunkport, ME 04046

Dear Laurie,

I'm sending this letter just to make it official that I will be leaving the Planning Board immediately after the meeting on February 15, 2017

It's been a long run and between personal things I need to do and the assumption of other responsibilities, it's time for me to move on.

I do intend to continue to help with some changes to the Subdivision Regs. that started on my watch. As we've discussed, there may also be other, less time-consuming opportunities to serve the Town down the road.

I also want to thank Werner and Lisa for their excellent support over the last several years.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David R. Kling', with a long horizontal line extending to the right.

David R. Kling

cc Werner Gilliam  
Lisa Harmon

November 10, 2016

## **Planning Board**

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

**Members:** five members and two alternates

**Term  
Expiration**  
July 2018

Thomas Boak

D. Scott Mahoney

July 2019

Peter Fellenz

July 2017

E. Russell Grady, Jr.

July 2019

Vacancy

July 2017

**Alternates:**

Nina L. Pearlmutter

July 2017

Raymond Hilwig

July 2018

**Selectmen's Representative**

Patrick A. Briggs

**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 checked="" type="checkbox"/> Planning Board    |
| <input type="checkbox"/> Budget Board                          | <input type="checkbox"/> Recreation Committee         |
| <input type="checkbox"/> Cape Porpoise Pier Advisory Committee | <input type="checkbox"/> Road Book 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 Advisory 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      |

Mark Messer  
Signature of Applicant

7-15-16  
Date

**Preliminary Information**

Name (Print):

Mark Messer

Residence Address:

7 Ledge Rd Phone:       

Business Address:

       Phone:       

Mailing Address:

7 Ledge Rd

(if different)

Kennebunkport ME 04046

E-mail Address:

markwmesser@gmail.com

---

**Membership in community organizations:**

Organization	Dates	Activities
<u>Planning Board</u>	<u>1997-2005</u>	<u>participating member</u>
<u>Zoning Board</u>	<u>2006-2014</u>	<u>participating member</u>
<u>Board of Assessment Review</u>	<u>2015-present</u>	<u>There have been no meetings</u>
<u>      </u>	<u>      </u>	<u>      </u>

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

I have developed properties in the area.

I have taken 2 classes on Land Use Ordinances/Zoning  
Approx. 8 years on Planning Board, + Approx. 8 years on  
ZBA, the last 7 as Chairman

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

It's a civic responsibility to volunteer locally.

The current committee that I'm a member of  
has not had any activity so far.

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





## Restricted Vehicle Weight on Posted Roadways

The Town of Kennebunkport has authorized the closing of certain town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. The following roads will be closed to such traffic commencing on March 1, 2017 and will remain closed until at least April 24, 2017, unless postings are removed by the Town of Kennebunkport. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250. Home Heating Fuel Delivery Trucks and Municipal Solid Waste Collection Trucks are exempt from Posted Road regulations. The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees F. or below and no water is showing in the cracks in the road. Both conditions must be met.

The Town of Kennebunkport will be posting restricted vehicle weight signs on the following roads:

- \* Arundel Road from Goff Brook to Goose Rocks Road*
- \* River Road from Goff Brook to North Street*
- \* Beachwood Avenue from North Street to Route 9*
- \* Walkers Lane from North Street to Beachwood Avenue*
- \* Old Cape Road from Beachwood Avenue to Route 9*
- \* Goose Rocks Road from Log Cabin Road to Route 9*
- \* Stone Road from Beachwood Avenue to Goose Rocks Road*
- \* Guinea Road from Goose Rocks Road to Biddeford Line*
- \* Whitten Hill Road from Goose Rocks Road to Guinea Road*
- \* Maine Street from Elm Street to Wildes District Road*
- \* Pier Road*
- \* New Biddeford Road from Route 9 to Kings Highway*
- \* Winter Harbor Road from Route 9 to New Biddeford Road*
- \* Dyke Road*
- \* Wildes District Road*
- \* Ocean Avenue*
- \* Langsford Road*
- \* Ward Road*
- \* Northwood Drive*
- \* Oak Ridge Road*
- \* West Street, Oak Street, Locke Street, Others if needed*

Please feel free to contact the Highway Department at 967-5728 if you have any questions or concerns.



# Agenda Item Divider



# MEMO

To: Board of Selectmen  
Shellfish Committee  
Laurie Smith  
Everett Leach

From: Tracey O'Roak

Date: January 31, 2017

RE: Amendments to the Shellfish Conservation Ordinance

Attached for your review, please find proposed changes to the Shellfish Conservation Ordinance.

The first revision is in the first paragraph of Section 3. It clarifies that the Shellfish Warden may be part of the Shellfish Conservation Committee even if he is not a resident of Kennebunkport.

The next change can be found in Section 7. The second and third paragraphs add language at the request of the State Department of Marine Resources. It will ensure that any enforcement of illegal harvesting in conservation closed areas can be handled by local authorities.

Thank you for your consideration.

## KENNEBUNKPORT SHELLFISH CONSERVATION ORDINANCE

1. **Authority:** This Ordinance is enacted in accordance with 12 M.R.S.A. §6671.
2. **Purpose:** To establish a shellfish conservation program for the Town of Kennebunkport that will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means that may include:
  - a. Licensing
  - b. Limiting the number of shellfish harvesters
  - c. Restricting the time and area where digging is permitted
  - d. Limiting the minimum size of clams taken
  - e. Limiting the amount of clams taken daily by a harvester
3. **Shellfish Conservation Committee:** The Shellfish Conservation Program for the Town of Kennebunkport will be administered by the Shellfish Conservation Committee consisting of a minimum of five (5) members and a maximum of seven (7) members, including the Shellfish Warden who may be a non-resident, to be appointed by the Selectmen of the Town of Kennebunkport for terms of three (3) years. No more than three (3) members shall possess current commercial shellfish licenses. The Shellfish Conservation Warden may not possess a Commercial Shellfish License.

The Committee's responsibilities include:

- a. Establishing annually in conjunction with the Department of Marine Resources the number of shellfish digging licenses to be issued.
- b. Surveying each clam-producing area at least once each three-years to establish size distribution and density, and annually estimating the status of the Town's shellfish conservation.
- c. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation.
- d. Keeping this Ordinance under review and making recommendations for its amendments.
- e. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- f. Recommending conservation closures and openings to the Board of Selectmen in conjunction with the Area Biologists of the Department of Marine Resources.
- g. Submitting an annual report to the municipality and the Department of Marine Resources covering the above topics and all other committee activities.

- h. Recommending daily harvest limits to the Board of Selectmen.

4. **Definitions**

- a. **Resident**: The term "resident" refers to a person who has been domiciled in this municipality for at least three months next prior to the time his claim of such residence is made.
- b. **Nonresident**: The term "nonresident" means anyone not qualified as a resident under this Ordinance.
- c. **Shellfish, Clams and Intertidal Shellfish Resources**: When used in the context of this Ordinance, the words "shellfish," clams," and "intertidal shellfish resources" mean soft shell clams (*Mya arenaria*).
- d. **Municipality**: Refers to the Town of Kennebunkport, Maine.
- e. **Shellfish Conservation Warden**: When used in the context of this Ordinance, the words "Shellfish Warden" and "Clam Warden" mean Shellfish Conservation Warden.

5. **Licensing**: Municipal Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this Ordinance.

- a. **Designation, Scope and Qualifications**:
  - i. **Resident Recreational Shellfish License**: The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family.
  - ii. **Nonresident Recreational Shellfish License**: The license is available to any person not a resident of this municipality and entitles the holder to dig and take not more than one peck of shellfish in any one day for the use of himself and his family.
  - iii. **Resident Commercial Shellfish License**: The license is available to residents of this municipality and entitles the holder to dig and take no more than the amount of shellfish as recommended by the Shellfish Conservation Committee and approved by the Board of Selectmen in any one day, unassisted only. Commercial license holders must keep a daily log of clams harvested. This license shall be revoked if the license holder ceases to reside in the municipality.

- iv. Non-resident Commercial Shellfish License: The license is available to nonresidents of this municipality and entitles the holder to dig and take no more than the amount of shellfish as recommended by the Shellfish Conservation Committee and approved by the Board of Selectmen in any one day, unassisted only. Commercial license holders must keep a daily log of clams harvested.
  - v. Daily Recreational Shellfish License: The license is available to residents and non-residents of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family. The license is good only for the date stated on the license.
  - vi. License must be signed: The licensee must sign the license to make it valid.
- b. Application Procedure: Any person may apply to the Town Clerk for the licenses required by this Ordinance on forms provided by the municipality.
- i. Contents of Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.
  - ii. Misrepresentation: Any person who gives false information on a license application will cause said license to become invalid and void.
- c. Fees: The fees for the licenses shall be set by the Municipal Officers upon the approval of the Commissioner of the Department of Marine Resources and must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer. Fees received for shellfish licensing shall be used by the Town for shellfish management, conservation and enforcement.
- d. Limitation of Diggers: Clam resources vary in density and size distribution from year to year and over the limited soft clam-producing area of the Town. It is essential that the Town carefully husband its shellfish resources. Following the annual review of the Town's clam resources, its size distribution, abundance, and the Warden's reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the D.M.R. Area Biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.
- i. Prior to January 1, the Committee shall report its findings and document recommendations for the allocation of commercial and recreational

licenses to be made available for the following license-year to the Commissioner of Marine Resources for concurrence.

- ii. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to January 1, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.
- iii. Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation that the Municipal Officers consider effective in reaching persons affected, not less than ten (10) days prior to the period of issuance. This information shall also be posted in the municipal offices until the period concludes.
- iv. The Town Clerk shall issue licenses to residents and nonresidents as allocated (paragraph 5.D.1) from January 1 and until March 31 after which license shall be issued without regard to residency on a first come, first served basis or by lottery.
- e. License Expiration Date: Each license issued under authority of this Ordinance expires at midnight on the December 31st next following date of issuance. Each daily license issued under the authority of this Ordinance shall be valid only for the date stated on the license.
- f. Reciprocal Harvesting Privileges: Licenses from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of this license.
- g. License Fee Waiver: Recreational shellfish license fees will be waived for residents 65 years or older and 12 years or younger.
- h. A shellfish license is not available to anyone whose municipal or state shellfish license is under suspension or who has been convicted of violating Maine marine statutes or state wildlife statutes within a prior 24-month period or who has a valid commercial license in another Maine municipality.
- i. Suspension/Revocation: A shellfish license issued under this Ordinance is subject to suspension as follows:
  - i. In cases where a court enforcement proceeding is brought under this Ordinance or State law:
    - a. in the case of a first court judgment finding any violation, an automatic suspension of 60 days;

- b. in the case of a second court judgment finding any violation against the same licensee, an automatic revocation of the existing license, and the person found in violation is prohibited from re-applying for a license under this Ordinance for one year.
  - ii. In cases where the Shellfish Warden believes that a licensee has violated this Ordinance, he may give notice to the licensee of such belief. If, after providing the licensee with an opportunity to rebut any evidence he has, the Clam Warden concludes that a violation has occurred, he may issue a notice of suspension not to exceed 30 days.
    - a. A licensee who has received a notice of suspension may appeal to the Board of Selectmen by filing a written request with the Town Clerk within seven (7) days of the day the Clam Warden's decision is rendered. Upon filing the request, the suspension is stayed pending the Board's decision.
    - b. The Board of Selectmen shall hear the appeal as soon as practicable and shall provide the appellant with at least 7 days written notice of hearing. It shall hear all the evidence and decide whether to uphold or reverse the decision of the Clam Warden. The rules of evidence do not apply.
- 6. **Conservation Credits:** A licensed commercial shellfish harvester must obtain a total of ten (10) conservation credit points between January 1 and December 31 in order to remain eligible to obtain a license for the next licensing period.

Documented certification in any of the following activities results in granting of conservation credit as specified:

Participation in any one (1) of the following activities shall deem a harvester eligible to receive five conservation credit points per activity:

- a. Participation in a Kennebunkport Shellfish Conservation Committee sponsored shellfish re-seeding project.
- b. Participation in a Kennebunkport Shellfish Conservation Committee sponsored shellfish survey.

If the Kennebunkport Shellfish Conservation Committee does not sponsor both activity 6(a) and 6(b) above during a single calendar year then participation in the single activity sponsored shall be valued at ten (10) conservation credit points.

All records and conservation credit logs will be maintained by the shellfish warden and will be held in the shellfish warden's office.



Determination of conservation credit completion - By the first business day of January the shellfish warden shall compile documented conservation time of each individual harvester and forward a list of those harvesters determined to have satisfied the conservation credit requirement to the Town Clerk.

Harvesters included on the list submitted by the shellfish warden shall be eligible for a commercial license for the upcoming license year if a notice of intent has been filed by the deadline.

Harvesters will be notified of their status in terms of conservation credit completeness by the shellfish warden by December 1 for credits earned. A final status will be mailed by December 10.

Approved absence from conservation credit requirement - Harvesters who have not completed a full ten (10) points of conservation credit in a given license year are only eligible for a license if their absence from participation in conservation credit activities is approved by the shellfish warden or marine resource committee.

Approved absences may include an extended and documented illness, or an extended illness of an immediate family member that is under the immediate care of the harvester.

Requests for a determination of approved absence must be made in writing to the shellfish warden and must be submitted no later than December 15. The request shall include evidence to support an approval of absence determination.

If the absence is approved, the harvester will be required to make up the remaining conservation credit points during the next license year.

If the absence is not approved, the harvester will not be eligible to obtain a license.

Appeal procedure - A harvester may appeal any determination of eligibility made by the shellfish warden. Request for appeals must be made in writing to the Shellfish Conservation Committee by December 31. Appeals will be decided by the Shellfish Conservation Committee during its January meeting. Decisions shall be provided to the town clerk in writing no later than five (5) days after the meeting.

7. **Opening and Closing of Flats:** The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources Area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact.

It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the Town of Kennebunkport in accordance with DMR Regulation, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MSRA Title 12 §6671.

Boundaries of conservation closures are explicitly defined in the conservation closure application submitted by the Town of Kennebunkport to DMR and are part of the resulting permit issued by DMR. These permits are posted at the town office and online: <http://www.maine.gov/dmr/shellfish-sanition-management/programs/municipal/ordinances/towninfo.html>.

8. **Minimum Legal Size of Soft Shell Clams:** It is unlawful for any person to possess soft shell clams within the Town of Kennebunkport, County of York, that are less than two (2) inches in the longest diameter except as provided by Subsection B of this section.
  - a. **Definitions:**
    - i. **Lot:** The word "lot" as used in this Ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.
    - ii. **Possess:** For the Purpose of this section, "possess" means dig, take, harvest, transport, or hold soft shell clam shellstock.
  - b. **Tolerance:** Any person may possess soft shell clams that are less than two (2) inches if they comprise less than 10% of any lot.
9. **Other Limitations:**
  - a. The placement of clams harvested under this section in a closed container is prohibited.
  - b. The harvesting of clams is permitted only during daylight hours which shall be defined as between one hour prior to sunrise and one hour past sunset.
10. **Penalty:** A person who violates this Ordinance shall be punished as provided by 12 M.R.S.A. §6671 (10).
11. **Effective Date:** This Ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the Ordinance is filed with the Commissioner within twenty (20) days of its adoption.

12. **Period of Ordinance:** This Ordinance shall remain in effect until repealed by the Municipality or rescinded by the Commissioner of the Department of Marine Resources.
13. **Separability:** If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.
14. **Repeal:** Any ordinance regulating the harvesting or conservation of shellfish in the Town and any provisions of any other Town ordinance that is inconsistent with this Ordinance is hereby repealed.



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
21 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0021

PATRICK C. KELHIER  
COMMISSIONER

August 1, 2016

To Whom It May Concern,

The Department of Marine Resources (DMR) has become aware of an issue that may affect your municipal shellfish ordinance and your municipality's ability to enforce conservation closures. All municipal shellfish ordinances should include explicit language identifying conservation closures **and must also prohibit** harvest within these areas. The municipal shellfish ordinance should include the following, or similar statements:

*It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the town of NAME in accordance with DMR Regulation, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MSRA Title 12 §6671.*

*Boundaries of conservation closures are explicitly defined in the conservation closure application submitted by the town of NAME to DMR and are part of the resulting permit issued by DMR. These permits are posted at the town office and online:*

<http://www.maine.gov/dmr/shellfish-sanitation-management/programs/municipal/ordinances/towninfo.html>.

The term "shellfish" should be defined in the municipal shellfish ordinance as those species included in the municipal shellfish conservation program (e.g. "Shellfish" means soft shelled clams).

DMR understands that ordinance changes often require a town meeting to adopt and encourage towns to add this language into their municipal shellfish ordinances as soon as practically possible. This will ensure that any enforcement of illegal harvesting in conservation closed areas can be addressed by the local authorities.

If you have any questions, don't hesitate to contact your area biologist:

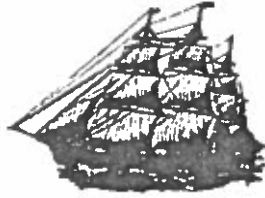
Peter Thayer (NH border to Boothbay) – 633-9539 or [pete.thayer@maine.gov](mailto:pete.thayer@maine.gov)

Hannah Annis (Newcastle to Frenchmans Bay) – 949-4498 or [hannah.annis@maine.gov](mailto:hannah.annis@maine.gov)

Heidi Leighton (Bar Harbor to Canadian border) – 434-5922 or [heidi.leighton@maine.gov](mailto:heidi.leighton@maine.gov)

Sincerely,

Kohl Kanwit  
Director, Bureau of Public Health



## KENNEBUNKPORT TOWN CLERK

**To:** Board of Selectmen  
Shellfish Committee  
Administrative Code Committee  
Laurie Smith, Town Manager  
Everett Leach, Shellfish Warden

**From:** Tracey O'Roak

**Date:** February 17, 2017

**Re:** Amendments to the Administrative Code

---

Attached for your review, please find a proposed change to the Administrative Code removing the requirement that the Shellfish Warden be a resident of the Town.

The proposed language was submitted by Wayne Adams, chair of the Administrative Code Committee.

Thank you for your consideration.

**3.1.2 Duties**

The duties of the Animal Control Officer shall be the enforcement of statutes relating to the duties of animal control officers and such other duties as may be required by the Board of Selectmen.

**3.1.3 Compensation**

The compensation of the Animal Control Officer shall be on the basis of a salary to be determined by the Board of selectmen and not otherwise.

**3.2 SHELLFISH WARDEN**

**3.2.1 Appointment**

The Board of Selectmen shall appoint annually a Shellfish Conservation Committee consisting of one or more persons.

**3.2.2 Chairman**

The Chairman of the Shellfish Conservation Committee shall be known and serve as the Shellfish Warden. The Shellfish Warden shall report directly to, and be supervised by, the Town Manager, or his or her designee. Nonwithstanding any other provision of this Administrative Code, the Chairman of the Shellfish Conservation Committee serving as Shellfish Warden shall not be required to be a resident of the Town.

**3.2.3 Duties**

The duties of the Shellfish Conservation Committee shall be as set forth in the Shellfish Conservation Ordinance of the Town of Kennebunkport.

**3.3 EMERGENCY MANAGEMENT DIRECTOR**

**3.3.1 Appointment**

The Board of Selectmen shall appoint annually the Emergency Management Director. The Emergency Management Director shall report directly to, and be supervised by, the Town Manager, or his or her designee.



# Agenda Item Divider



# TOWN OF KENNEBUNKPORT KEY LOCK BOX ORDINANCE

## SECTION 1: TITLE.

This Ordinance shall be known as the Town of Kennebunkport Key Lock Box Ordinance (the "Ordinance").

## SECTION 2: AUTHORITY.

This Ordinance is enacted in accordance with 30-A M.R.S.A 3001 *et. seq.*, as may be amended.

## SECTION 3: PURPOSE.

The Town of Kennebunkport determines that the health, safety and welfare of residents and property owners of the Town are promoted by a requirement that certain properties shall have a key lock box installed on the exterior of the structure(s) or at the gated entrance to aid the Kennebunkport Fire Department (KPF) and Kennebunkport Emergency Medical Services (KEMS) with gaining access to or within a structure when responding to calls for emergency service, and to aid access into or within a building that is secured or is unduly difficult to gain entry to due to being either unoccupied or the occupants being unable to respond.

## SECTION 4: DEFINITIONS.

Fire Chief: the person duly appointed as the Fire Chief of the Town of Kennebunkport.

Structure(s): a habitable space with floor to ceiling height of over 7'-0".

Key Lock Box: a secured box or vault of a size and style approved by the Fire Chief or his/her designee, which contains key(s) for the exclusive use of the KPF and KEMS to access the property and premises in an emergency.

## SECTION 5: INSTALLATION REQUIRED.

New Structures: The following structures built after October 1, 2017 shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief or his/her designee:

- Commercial and industrial structure; and
  - All structures, including residential structures, protected by an automatic fire alarm system or automatic suppression system; and
- All properties having a security gate at the vehicular entrance to the property.





# Agenda Item Divider



January 27, 2017

To: Board of Selectmen  
Kennebunkport

To Whom it May Concern:

This letter serves as my notice of resignation from the Conservation Commission.

After serving on the Commission for over 10 years, along with serving as President of the Land's End Association for the past 6 years, I find that I am overcommitted and need to lighten the requirements on my non-work hours.

It is very exciting to see that there are four new people who have submitted applications to serve on the Conservation Commission and I am confident that this important Town committee is in good hands!

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Bauman", with a long horizontal flourish extending to the right.

Deborah Bauman



# Agenda Item Divider



## APPLICATION FOR WASTE HAULING PERMIT

DBA - Pine Tree Waste

Applicant: Casella Waste DBA - BBI Waste Industries

Address: 87 Pleasant Hill Rd. Scarborough ME 04074

Telephone: 207-510-4831

Authorized Representative: Jason Brown

Attach: 1. Current vehicle registration  
2. Customer List

Driver(s) of Vehicle:

Name: Pete Bergeron

Lic #: ME 8628147

Name: John Pafferson

Lic #: ME 4830140

Name: \_\_\_\_\_

Lic #: \_\_\_\_\_

Name: \_\_\_\_\_

Lic #: \_\_\_\_\_

I have read the Solid Waste Ordinance and the Rules and Regulations for solid waste. I agree to abide by these regulations.

Signed: 

Signed: \_\_\_\_\_

Approved by Selectmen: \_\_\_\_\_

Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

By granting a waste-hauling permit, the selectmen and the Town of Kennebunkport do not assume and liability with respect to the operations of the licensees.

The issuance of a waste hauling permit does not in any way constitute and endorsement by the Town or recommendation as to the adequacy or reliability of the services provided by the licensee. The Solid Waste Ordinance and Rules and Regulations of the Town do not require proof of vehicle insurance or financial responsibility in order for a person to obtain a waste hauling permit.

<u>CUSTOMER NAME</u>	<u>ADRESS</u>	<u>CAN SIZE</u>	<u>FREQUENCY</u>
The Lodge @ Turbots Creek	7 Turbots Creek Rd.	4 yard	on-call
Gary's Auto Salvage	258 River Rd.	4yard	on-call
Ryan Erb	15 Forest Ln.	4yard	on-call
Spang Builders	10 Granite Hights Rd.	4yard	every other week
Grondin Corporation	49 North Street	4yard	on-call

<u>YEAR/MAKE</u>	<u>MODEL</u>	<u>UNIT #</u>	<u>PLATE #</u>
2012 Mack	MRU613	5257	958350ME
2011 Mack	GU713	4522	956318ME



Department of the Secretary of State  
Bureau of Motor Vehicles  
INTERNATIONAL REGISTRATION PLAN  
MAINE APPORTIONED REGISTRATION CAB CARD

EFFECTIVE DATE: 01/19/2016

EXPIRATION DATE: 12/31/2016

REGISTRANT INFORMATION

ACCT/FLEET/SUPP: 14193-1-0  
LEGAL NAME:  
BLOW BROS  
DBA NAME:  
B B I WASTE INDUSTRIES  
ADDRESS:  
1 VALLEE LANE  
OLD ORCHARD BEACH ME 04064

CARRIER SAFETY INFORMATION

USDOT: 341360  
NAME:  
BLOW BROS  
ADDRESS:  
PO BOX 510  
OLD ORCHARD BEACH ME 04064

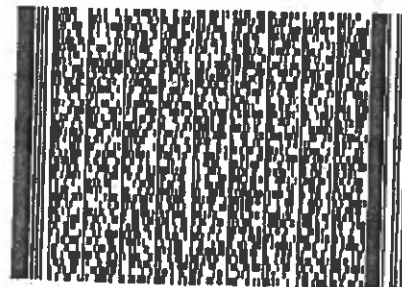
VEHICLE INFORMATION

UNIT #: 006 5257 VIN: 1M2AV04C5CM009277 PLATE: 958350  
YEAR: 2012 FUEL: Diesel YEAR DECAL: 3253959  
MAKE: MACK USAGE: Truck MONTH DECAL: 5529139

Jur	Weight	Jur	Weight	Jur	Weight	Jur	Weight	Jur	Weight	Jur	Weight
AB	31297k	GA	69000	ME	69000	RI	69000	PE	31297k	WA	69000
AL	69000	IA	69000	MI	69000	NE	31297k	QC	24 AXLES	WI	69000
AR	69000	ID	69000	MN	69000	NM	69000	RI	69000	WV	69000
AZ	69000	IL	69000	MO	69000	NS	31297k	SC	69000	WY	69000
BC	31297k	IN	69000	MS	69000	NV	69000	SD	69000	**	****
CA	69000	KS	69000	MT	69000	NY	69000	SK	31297k	**	****
CO	69000	KY	69000	NB	31297k	OH	69000	TN	69000	**	****
CT	69000	LA	69000	NC	69000	OK	69000	TX	69000	**	****
DC	69000	MA	69000	ND	69000	ON	31297k	UT	69000	**	****
DE	69000	MB	31297k	NE	69000	OR	69000	VA	69000	**	****
FL	69000	MD	69000	NH	60000	PA	69000	VT	69000	**	****

VALID ONLY WITH EMBOSSED STATE SEAL  
ORIGINAL MUST BE CARRIED IN VEHICLE  
COPIES MAY BE MADE FOR OFFICE USE ONLY

Control: 6000-2519-7136



101 Hospital Street, 29 State House Station, Augusta, ME 04333-0029  
Phone (207) 624-9000 Ext. 52135 Fax (207) 624-9086 TTY Users call Maine relay 711  
www.maine.gov/sos/bmv/commercial Email: meirp@maine.gov



Department of the Secret  
Bureau of Motor Ve  
INTERNATIONAL REGISTRATION PLAN  
MAINE APPORTIONED REGISTRATION CAB CARD

EFFECTIVE DATE: 01/19/2016

EXPIRATION DATE: 12/31/2016

REGISTRANT INFORMATION

ACCT/FLEET/SUPP: 14193-1-0

LEGAL NAME:  
BLOW BROS

DBA NAME:  
B B I WASTE INDUSTRIES

ADDRESS:  
1 VALLEE LANE  
OLD ORCHARD BEACH ME 04064

CARRIER SAFETY INFORMATION

USDOT: 341360

NAME:  
BLOW BROS

ADDRESS:  
PO BOX 510  
OLD ORCHARD BEACH ME 04064

VEHICLE INFORMATION

UNIT #: 022

YEAR: 2011

MAKE: MACK

VIN: 1M2AX0ZC9BM009531

FUEL: Diesel

USAGE: Truck

PLATE: 956318

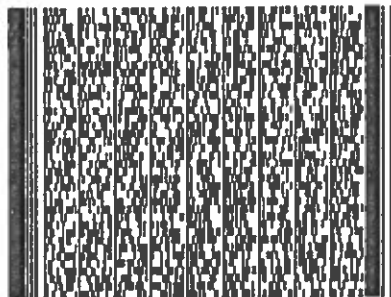
YEAR DECAL: 3253964

MONTH DECAL: 5529046

Jur	Weight	Jur	Weight	Jur	Weight	Jur	Weight	Jur	Weight	Jur	Weight
AB	45359k	GA	80000	ME	100000	NJ	80000	PE	45359k	WA	100000
AL	QUAL	IA	100000	MI	100000	NL	45359k	QC	5 AXLES	WI	80000
AR	80000	ID	100000	MIN	100000	NM	80000	RI	80000	WV	80000
AZ	80000	IL	80000	MO	80000	NS	45359k	SC	80000	WY	100000
BC	45359k	IN	80000	MS	80000	NV	80000	SD	100000	**	****
CA	80000	KS	85500	MT	100000	NY	100000	SK	45359k	**	****
CO	80000	KY	80000	NB	45359k	OH	80000	TN	80000	**	****
CT	100000	LA	88000	NC	80000	OK	90000	TX	80000	**	****
DC	80000	MA	100000	ND	100000	ON	45359k	UT	80000	**	****
DE	80000	MB	45359k	NE	94000	OR	100000	VA	80000	**	****
FL	80000	MD	80000	NH	80000	PA	80000	VT	80000	**	****

VALID ONLY WITH EMBOSSED STATE SEAL  
ORIGINAL MUST BE CARRIED IN VEHICLE  
COPIES MAY BE MADE FOR OFFICE USE ONLY

Control: 6000-2519-7301



Town of KENNEBUNKPORT  
----- Receipt -----

Thank You for Your Payment

02/10/17 12:26 PM ID:JLL #9007-1  
TYPE----- REF--- AMOUNT  
Administration

Miscellaneous 200.00

Total: 200.00\*

Paid By: Casella Waste - hauling permit

Remaining Balance: 0.00

Balance reflects all related accounts

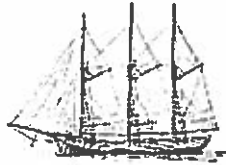
Check : 200.00

1744181 - 200.00

CASELLA WASTE SYSTEMS, INC.  
P.O. BOX 866  
RUTLAND, VERMONT 05702

Town of Kennebunkport  
PO Box 566  
Kennebunkport ME 04046





# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

**To:** Licensed Private Haulers

**From:** Michael Claus

**Re:** Annual License Renewal

**Date:** January 13, 2017

---

Enclosed is an Application for a Waste Hauling Permit, Solid Waste Ordinance, and Rules and Regulations for Solid Waste.

If you are collecting solid waste in the Town of Kennebunkport, please submit the current customer list, vehicle descriptions, registration numbers, driver(s) names and license numbers. Please also submit \$100.00 for each vehicle you wish to register.

Customer lists should include name, location (street name), size of container, and pick-up schedule (which day(s) of the week).

Please provide this information by February 2, 2017, for action by the Board of Selectmen at its regularly scheduled meeting on February 9, 2017. Failure to do so may result in loss of approval to discharge at MERC.

Please submit this information to the following address:

***Town of Kennebunkport  
Attn: Nicole Evangelista  
Post Office Box 1038  
Kennebunkport, ME 04046***

This permit is valid for calendar year 2017.

## APPLICATION FOR WASTE HAULING PERMIT

Applicant: Oceanside Rubbish Inc.

Address: P.O. Box 39

Wells, Me 04090

Telephone: 207-646-3230

Authorized Representative: Karl Ekstedt

Attach: 1. Current vehicle registration  
2. Customer List

Driver(s) of Vehicle:

Name: Daniel Keyes Lic #: 6017066

Name: Joseph Colarosi Lic #: 9844113

Name: William Miles Lic #: 6260119

Name: Susannah Baker Lic #: 0422299

paid  
\$200-  
un#5044  
2-2-13

I have read the Solid Waste Ordinance and the Rules and Regulations for solid waste. I agree to abide by these regulations.

Signed: Karl Ekstedt

Signed: \_\_\_\_\_

Approved by Selectmen: \_\_\_\_\_

Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

By granting a waste-hauling permit, the selectmen and the Town of Kennebunkport do not assume and liability with respect to the operations of the licensees.

The issuance of a waste hauling permit does not in any way constitute and endorsement by the Town or recommendation as to the adequacy or reliability of the services provided by the licensee. The Solid Waste Ordinance and Rules and Regulations of the Town do not require proof of vehicle insurance or financial responsibility in order for a person to obtain a waste hauling permit.



## VEHICLE REGISTRATION LIST

1999 INTERNATIONAL	746364
2001 INTERNATIONAL	715460

Oceanside Rubbish, Inc.  
P O Box 39  
Wells, Maine 04090  
(207) 646-3230

CUSTOMER LIST  
Oceanside Rubbish, Inc.  
P O Box 39  
Wells, Maine 04090  
(207) 646-3230

CUSTOMER LIST

Name	Address	Container	Winter Schedule	Summer Schedule
Alano, Ltd	121 North Street	4 Yard	1 x wk	2 x wk
Allison's Rest.	Dock Square	4 Yard	As needed	Daily
American Legion	Route 9	2 Yard	1 x mo	
Annebelle Lee	Mills Road	8 Yard	2 x wk	3 x wk
Arlington Arms	8 Arlington Street	2 Yard	1 x wk	2 x wk
Arundel Lodge	Temple Street	2 Yard	1 x mo.	
Arundel Wharf	43 Ocean Ave	6 Yard	As needed	Daily
Arundel Yacht Club	51 Ocean Ave	3 Yard	1 x wk	2 x wk
Beachwood Rest.	Route 9	4 Yard	1 x wk	2 x wk
Bradbury Bro.	Route 9	8 Yard	As needed	Daily
Breakwater Inn & Spa	127 Ocean Ave	2 Yard + Tote	2 x wk	As needed
Cape Arundel Inn	Ocean Ave	4 Yard	1 x wk	Daily
Cape Porpoise Motel	12 Mills Road	3 Yard	1 x wk	
Cape Porpoise Pier	Pier Rd	2 Yard	As needed	Daily
Cape Porpoise Pizza		2 Yard	1 x wk	
Captain Lord Mansion	Pleasant Street	HPU	1 x wk	
Captains Rest.	1 Pier Rd	2 Yard	2 x wk	
Carrots & Co.	19 Ocean Ave	HPU	As needed	
Chicks Marina	75 Ocean Ave	HPU	As needed	Daily
Chowder House	Pier	3 Yard	As needed	Daily
Colonial Pharmacy	Dock Square	HPU	As needed	Daily
Colony Hotel	Central Ave	2-3 Yard 1-4 Yard	As needed	Daily
Compliments	Ocean Ave	HPU	As needed	3 x wk
Copper Candle	Dock Square	HPU	As needed	Daily
Cottages at Cabot Cove	7 S. Main Street	HPU	As needed	
David Wright	15 Langsford Rd	2 Yard	1 x wk	
Dock Square Clothiers	Dock Square	HPU	2 x wk	
Four Acres	44 Mills Road	2 Yard	As needed	2 x wk
Goose Rocks Bch FD	Route 9	4 Yard	1 x mo	
Green Heron	Ocean Ave	HPU	As needed	3 x wk
Grissini's	27 Western Ave	1-6 Yard 1-4 Yard	As Needed	As Needed
Henryville	5 Union Street	2 Yard	As Needed	As Needed
Hurricane II	Dock Square	2-2 Yard	As needed	Daily
Huston & Co	226 Log Cabin Rd	4 Yard	1 x wk	
Kennebunk Book Port	10 Dock Square	HPU	1 x wk	
Kennebunkport Inn	Spring Street	2- 2 Yard	As needed	Daily
Kennebunkport Inn Wharfside	Dock Square	2 Yard	EOW	3 x wk
Kennebunkport Marina	Ocean Ave	3 Yard	As needed	2 x wk
Kennebunkport Motor Lodge	22 Wildes District Rd	2 Yard	1 x wk	
Kevin Philbrick	164 Arundel Rd	3 Yard	1 x wk	
Landing Rest.	Ocean Ave	6 Yard	As needed	Daily
Langsford Lobster	Langsford Road	HPU	2 x wk	
Leaside Condo Assoc	Ocean Ave	HPU	1 x wk	

Lucas on 9	Mills Rd	4 Yard	As needed	As needed
Mabels	Ocean Ave	2 Yard	As needed	Daily
Maine Treats	5 Union Street	4 Yard	As Needed	As Needed
McCabe Bait Co.	North Street	3 Yard	As needed	Daily
Nonantum	Ocean Ave	6 Yard	As needed	EOW
Nunan's	P Mills Road	4 Yard	As needed	Daily
Ocean Woods Resort	71 Dyke Street	6 Yard	As Needed	As Needed
Old Fort Inn	Dover Lane	2 Yard	3 x wk	
Patten Berry Farm	76 North Street	6 Yard	1 x wk	
Name	Address	Container	Winter Schedule	Summer Schedule
Philbricks Construction	155 Arundel Road	6 Yard	1 x wk	
Point Arundel Condo Assoc.	Ocean Ave	HPU	1 x wk	2 x wk
Port Lobster	Ocean Ave	2 Yard	As needed	Daily
Port Scoop	Union	4 Yard	As needed	On Call
R H Brown	9 Log Cabin Road	2 Yard	1 x wk	
Ray Schmalo	Cross Street	HPU	1 x wk	
Rhumb Line Resort	Ocean Ave	8 Yard	As needed	3 x wk
Riverbank Condo's	Ocean Ave	HPU	1 x wk	
Rug Hooker	North Street	3 Yard	EOW	
Salty Acres	277 Mills Road	3-6 Yard	As needed	3 x wk
Striper's Restaurant	131 Ocean Ave	2 Yard - 1-90gal	As Needed	As Needed
Tyler Brook Farm	Tyler Brook Road	4 Yard	1 x mo	
Winks Place	8 Arundel Road	6 Yard	As needed	

16753377

## State of Maine Vehicle Registration

E-Re-reg

31230.11302016/16753377/5000464.90

Effective Date is Validation Date But Not Prior To: 11/01/2016

MILEAGE 192,254  
Expires: 11/30/2017

Emissions Shown Evidence of Insurance Shown

CO	746-364
Class	Registration Number

VIN	YEAR	MAKE	MODEL	COLOR	STYLE	TIRES	AXLES	NET WEIGHT	REGISTERED WEIGHT	FUEL
1HTSDAAR2KH617608	1999	INTL	4900	WH	30	6	2		38000	D

REGISTRANT(s)		DOB(s)/ID#		REGISTRATION FEES	
OCEANSIDE RUBBISH		010320868		Base 20.725	
LESSOR	UNIT #	DOT #	Mil. Rate	Rate	
	18	742689	0.0040		
MAILING ADDRESS		Registration		Agent Fee 3.00	
PO BOX 19		Void Unless Machine		Local Ex Tax 42.90	
WELLS		VALIDATED		Credit	
LEGAL RESIDENCE		Validated on stamp		Subtotal 42.90	
19 CLEARZONE RD		REGISTRATION		Trans. Chg.	
SANFORD		Sanford		Balance 42.90	
ME		11302016		Credit No.	
31230				ExTx Date 11/30/2016	
				User Id ALC	



The motor vehicle excise tax is a local tax. Funds raised through the collection of the excise tax remain in your community.

[www.sosonline.org](http://www.sosonline.org)
MVR-3 Rev. 01/01/11  
REGISTRATION

16450103

xix

03

## State of Maine Vehicle Registration

Re-reg  
Excise Tax Receipt\16450103  
B

Effective Date is Validation Date But Not Prior To: 05/01/2016

Expires: 05/31/2017

Emissions Shown Evidence of Insurance Shown

CO	715-460
----	---------

Class

Registration Number

VEHICLE IDENTIFICATION NUMBER	YEAR	MAKE	MODEL	COLOR	STYLE	TIRES	AXLES	NET WEIGHT	REGISTERED WEIGHT	FUEL
1HTSHADTX1H275800	2001	INTL	4900	WH	30	10	3		58000	D

REGISTRANT(S)

DOB(s)/ID#

REGISTRATION FEES

OCEANSIDE RUBBISH IN		010323868		Base	69,400	
LESSOR		UNIT #	DOT #	Mil. Rate	0.0040	Rate
		6	742683	Agent Fee		Credit
MAILING ADDRESS		Registration		Local Ex Tax	277.60	Fees
P O BOX 39		Void Unless Machine		Credit		
WELLS		Validated or Stamped		Subtotal	277.60	
ME 04090		with State Seal		Trans. Chg.		CTA#
LEGAL RESIDENCE				Balance	277.60	User Id
19 CLEARZONE DRIVE				Credit No.		
31230				ExTx Date	06/23/2016	

or vehicle excise tax is a local tax. Funds raised through the  
on of the excise tax remain in your community.

\* 1 6 4 5 0 1 0 3 \*

www.sosonline.org

MVR-3 Rev. 01/01/11  
REGISTRATION



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/30/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Chrissy Rioux
P&C Insurance	PHONE (A/C, No, Ext): (207) 283-1486
260 Main St.	FAX (A/C, No): (207) 283-4258
P.O. Box 356	E-MAIL ADDRESS: crioux@insurancepc.com
Biddeford ME 04005	INSURER(S) AFFORDING COVERAGE
	INSURER A ACE USA
	INSURER B Hudson Insurance
	INSURER C Maine Employers Mutual Ins Co 11149
	INSURER D:
	INSURER E:
	INSURER F:
INSURED	
Oceanside Rubbish Inc.	
227 Wells Highlands Rd	
Wells ME 04090	

## COVERAGES

CERTIFICATE NUMBER: 17-18 All Lines

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			D37607149	1/31/2017	1/31/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 Employee Benefits \$ 1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			H08789964	1/31/2017	1/31/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist combined \$ 1,000,000
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			TBD	1/31/2017	1/31/2018	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	1810075337	10/1/2016	10/1/2017	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

Town of Kennebunkport  
PO Box 1038  
Kennebunkport, ME 04046

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Andrea Todd/CRIUX

© 1988-2014 ACORD CORPORATION. All rights reserved.



# Maine Motor Vehicle INSURANCE IDENTIFICATION CARD

(STATE) The policy provides the minimum insurance required by law.

☒ COMMERCIAL
 ☐ PERSONAL

COMPANY

ACE USA

COMPANY NUMBER

POLICY NUMBER

H08789964

YEAR

MAKE/MODEL

ANY AUTO

AGENCY/COMPANY ISSUING CARD

P&C Insurance

260 Main St.

P.O. Box 356

Biddeford

INSURED

Oceanside Rubbish Inc.

227 Wells Highlands Road

(207) 283-1486

ME 04005

Wells

ME 04090

EFFECTIVE DATE

1/31/2017

EXPIRATION DATE

1/31/2018

VEHICLE IDENTIFICATION NUMBER

SEE IMPORTANT NOTICE ON REVERSE SIDE



# Agenda Item Divider





# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

**To:** Board of Selectmen/Assessors

**From:** Becky R. Nolette, CMA, Assessing & Development Assistant  
Donna Moore Hays, CMA, Assessors Agent

**Date:** February 14, 2017

**Re:** Abatement – Katherine Fisher

We received an abatement application from Katherine Fisher of 25 Elizabethan Drive. Ms. Fisher received a mortgage appraisal of the property, and felt her assessment should be lowered to reflect the appraiser's opinion of value. Ms. Fisher requested a reduction of \$292,930 in assessed value.

We requested an opportunity to visit the property and complete an interior inspection of the home to ensure that all the information we have on file is accurate.

Upon completion of the inspection, we found several discrepancies, resulting in a reduction of \$134,000 in assessed value and an abatement of \$1,109.52 in taxes.

For your information, we have enclosed Ms. Fisher's application, along with our response.

It is our recommendation the abatement request be approved at your February 23, 2017 meeting.

Rec'd 1/20/2017

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

1. NAME OF APPLICANT: Katherine W. Fisher
2. ADDRESS OF APPLICANT: 25 Elizabethan Dr Kennebunkport, ME 04046
3. TELEPHONE NUMBER: 617- 637- 3960
4. STREET ADDRESS OF PROPERTY: 25 Elizabethan Dr. Kennebunkport, ME 04046
5. MAP/BLOCK/LOT: Map 20 lot 4-25 Block 16225
6. ASSESSED VALUATION:

(a)	LAND:	<u>\$ 365,600.00</u>
(b)	BUILDING:	<u>\$ 648,400.00</u>
(c)	TOTAL:	<u>\$ 1,014,000.00</u>
7. OWNER'S OPINION OF CURRENT VALUE:

(a)	LAND:	<u>\$ 350,000.00</u>
(b)	BUILDING:	<u>\$ 321,070.00</u>
(c)	TOTAL:	<u>\$ 671,070.00</u>
8. ABATEMENT REQUESTED (VALUATION AMOUNT): 292,930.00
9. TAX YEAR FOR WHICH ABATEMENT REQUESTED: Current or as early as possible
10. AMOUNT OF ANY ABATEMENT(S) PREVIOUSLY GRANTED BY THE ASSESSOR FOR THE ASSESSMENT IN QUESTION: —

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.

The property is over-valued by 292,930.00 due to having been assessed when the market was higher & the home was new. It remained on the market for greater than a year and ultimately sold at a more accurate price. It requires updating. A new roof is due. This value is based on a recent assessment.

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

10/29/16  
Date

Katherine W. Fisher  
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."



## TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

February 14, 2017

Katherine Fisher  
25 Elizabethan Drive  
Kennebunkport, ME 04046

Dear Ms. Fisher,

This is in response to your request for abatement on your property identified as Map 20 Block 4 Lot 25, 25 Elizabethan Drive. I would like to first thank you for taking the time and allowing me to do an interior inspection of your property. As I mentioned, Donna Hays is the Assessors Agent for the Town of Kennebunkport, therefore any recommendations I have, regarding changes to property records are reviewed by Donna, before its presented to the Board of Selectmen/Assessors.

After reviewing the information, we added the additional kitchen, and removed the duplicate patio entry. We also considered the overall condition of the property and the damp basement, which resulted in an additional 5% reduction to the functionality of the property. After the adjustments, your value is reduced to \$880,000, which will be an abatement of \$1,109.52 in taxes.

It will be our recommendation to the Board of Selectmen/Assessors that this abatement be granted at their February 23<sup>rd</sup>, 2017 meeting.

If you have any questions, please feel free to contact me at the office, at 207-967-1603.

Sincerely,

Becky Nolette, CMA  
Assessing & Development Assistant

Donna Moore Hays, CMA  
Assessors Agent

**Town of Kennebunkport  
Certificate of Abatement**

**Number 2016-5**

**36 M.R.S.A. § 841**

**2016**

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: February 23<sup>rd</sup>, 2017  
Type of Tax: Real Estate  
Tax Year: April 1, 2016  
Amount Abated: \$ 1109.52  
Taxpayer: Katherine Fisher  
25 Elizabethan Drive  
Kennebunkport, ME 04046  
Location: 25 Elizabethan Drive  
MBL: 20-4-25  
Reason: Condition of property

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

Date: February 23, 2017

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

\_\_\_\_\_  
Patrick A. Briggs

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

\_\_\_\_\_  
Edward W. Hutchins

\_\_\_\_\_  
Sheila Matthews-Bull

Board of Assessors/Selectmen



# Agenda Item Divider



From: Bruce Flaherty (<mailto:b.w.flaherty@gmail.com>)

Sent: Sunday, January 15, 2017 2:07 PM

To: [j.smith@kennebunkportme.org](mailto:j.smith@kennebunkportme.org)

Subject: For Selectmen: 2017 Kennebunkport Spirit of America Tribute

Dear Laurie & Other Kennebunkport Officials,

Hope you're enjoying a great 2017!

**Invitation:**

Your Board of Selectmen is asked to pick the local person, project or group to receive the 2017 Kennebunkport Spirit of America Foundation Tribute for outstanding community service using your own criteria and to honor the recipient (presumably with a resolution or proclamation) at your annual town meeting. We'll need to know (see end of this e-mail) about the recipient to facilitate an anticipated Fall event honoring all 2017 Spirit of America award winners throughout York County.

Best/simplest strategy for most communities: choose the one to whom your annual town report is dedicated as Spirit of America winner and honor them (perhaps posthumously) at the annual town meeting – it's a well-attended event (great publicity for those honored) & is a nice tradition to which folks will look forward!

Your Selectboard may choose and honor the town's Spirit of America recipient each year without waiting to hear from us.

**County event:**

The 2017 privilege granted to Maine municipalities to choose Spirit of America Foundation Tribute winners expires on June 30. For any municipality not informing us of its Spirit of America recipient by 6/30, its county officials have permission to pick the 2017 winner. That sensible arrangement gives towns plenty of time to make a selection, helps counties with planning/preparing certificates for their annual Spirit of America event, and could ensure the county ceremony publicizes community service for each town.

Twelve Maine counties have hosted ceremonies honoring their towns' recipients of the 2016 Spirit of America Foundation Tribute – go to site <http://wgltur-eneme.peacenral.com/player.php?video=52b27782b533bdd1f279d93c70b03f7a> to watch Androscoggin County's event – a ceremony honoring Franklin County's winners is scheduled for Jan. 24 & all Spirit of America winners in the other three counties were recognized at a tri-county event in October. We're hoping every county will host a ceremony honoring its 2017 Spirit of America recipients!

**Background:**

Spirit of America Foundation is a 501(c)(3) public charity established in Augusta, ME to encourage volunteerism & it allows the Spirit of America Foundation Tribute to be presented in the name of any Maine municipality. There is no fee involved, and local officials chose their community's 2016 Spirit of America winner in 100+ towns!

The first Spirit of America Foundation award was presented to Alma Jones by Augusta Mayor William Burney on Nov. 26, 1991. Maine Governors John Baldacci and Angus King and Maine Municipal Association Director Chris Lockwood are among many who have played key roles at one of the 500+ Spirit of America ceremonies over the years. You can find more info about the Foundation on website <http://www.spiritofamerica.org> (where the 'Municipal Resolution' page has sample resolutions, and the 'Honored Ever' page lists towns' previous winners).

A municipality may achieve Spirit of America's Gold Distinction by presenting the Spirit of America Foundation Tribute at the annual town meeting or inauguration, during an annual community festival, or



during National Volunteer Month (April) Qualifying towns are listed on the 'Gold Distinction' page on website <http://spiroaf.com>.

2016 Gold Distinction towns included: Appleton, Bath, Belgrade, Benton, Bowdoinham, Cambridge, Canaan, Casco, Chelsea, Cherryfield, China, Damariscotta, Detroit, Dixfield, Dresden, Durham, Eastport, Edgecomb, Embden, Fairfield, Farmingdale, Fayette, Freedom, Georgetown, Greene, Guilford, Hallowell, Harmony, Hartland, Hiram, Kingfield, Leeds, Lewiston, Livermore, Madison, Manchester, Marshfield, Mechanic Falls, Mercer, Minot, Monroe, Montville, Mount Chase, Mount Vernon, Norridgewock, North Berwick, Oakland, Orland, Palmyra, Paris, Phippsburg, Pittsfield, Pittston, Poland, Readfield, Richmond, Ripley, Rome, Roxbury, Sangerville, Searsport, Sebec, Shirley, Sidney, Skowhegan, Solon, Somerville, Starks, Stockton Springs, Troy, Union, Waldoboro, Washington, Waterville, Wayne, West Bath, West Gardiner, Whitefield, Windham, Winslow, Winterport, Woolwich.

Hoping you tell us by Feb. 28 the name, mailing address and an accomplishment of Kennebunkport's 2017 Spirit of America recipient and also the occasion of your local award ceremony (see end of this e-mail) – will publicize your town as a 'Pacesetter' if you do! Thanks for your immense help to volunteerism!

Bruce Flaherty, President  
Maine Spirit of America  
(a chapter of Spirit of America Foundation)  
622-7311

We anticipate the most common 2017 scenario will be that towns present a resolution (and the 'Municipal Resolution' page at [spiroaf.com](http://spiroaf.com) has samples) to their Spirit of America winner at the annual town meeting

.....  
After your town selects its 2017 winner, please visit website <http://spiroaft.com/soald> (note the 'spiroaft.com' spelling) & follow these steps to enter the info we need from 'you':

Click 'Login' link at top right, enter 'So-222' for both Username and Password, then click 'Log in' button, click 'Home'.

Enter 'Town', 'Winner Name', 'Winner Mailing Address', 'Winner Accomplishments' (15-25 words), 'Occasion of award presentation/ Distinction', 'Dedication', 'Name of Committee Choosing Winner', 'Your Name', 'Your Title', 'County', then click 'Submit'.

Thank you so much for your help!



# Agenda Item Divider





# AWS THE ANIMAL WELFARE SOCIETY, INC.

HOLLAND ROAD • POST OFFICE BOX 43 • WEST KENNEBUNK, MAINE 04094-0043 • 207/985-3244

## ANIMAL SHELTER AGREEMENT, KENNEBUNKPORT

This agreement (the "Agreement") is by and between the Animal Welfare Society, Inc., a non-profit corporation organized and existing under the laws of the State of Maine (herein-after "AWS"), Old Holland Road, West Kennebunk, Maine and the Town of Kennebunkport, Maine (hereafter "Municipality") (collectively, "Parties"). The terms of this Agreement shall take effect on July 1, 2017 and shall remain in effect through June 30, 2018.

WHEREAS, Municipality is required under the laws of the State of Maine to provide shelter at a State licensed animal control shelter (7 M.R.S. § 3949) for stray and lost domesticated companion animals (hereinafter "Animal" or "Animals"); and

WHEREAS, Municipality is required under the laws of the State of Maine to provide services relating to the humane disposition of said Animals in the event they are not claimed by their owners; and

WHEREAS, AWS operates an animal shelter as defined in 7 M.R.S. §3907, which is a suitable facility for the housing and/or disposition of said Animals (hereinafter, the "Shelter") but is not a suitable facility for the housing and/or disposition of any living, sentient creature that is not an Animal;

NOW THEREFORE, the Parties hereby agree as follows:

1. AWS will confine such Animals as may be delivered to it by an authorized agent of the Municipality for the legal impoundment period. At the end of this period, AWS will make such a disposition as it seems fit in accordance with 7 M.R.S. §§3912, 3913, *et. seq.* AWS may refuse delivery of any living, sentient creature that, in the sole and exclusive judgment of AWS, is not an Animal.

2. Delivery of said Animals shall be accepted from the Municipality's Animal Control Officer/Police from 7:30 a.m. to 4:30 p.m., Sunday through Saturday ("Regular Business Hours"). Police and/or Animal Control Officer will be issued a key to an after hours holding room at the Shelter. Persons may deliver Animals found within the boundaries of the Municipality to the Shelter during Regular Business Hours. Animals delivered to AWS by Municipality's Animal Control Officer or Police after hours shall be placed by the person delivering the Animal in pens, kennels, or crates made available in the holding room by AWS for that purpose, to the extent such materials are available to AWS. It is the responsibility of the Police and/or Animal Control Officer delivering an Animal after

hours to provide bedding, food, and water for said Animal as supplied by AWS, to the extent such materials are available to AWS. Where delivery of one or more Animals by the Municipality's Animal Control Officer or Police renders the Shelter unable to humanely confine such Animals in the holding room, the delivering Animal Control Officer or Police shall communicate with designated AWS personnel prior to delivery to verify AWS's ability to confine such Animals. AWS alone retains sole discretion to refuse delivery of one or more Animals where such delivery renders AWS unable to provide appropriate housing and/or disposition of delivered Animals.

3. Police and Animal Control Officers shall take a stray or lost Animal to its owner, if known, or, if the owner is unknown, to the Shelter. Municipality agrees that all Animals apprehended and seized within the boundaries of the Municipality and delivered to the Shelter shall be under the exclusive control and custody of AWS. Moreover, Municipality agrees that AWS shall have the undisputed right, consistent with the laws of the State of Maine, to humanely dispose of every Animal given into its custody in accordance with State laws and the policies and procedures of AWS.

4. AWS will not accept delivery of any injured Animal that has not received proper veterinary care. Municipality agrees that it shall obtain appropriate veterinary care for injured Animals prior to delivery to AWS. In the event that Municipality delivers an injured Animal to the Shelter without first obtaining appropriate veterinary care, AWS, in its sole discretion, may elect either to refuse acceptance of such Animal or to accept delivery of such Animal and procure the veterinary care it deems necessary and appropriate. Municipality agrees to reimburse AWS for the costs of emergency and required veterinary care within ten (10) days from the receipt of an invoice. At no time will the Municipality deliver any injured Animal to the Shelter during hours other than Regular Business Hours unless Municipality has made prior arrangements with AWS.

5. The Municipality agrees to and shall indemnify and hold harmless AWS for any claims arising out of actions and/or inactions of the Municipality's Police Officers and Animal Control Officers in the capturing, detaining, processing, documenting and delivery of any Animal under this Agreement, and for any violation by the Municipality's Animal Control Officer or Police Officers of the provisions of this Agreement, and of applicable laws or regulations.

6. AWS shall assist Municipality's residents in allowing owned Animals to be claimed during Regular Business Hours. AWS will request proof of payment prior to releasing an Animal to its owner and may collect impoundment fees for the Municipality. AWS reserves the right to release an Animal without proof of payment of impoundment fees if a case warrants the release, in AWS' sole judgment. Impoundment fees collected by the AWS on the Municipality's behalf will be forwarded to the Municipality on a quarterly basis, along with a quarterly report of activity and an invoice for contract fee for service.

7. AWS may provide rabies quarantine on a space-available basis for a period of at least ten (10) days to stray dogs and cats found within the Municipality, which have bitten residents of the Municipality ("Rabies Quarantine"). Provision for rabies testing, and the

costs therein, are the sole responsibility of the Municipality and/or its residents. AWS is not obligated to quarantine privately-owned Animals.

8. AWS shall provide to Municipality a detailed, quarterly record of the number of stray or lost Animals seized within the territorial limits of Municipality and received by AWS.

9. Municipality shall be fully responsible for carrying out all enforcement activities required under the laws of the State of Maine and the ordinances of the Municipality, as may be amended. AWS shall not be required to apprehend or seize any Animal found roaming at large.

10. AWS shall make all reasonable efforts to promote Trap, Neuter, Return ("TNR") for feral cats, and return such feral cats that are spayed/neutered, vaccinated, ear tipped and/or micro-chipped to the originating location when possible, and promote caregiver volunteerism and guardianship. The Municipality shall work with AWS and the community to permit and encourage TNR as the preferred method of dealing with feral cats.

11. AWS shall have the sole and exclusive right to determine the responsibility of persons offering to become the owners of unclaimed Animals and the suitability of homes offered, and shall have the sole and exclusive right to accept or reject such applicants' claims to previously unclaimed Animals.

12. Municipality agrees that it shall notify AWS, in writing, of the identities of all of its duly authorized Animal Control Officers. Municipality agrees that it will provide each Animal Control Officer with a copy of the animal control laws of the State of Maine contained in the booklet published by the Maine Animal Welfare Board, the sections of the Municipality's codes or ordinances, which are pertinent to the performance of their duties, and the terms of this Agreement. Animal Control Officers must also be certified as required by 7 M.R.S. § 3947.

13. AWS, its officers, employees, agents and volunteers shall act in an independent capacity during the term of this Agreement and shall not act or hold themselves out as officers, employees, agents or volunteers of Municipality. Municipality, its employees, agents and representatives shall act in an independent capacity during the term of this Agreement and shall not act or hold themselves out as officers, employees, agents or volunteers of AWS. Nothing in this Agreement shall be deemed by either Party or by any third party as creating a joint venture or partnership between AWS and Municipality.

14. AWS agrees to comply with applicable federal and state laws and regulations in the performance of this Agreement.

15. This Agreement shall not be assigned by either Party, without the prior written approval of the other Party.

16. AWS offers to provide the following services to Municipality at no additional cost to Municipality:

- a. Disposal Services: AWS will accept for disposal stray or lost cats or dogs, dead on arrival, from Animal Control Officers, or duly authorized Police.
- b. Telephone Services: To avoid confusion, AWS will take all telephone inquiries regarding reclaiming an Animal and adopting an Animal. Under special circumstances involving suspected abuse or neglect, the Animal Control/Police Officer(s) may request that they be contacted prior to an Animal being reclaimed by its owner.
- c. Lost and Found Pet Services: AWS staff will take lost and found reports to facilitate the return of pets to their owners.
- d. Education Services: AWS staff and volunteers will be available for conducting education programs upon request to any interested community group or organization, including schools, grades Kindergarten through 12.

17. For services provided by AWS to Municipality under this Agreement or under applicable law, the Municipality agrees to pay AWS the total sum of \$4,828.86, which is based on \$1.39 per capita/per year, of the Municipality's population as of 2010 Census (3,474), payable in advance quarterly payments.

Fee Calculation: 3,474 population x \$1.39 per capita = \$4,828.86

18. This Agreement represents the entire agreement between the Parties and no oral or prior written matter shall have any force or effect. No amendment shall be effective without prior express written approval signed by both Parties. Neither Party shall be bound by any conditions not expressly stated in this Agreement.

19. This Agreement is binding upon, and shall inure to the benefit of the heirs, assigns and successors in interest of the Parties hereto.

20. If any provisions of this Agreement shall be adjudged to be invalid or unenforceable by final judgment of a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity of the Agreement and the remaining provisions of the Agreement shall be construed as if not containing such provision and, thereafter, the rights and obligation of the parties shall be construed and enforced under the remaining provisions of the Agreement.

21. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Maine.

22. The fees noted in Paragraph 17, above, shall cover all boarding for Animals delivered to AWS and held other than those pending court proceedings. In the case of

seizures due to cruelty and/or neglect, costs and fees for animal care are the Municipality's responsibility. AWS fee schedules are available upon request.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, in duplicate counterparts, as of the date first above written.

TOWN OF KENNEBUNKPORT, MAINE

By: \_\_\_\_\_ Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

THE ANIMAL WELFARE SOCIETY, INC.

By:  Witness: 

Printed name: Abigail Smith

Printed Name: Terry Hutchins

Its: Executive Director

**KENNEBUNKPORT**

**Quarterly Payment Schedule:**

1st Payment due date:	July 1, 2017	Amount:	\$1,207.22
2nd Payment due date:	October 1, 2017	Amount:	\$1,207.22
3rd Payment due date:	January 1, 2018	Amount:	\$1,207.22
4th Payment due date:	April 1, 2018	Amount:	\$1,207.22
<b>Total</b>			<b>\$ 4,828.88</b>

Date Contract Mailed to Municipality: **FEB 10 2017**

Date Contract Received back by AWS: \_\_\_\_\_





# Agenda Item Divider



# Kennebunkport Public Health

February 16, 2017

At: Kennebunkport Board of Selectmen

Laurie Smith Kennebunkport Town Manager

Please accept this generous donation of \$1000 from the Atlantic Fireman's Association. This gift is to be dedicated to the Kennebunkport Emergency Fuel Program.

Judy Barrett  
Alison Kenneway

Atlantic Firemen's Educational Association Atlantic Hall, PO Box 7080 Cape Porpoise, ME 04014-7080		2078
FEB 15 2017		51-7218/2211
Pay to the Order of	TOWN OF KENNEBUNKPORT	\$ 1,000.00
ONE THOUSAND AND NO/100		Dollars
People's United Bank		
For FUEL ASSISTANCE PROGRAM		Richard L. Smith
2078		

KENNEBUNKPORT PUBLIC HEALTH

February 16, 2017

ATT: Mary Jane Grant,

Please deposit this generous donation of \$1000 from the Atlantic Fireman's Association into the Kennebunkport Fuel Assistance program, account#29-08-01-50.

Thanks!

Judy Barrett  
Alison Kenneway

Atlantic Firemen's Educational Association Atlantic Hall, PO Box 7880 Cape Porpoise, ME 04014-7680		2078
FEB 15 2017		51-7218/2211
Pay to the Order of	TOWN OF KENNEBUNKPORT	\$ 1,000. <sup>00</sup>
ONE THOUSAND AND NO/100		Dollars
People's United Bank		
For FUEL ASSISTANCE PROGRAM		Richard Smith
		2078