

TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

**Board of Selectmen
Village Fire Station – 32 North Street
May 11, 2017 – 7:00 PM**

1. Call to Order.
2. Approve the April 13, 25, 27, and May 1, 2017, selectmen meeting minutes.
3. Consider a liquor license renewal application for CAI Properties, LLC, d.b.a. Cape Arundel Inn, 208 Ocean Avenue.
4. Consider a special amusement permit renewal application for CAI Properties, LLC, d.b.a. Cape Arundel Inn, 208 Ocean Avenue.
5. Consider a liquor license renewal application for Tides Beach Club, LLC, d.b.a. Tides Beach Club, 254 Kings Highway.
6. Consider a special amusement permit renewal application for Tides Beach Club, LLC, d.b.a. Tides Beach Club, 254 Kings Highway.
7. Consider a liquor license renewal application for The Boathouse of Kennebunkport, LLC, d.b.a. The Boathouse Hotel, 21 Ocean Avenue.
8. Consider a special amusement permit renewal application for The Boathouse of Kennebunkport, LLC, d.b.a. The Boathouse Hotel, 21 Ocean Avenue.
9. Consider a liquor license renewal application for Fishing Pole Lane, LLC., d.b.a. Hidden Pond, 354 Goose Rocks Road.
10. Consider a special amusement permit renewal application for Fishing Pole Lane, LLC., d.b.a. Hidden Pond, 354 Goose Rocks Road.
11. Consider a liquor license renewal application for Ivy One, LLC., d.b.a., Old Fort Inn, 8 Old Ford Avenue.

12. 7 PM Public Hearing to consider the following warrant articles for June Town Meeting:
 - a. Amendment to the Shellfish Ordinance.
 - b. Amendment to the Administrative Code.
 - c. Enactment of Key Lock Box Ordinance.
13. 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.).
14. Approve certification of the proposed ordinances.
15. Consider the Arbor Day Proclamation.
16. Consider request to install landscaping material in the Town right of way at the corner of Langsford Road and Pier Road
17. Award bid for Chicks Creek and Green Street pump stations upgrades.
18. Consider the Government Wharf budget.
19. Consider a request to reserve parking spaces at Government Wharf for commercial fishermen.
20. Consider the Cape Porpoise Pier budget.
21. Authorize rounding to the nearest dollar in collection of building permit fees.
22. Authorize write-off of uncollected personal property taxes.
23. Amend Sewer Use Ordinance Article V. Sections 2 and 14.
24. Review of Recreational Marijuana Presentation.
25. Accept a \$50 donation from Peter and Ann Bergin to the Conservation Commission in memory of Elizabeth "Pixie" Lown.
26. Sign the Certificates of Commitment of Sewer User Rates.
27. Other business.
28. Approve the May 11, 2017, Treasurer's Warrant.
29. Adjournment.

**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station – 32 North Street
April 13, 2017 – 6:00 PM**

Minutes of the Selectmen Meeting of April 13, 2017

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

Others present: Ralph Austin, Geoff Bowley, Justin Brewer, Ted Carter, Michael Claus, Michael Davis, Steve Doe, Steve Durrell, Keith Harrington, David James, Arlene McMurray, Laurie Smith, and others

1. Call to Order.

Chair Barwise called the meeting to order at 6:00 PM.

2. Approve the March 16, and 23, 2017, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the March 16, 2017, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Barwise abstained because he was not present at that meeting.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the March 23, 2017, selectmen meeting minutes. **Vote:** 5-0.

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 application from Wahwa Family Limited Partnership to remove existing concrete dock and install a new 8 ft x 60 ft long timber dock with one granite support and a ramp and float at 22 Agamentitus Avenue.

Steve Durell from Prock Marine explained the details of the project. He mentioned that at the site walk, there were concerns about whether a boat tied to the end of the dock would be in the channel. To address those concerns, he developed a design that shortens the length by 5 feet.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the Wahwa Family Limited Partnership dock application to move forward to the Planning Board. **Vote:** 5-0.

5. Discussion of New Biddeford Road sewer extension project.

Town Manager Laurie Smith explained that town staff would like the Board to vote to extend the sewer main along New Biddeford Road to the Binnacle Hill subdivision. This project would include 18 sewer connections. She said the new sewer users could repay the Town. They also recommend an amendment to the Sewer Ordinance to increase the sewer connection fees to \$4,000.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to expend the sewer capital reserve funds for sewer connections on New Biddeford Road and to put this on the June 2017 Town Warrant. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to amend the Sewer Ordinance to raise the sewer connection fee from \$2,000 to \$4,000 and to move forward with this sewer extension project on New Biddeford Road. **Vote:** 5-0.

6. Consider request to install landscaping material in the Town right of way at the corner of Langsford Road and Pier Road.

Tim Harrington would like permission to install landscaping in the Town right of way at the corner of Langsford Road and Pier Road. The Right-of-Way and Road Infringement Ordinance requires approval for items in the ROW from the Police Chief and Public Works Director before going to the Board of Selectmen.

Ted Carter explained the project and answered questions from the Board. The Board wanted more parking, and expressed concern about snow placement, and having this recorded that it is on town property.

Attorney Ralph Austin said it would be recorded on the deed that it is on town property.

After much discussion, Mr. Carter asked for time to redesign the landscaping to address the Board's concerns. So, item 7 was addressed next.

7. Authorization to expend up to \$1,000 for new Goose Rocks Beach brochures.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to expend up to \$1,000 for new Goose Rocks Beach brochures. **Vote:** 5-0.

8. Set the 2017 fees for Goose Rocks Beach parking stickers.

Current fees are:

Resident seasonal	\$5.00
Nonresident daily	\$15.00
Nonresident weekly	\$50.00
Nonresident seasonal	\$100.00

Motion by Selectman Daggett, seconded by Selectman Hutchins, to keep the 2017 Goose Rocks Beach parking stickers as they were in 2016:

Resident seasonal	\$5.00
Nonresident daily	\$15.00
Nonresident weekly	\$50.00
Nonresident seasonal	\$100.00

Vote: 5-0.

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

Motion by Selectman Daggett, seconded by Selectman Hutchins, to adopt the Goose Rocks Beach Parking Sticker Rules/Regulations. **Vote:** 5-0.

10. Award paving bids.

Public Works Director Mike Claus presented the bids. The Town received three bids:

Pike Industries	\$1,171.557
Dayton Sand and Gravel	\$1,242.636
Shaw Brothers Construction	\$1,577.590

Discussion followed. The Board was very disappointed that Pike Industries did not honor their contract with the Town in 2009. As a result, although Pike was the low bid, some wanted to award the bid to Dayton Sand and Gravel.

Justin Brewer explained that he did not work for Pike Industries in 2009, and could understand the Board's resistance. He said there is a change in management, and those people are no longer working for Pike. He stated that Pike has the ability to meet the Town's schedule.

Mr. Claus said that since Pike did not honor their price in 2009, the Town hired Dayton Sand and Gravel, and they did a good job. He said the DOT likes Pike, and communication has improved.

Mrs. Smith added that last year Dayton had a hard time meeting the Town's schedule.

Selectman Matthews-Bull commented that she did not think they would let the Town down for a second time.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to award the paving bids to Pike Industries. **Vote:** 4-1/Selectman Daggett voted against.

Chair Barwise requested that Mr. Brewer make it clear the Board's displeasure of their last performance and that the Town is giving them a second chance.

6. Continued—Consider request to install landscaping material in the Town right of way at the corner of Langsford Road and Pier Road.

Item 6 was re-addressed next. It was decided that they need more time to up with a new design. They will bring one back at a future meeting.

11. Authorization to enter into a contract with K Systems for audio visual installation at Police Department and Fire Station.

Mike David, town videographer, said K Systems will be able to install equipment at both the fire station and police department. He said it is better not to break it down into different components. He has dealt with K Systems in Kennebunk and was satisfied with this company. (See Exhibit A).

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett, to enter into a contract with K Systems for audio visual installation at the police department and fire station for a total cost of \$112,638.00.

12. Other business.

Selectman Daggett announced that David James was reappointed to the York County Budget Board.

Selectman Matthews-Bull wished Selectman Barwise a happy birthday.

Public Works Director Michael Claus said it is hoped that the Mat Lanigan Bridge will be open at 7 PM tomorrow.

13. Approve the April 13, 2017, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the April 13, 2017, Treasurer's Warrant. **Vote:** 5-0.

14. Adjournment.

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

The meeting adjourned at 7:17 PM.

Submitted by

Arlene McMurray
Administrative Assistant



Kennebunkport
MAINE

Police Audio Estimate

Microphones..... \$ **7,544.20**

(2) Handheld Wireless System	\$	900.00
(16) Headset System	\$	1,439.20
(12) Gooseneck System	\$	3,900.00
(8) Mute Management System	\$	280.00
(3) 8 Channel Sub-Snake	\$	450.00
(1) 24 Channel Snake (Chambers to Control Room)	\$	575.00

Podium Microphone..... \$ **325.00**

(1) Gooseneck Microphone Long & Base	\$	325.00
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Speakers..... \$ **555.00**

(6) Ceiling Speaker	\$	555.00
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Electronics..... \$ **11,975.00**

(1) Lab Gruppen Power Amplifier	\$	700.00
(1) Symetrix Digital Processing System	\$	7,695.00
(1) Computer With Medium Format Monitor	\$	995.00
(1) 5 Port Switch	\$	80.00
(1) Rack Mount Power Outlets With OVRc	\$	715.00
(1) Rack Mount UPS With OVRc	\$	1,195.00
(1) Rack Mount Power & Breaker With Cable	\$	595.00

Rack & Components..... \$ **1,789.80**

(1) 27 RU Free Standing Rack	\$	799.95
(3) Rack Shelf	\$	104.85
(1) Storage Drawer • Rack Mount	\$	195.00
Custom Cable Package	\$	345.00
16/4 Speaker Wire	\$	50.00
Materials Related to Install	\$	295.00

Total..... \$ **22,189.00**



Kennebunkport
MAINE

Fire Audio Estimate

Microphones..... \$ **5,519.20**

(2) Handheld Wireless System	\$	900.00
(16) Headset System	\$	1,439.20
(8) Gooseneck System	\$	2,600.00
(8) Mute Management System	\$	280.00
(2) 8 Channel Sub-Snake	\$	300.00

Podium Microphone..... \$ **325.00**

(1) Gooseneck Microphone Long & Base	\$	325.00
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Speakers..... \$ **555.00**

(6) Ceiling Speaker	\$	555.00
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Electronics..... \$ **11,975.00**

(1) Lab Gruppen Power Amplifier	\$	700.00
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(1) Rack Mount Power & Breaker With Cable	\$	595.00

Rack & Components..... \$ **1,789.80**

(1) 27 RU Free Standing Rack	\$	799.95
(3) Rack Shelf	\$	104.85
(1) Storage Drawer • Rack Mount	\$	195.00
Custom Cable Package	\$	345.00
16/4 Speaker Wire	\$	50.00
Materials Related to Install	\$	295.00

Total..... \$ **20,164.00**



Kennebunkport
MAINE

Police Video Estimate

Cameras System..... **\$ 22,935.00**

(5) PTZ HD Cameras	\$	12,495.00
Video Mixer	\$	7,995.00
Computer Inputs	\$	250.00
Joystick Control & Presets	\$	1,000.00
Large Format Monitor	\$	450.00
Camera Cabling Package	\$	450.00
Custom Cabling Package	\$	295.00

Electronics..... **\$ 3,525.00**

BluRay	\$	75.00
Storage Solution	\$	2,950.00
Video Conferencing Solution	\$	500.00

Total..... **\$ 26,460.00**



Kennebunkport
MAINE

Fire Video Estimate

Cameras System..... **\$ 22,935.00**

(5) PTZ HD Cameras	\$	12,495.00
Video Mixer	\$	7,995.00
Computer Inputs	\$	250.00
Joystick Control & Presets	\$	1,000.00
Large Format Monitor	\$	450.00
Camera Cabling Package	\$	450.00
Custom Cabling Package	\$	295.00

Electronics..... **\$ 3,525.00**

BluRay	\$	75.00
Storage Solution	\$	2,950.00
Video Conferencing Solution	\$	500.00

TV's..... **\$ 2,015.00**

(2) 55" Monitor	\$	1,100.00
(2) Articulating Bracket	\$	590.00
Wiring	\$	325.00

<u>Total.....</u>	\$	28,475.00
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Kennebunkport
M A I N E

Fiber Estimate

Converters..... \$ 0.00

Electronics..... \$ 0.00

Total..... \$ 0.00



Summary

<u>Audio.....</u>	\$ 42,353.00
<u>Video.....</u>	\$ 54,935.00
<u>Fiber.....</u>	\$ 0.00
<u>Installation Labor.....</u>	\$ 9,100.00
<u>Commission System & Consult.....</u>	\$ 3,250.00
<u>Contingency.....</u>	\$ 2,500.00
<u>Freight.....</u>	\$ 500.00
<u>Estimated Sales Tax (Exempt).....</u>	\$ 0.00
<u>Total.....</u>	\$ 112,638.00



Agenda Item Divider



**Town of Kennebunkport
Selectmen's Meeting
April 25, 2017
1:30 p.m. – Town Hall – 6 Elm Street**

Minutes of the Selectmen's Meeting of April 25, 2017

Selectmen attending: Stuart E. Barwise, Patrick A. Briggs, Sheila Mathews-Bull, Allen A. Daggett, and Ed Hutchins

Others: Werner Gilliam, Laurie Smith, and Amy Tchao

1. Call to Order.

Chair Barwise called the meeting to order at 1:33 P.M.

2. Executive Session per MRSA 1, §405-6E to consult with town attorney regarding pending litigation—Jon Eagleson v. Town of Kennebunkport and Kennebunkport Conservation Trust.

Motion by Selectman Briggs, seconded by Selectman Daggett, to go into executive session per MRSA 1, §405-6E to consult with the town attorney regarding pending litigation—Jon Eagleson v. Town of Kennebunkport and Kennebunkport Conservation Trust. **Vote:** 5-0.

The Board went into executive session at 1:33 PM.

The Board came out of executive session at 2:20 PM.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs to authorize the Town Counsel to prepare an appeal in the case of Jon Eagleson vs. Town of Kennebunkport and Kennebunkport Conservation Trust in order to defend the Planning Board and our ordinances. **Vote:** 4-1/Selectman Hutchins voted against.

3. Adjournment.

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

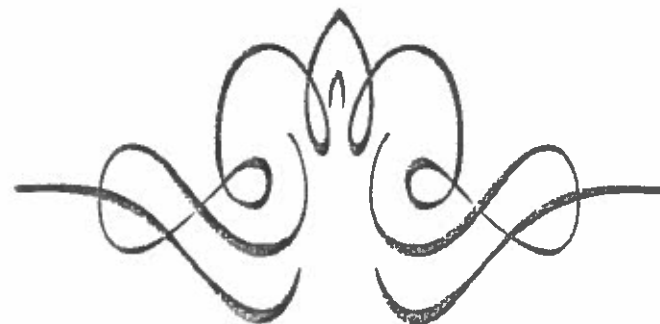
The meeting adjourned at 2:31 P.M.

Submitted by

Laurie A. Smith
Town Manager



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station – 32 North Street
April 27, 2017 – 6:00 PM**

Minutes of the Selectmen Meeting of April 27, 2017

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

Others present: Ralph Austin, Jim Burrows, Michael Claus, Michael Davis, Steve Doe, Werner Gilliam, Shawn Hayes, David James, Loreta McDonnell, Arlene McMurray, Becky Nolette, Laurie Smith, and others

1. Call to Order.

Chair Barwise called the meeting to order at 6:00 PM. He introduced his granddaughter, Olivia, sitting to his right.

2. Approve the April 6, and 7, 2017, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the April 6 and 7, 2017, selectmen meeting minutes. **Vote:** 4-0-1/Selectman Matthews-Bull abstained because she was not present at those meetings.

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.).

Vice-Commander of the American Legion Shawn Hayes asked for clarification on the process for getting a Mass Gathering Permit for the Memorial Day Parade. He said he never knew he needed a permit and he has been doing this event for six years. He thought this was the Town's event.

Town Manager Laurie Smith explained that the American Legion sponsors this event. She requested that he contact her to discuss this further.

Chair Barwise added that it is just a matter of process that must have been overlooked in the past.

David James asked about the status of the executive session on April 25.

Chair Barwise responded that the Board met with the Town attorney in executive session regarding a legal case. He said the Board voted 4-1 to authorize the Town attorney to prepare an appeal.

4. Consider a renewal liquor license application submitted by the Peter Ciriello, DBA Edgewater Hospitality, LLC, The Edgewater Inn, 126 Ocean Avenue.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the renewal liquor license application submitted by the Peter Ciriello, DBA Edgewater Hospitality, LLC, The Edgewater Inn, 126 Ocean Avenue. **Vote:** 5-0.

5. Consider a renewal liquor license application submitted by OWR, LLC, DBA Ocean Woods Resort/PJ's Pub and Dining, 71 Dyke Road.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the renewal liquor license application submitted by OWR, LLC, DBA Ocean Woods Resort/PJ's Pub and Dining, 71 Dyke Road. **Vote:** 5-0.

6. Consider a renewal liquor license application submitted by MacDonald Management, Inc., DBA Hurricane Restaurant, 29 Dock Square.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by MacDonald Management, Inc., DBA Hurricane Restaurant, 29 Dock Square. **Vote:** 5-0.

7. Consider a renewal special amusement permit application submitted by Luanne MacDonald, DBA Hurricane Restaurant, 29 Dock Square.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal special amusement permit application submitted by Luanne MacDonald, DBA Hurricane Restaurant, 29 Dock Square. **Vote:** 5-0.

8. Consider unconditional gift of sewer extension along New Biddeford Road for June Town Meeting Warrant.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to place the unconditional gift of a sewer extension along New Biddeford Road on the June Town Meeting Warrant. **Vote:** 5-0.

9. Sign the June 2017 Town Meeting Warrant.

Jim Burrow explained why Article 44 below was added to the June 2017 Town Meeting Warrant.

Article 44: To see if the Town will vote to authorize the transfer of a 1991 E-One Federal Pumper Truck, VIN # 46J7BAA80M1003536, commonly known as Kennebunkport Engine #33, from the Town of Kennebunkport Fire Department to the Goose Rocks Fire Company with the condition that if the Goose Rocks Fire Company sells said "Engine 33", all proceeds of the sale will be used toward the purchase of fire apparatus to be owned by the Town.

Motion by Selectman Matthews-Bull, seconded by Selectman Daggett to recommend the June 2017 Town Meeting Warrant to the voters. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to add Article 44 to the June 2017 Town Meeting Warrant. **Vote:** 5-0.

The Board signed the June 2017 Town Meeting Warrant.

10. Set the public hearing date to consider the warrant articles for the June Town Meeting ballot for May 11, 2017.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to set the public hearing date to consider the warrant articles for the June Town Meeting ballot for May 11, 2017. **Vote:** 5-0.

11. Countersign the RSU 21 Budget Validation Referendum Election Warrant.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to countersign the RSU 21 Budget Validation Referendum Election Warrant. **Vote:** 5-0.

12. Award the bid for the purchase of 14 Scott SCBA air cylinders.

Dick Stedman explained that this is a routine purchase, but could change. He said Fire Tech and Safety and Industrial Protection Services are the only two Scott dealers authorized to sell this product in Maine.

Below are the bids received:

	Quantity	Price Each	Total
Fire Tech and Safety	14	\$760.00	\$10,640.00
Industrial Protection	14	\$840.00	\$11,760.00
Wise Safety	14	\$1,277.64	\$17,886.96
Grainger	14	\$1,471.00	\$20,594.00

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to award the bid for the purchase of 14 Scott SCBA air cylinders to Fire Tech and Safety for a total cost of \$10,640. **Vote:** 5-0.

13. Consider the Wastewater Department budget.

Michael Claus, who is filling in for Allan Moir, wastewater superintendent, said the user fee increased by \$13, and is now \$444.00.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the Wastewater Department budget. **Vote:** 5-0.

14. Consider the Dock Square budget.

Ms. Smith explained the Dock Square budget.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve Dock Square budget. **Vote:** 5-0.

15. Authorization to expend up to \$3,000 for a summer Maine Audubon intern to work with piping plover project.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to authorize to expend up to \$3,000 for a summer Maine Audubon intern to work with the piping plover project. **Vote:** 5-0.

16. Meet as Assessors to consider the following abatement requests:

Property Owner	Location	Map	Blk	Lot(s)	Tax Abatements 2017
Tracy Ramsey	207 Kings Highway, Unit 1	34	1	20A	\$1,217.99
Babak & Anne Ghayour	Henchey Way	41	2	8	Denied
Babak & Anne Ghayour	22 Skipper Joes Point RD	30	6	5	\$3,385.70

Assessor's Assistant Becky Nolette explained the abatement requests and the reason for denial or approval.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to follow the recommendations of Assessor's Assistant Becky Nolette to approve the tax abatement of \$1,217.99 for Tracy Ramsey, 107 Kings Highway, Unit 1. **Vote:** 5-0.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to follow the recommendations of Assessor's Assistant Becky Nolette and deny the abatement for Babak & Anne Ghayour of Henchey Way. **Vote:** 5-0.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to follow the recommendations of Assessor's Assistant Becky Nolette and approve the tax abatement of \$3,385.70 for Babak & Anne Ghayour, 22 Skipper Joes RD. **Vote:** 5-0.

17. Consider a street opening permit for Sand Dollar Associates, 19 Ocean Avenue, map 11, lot 1, block 11B, to connect to the town sewer.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the street opening permit for Sand Dollar Associates, 19 Ocean Avenue, map 11, lot 1, block 11B, to connect to the town sewer. **Vote:** 5-0.

18. Consider a street opening permit for JTJ Development, Dyke Road, to install a new water main extension.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the street opening permit for JTJ Development, Dyke Road, to install a new water

19. Approve the Treasurer's Disbursement Warrant Policy.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the Treasurer's Disbursement Warrant Policy. **Vote:** 5-0.

20. Authorize sewer waiver of foreclosure for Brian Strack.

Ms. Smith said the Town is not allowed to foreclose on properties in bankruptcy.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to authorize the sewer waiver of foreclosure for Brian Strack. **Vote:** 5-0.

21. Accept a donation in the amount of \$280 from the quilters who meet at Atlantic Hall to be directed to the emergency fuel program.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to accept a donation in the amount of \$280 from the quilters who meet at Atlantic Hall to be directed to the emergency fuel program. **Vote:** 5-0.

22. Other business.

a. Tri-Town meeting re: recreational marijuana – May 1, 6 PM, at KES.

Ms. Smith announced that attorneys will be presenting information on recreational marijuana at a meeting on May 1, at 6 PM, at the Kennebunk Elementary School.

b. Southern Maine Regional Planning Commission dredging study grant proposal to Maine State Coastal Planning Office.

Ms. Smith said Southern Maine Regional Planning Commission is applying for a dredging study grant to see whether it is cost effective and efficient for coastal communities in southern Maine to undertake a dredge project. She said she wrote a letter of support for the project and offered \$1,000 cash match to the grant.

c. University of Maine Public Policy Intern for summer of 2017.

Ms. Smith said the Town was able to secure an intern for this summer. She will be coming at the end of May. She also announced that Selectmen meetings will go back to starting at 7 PM.

Selectman Briggs said many towns are having chalk fests or competitions where they take portions of the road, sidewalk, or parking lot to draw. He said they are having an artist come in to see the best way to do this. He will provide more in-

formation at a future meeting of when "chalking" is coming to the Port.

23. Approve the April 27, 2017, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the April 27, 2017, Treasurer's Warrant. **Vote:** 5-0.

Mrs. Smith requested that the Board go into executive session per MRSA 1, §405-6A to discuss personnel matters.

Motion by Selectman Daggett, seconded by Selectman Briggs, to go into executive session per MRSA 1, §405-6A to discuss personnel matters. **Vote:** 5-0.

The Board went into executive session at 6:45 PM.

The Board came out of executive session at 7:32 PM. No action was taken.

24. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to adjourn. **Vote:** 5-0.

The meeting adjourned at 7:32 PM.

Submitted by

Arlene McMurray
Administrative Assistant



Agenda Item Divider



**Town of Kennebunkport
Board of Selectmen Special Meeting
Kennebunk Elementary School – 177 Alewife Road
May 1, 2017 – 6:00 PM**

Minutes of the Selectmen Meeting of May 1, 2017

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

Selectman absent: Sheila Matthews-Bull

Others present: Ben McCall, Durwood Parkinson, Leah Rachin, Laurie Smith, members of RSU 21 Board of Directors, and Selectmen, Planning Board, and Public Safety members from Arundel and Kennebunk.

1. Call to Order.

Chair Barwise called the meeting to order at 6:00 PM.

2. Presentation on potential impacts of recreational marijuana.

Attorney Durwood Parkinson, Leah Rachin, and Ben McCall presented information on recreational marijuana and answered questions from the audience.

3. Adjournment.

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

Vote: 4-0.

The meeting adjourned at 7:42 PM.

Submitted by

Laurie A. Smith
Town Manager



Agenda Item Divider



(3)

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

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

NEW application: ☒ Yes ☒ No

PRESENT LICENSE EXPIRES 6/6/17 5/15/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

- INDICATE TYPE OF LICENSE:
- | | | |
|---|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input checked="" type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: CAI Properties LLC			Business Name (D/B/A) The Cape Arundel Inn		
APPLICANT(S) -(Sole Proprietor)			Physical Location: 208 Ocean Ave		
DOB:			City/Town Kennebunkport		
DOB:			State ME		Zip Code 04046
Address 2 Livewell Drive Suite 203			Mailing Address 2 Livewell Drive Suite 203		
City/Town Kennebunk		State ME	City/Town Kennebunk		State ME
Zip Code 04043			Zip Code 04043		
Telephone Number 207-967-1503		Fax Number 207-967-1516	Business Telephone Number 207-967-2125		Fax Number
Federal ID. #			Seller Certificate #: or Sales Tax #: 1162110 (Resale ID)		
Email Address: Please Print colleen@krcmaine.com			Website: www.capearundelinn.com		

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: 14
2. State amount of gross income from period of last license: ROOMS \$ 900K FOOD \$ 900K LIQUOR \$ 250K
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: Jana Bissonnette

6. Business records are located at: 2 Livewell Dr. Ste 203 Kennebunk, ME 04043

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 ☐



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —
MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant CAI Properties LLC
Residence Address 2 Livewell Dr Ste 203 Kennebunk, ME 04043
Home Telephone Number 207 967 1803
Name of Business Cape Arundel Inn
Business Address 208 Ocean Ave Kennebunkport, ME 04046
Type of Business Inn / Restaurant
Business Telephone Number 207-967-2125
Nature of Special Amusement Live Music

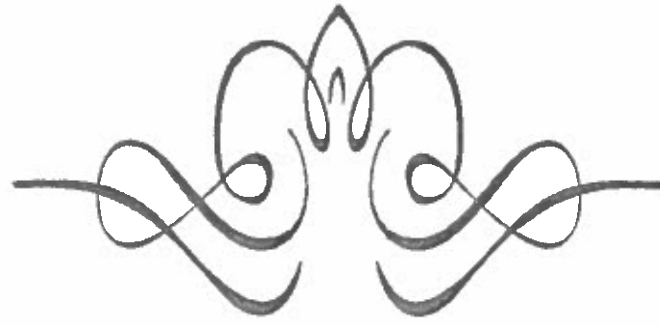
Has your liquor and or amusement license ever been denied or revoked?

Yes _____ No X

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

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

Justin D. Gimes
applicant Dir. of Operations



Agenda Item Divider



5

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

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

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 5/25/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Tides Beach Club LLC			Business Name (D/B/A) Tides Beach Club		
APPLICANT(S) --(Sole Proprietor) DOB:			Physical Location: 254 Kings Highway		
DOB:			City/Town Kennebunkport	State ME	Zip Code 04046
Address 2 Livewell Drive Suite 203			Mailing Address 2 Livewell Drive Suite 203		
City/Town Kennebunk	State ME	Zip Code 04043	City/Town Kennebunk	State ME	Zip Code 04043
Telephone Number 207-967-1503	Fax Number 207-967-1516		Business Telephone Number 207-967-3757	Fax Number	
Federal I.D. # 15-0000000			Seller Certificate #: or Sales Tax #: 1162110 (Resale ID)		
Email Address: Please Print colleen@krcmaine.com			Website: www.capearundelinn.com		

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: 21
2. State amount of gross income from period of last license: ROOMS \$ 1M FOOD \$ 700K LIQUOR \$ 300K
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: Emily Nelson

6. Business records are located at: 2 Livewell Dr. Ste 203 Kennebunk, ME 04043

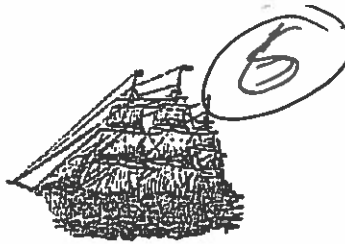
7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

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



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —
MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Tides Beach Club LLC
Residence Address 2 Live Well Dr Kennebunk, ME 04043
Home Telephone Number 207 967-1503
Name of Business Tides Beach Club
Business Address 254 Kenzo Highway Kennebunkport, ME 04046
Type of Business Inn/Restaurant
Business Telephone Number 207-967-~~3757~~ 3757
Nature of Special Amusement Live Music

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

Yes _____ No X

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

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

[Signature] Joshua Gons
applicant Dr. of Operations



Agenda Item Divider



7

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

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

NEW application: ☒ Yes ☒ No

PRESENT LICENSE EXPIRES 5/14/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Boathouse at Kennebunkport LLC			Business Name (D/B/A) The Boathouse Hotel		
APPLICANT(S) –(Sole Proprietor) DOB:			Physical Location: 21 Ocean Ave		
DOB:			City/Town Kennebunkport	State ME	Zip Code 04046
Address 2 Livewell Drive Suite 203			Mailing Address 2 Livewell Drive Suite 203		
City/Town Kennebunk	State ME	Zip Code 04043	City/Town Kennebunk	State ME	Zip Code 04043
Telephone Number 207-967-1503	Fax Number 207-967-1516	Business Telephone Number 207-967-8223			
Federal I.D. #			Seller Certificate #: or Sales Tax #: 1162111 (Resale ID)		
Email Address: Please Print colleen@krcmaine.com			Website: www.boathouseme.com		

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: 25
2. State amount of gross income from period of last license: ROOMS \$ 800k FOOD \$ 2.4M LIQUOR \$ 1.4M

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: Jeff Fightmaster

6. Business records are located at: 2 Livewell Dr. Ste 203 Kennebunk, ME 04043

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 ☐



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —
MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant The Boathouse at Kennebunkport LLC
Residence Address 2 Llewellyn Dr Ste. 703 Kennebunk ME 04043
Home Telephone Number 207-967-1503
Name of Business The Boathouse Hotel
Business Address 21 Ocean Ave Kennebunkport, ME 04046
Type of Business Hotel / Restaurant
Business Telephone Number 207 967-8223
Nature of Special Amusement Live Music

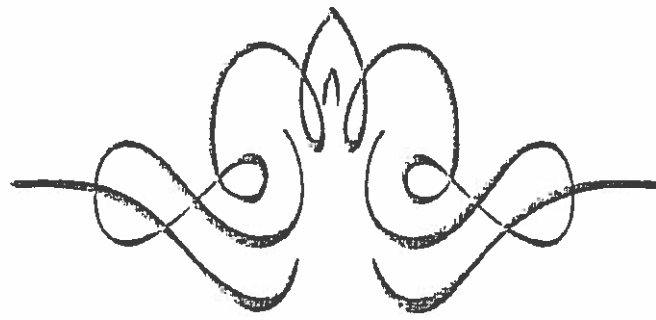
Has your liquor and or amusement license ever been denied or revoked?

Yes _____ No X

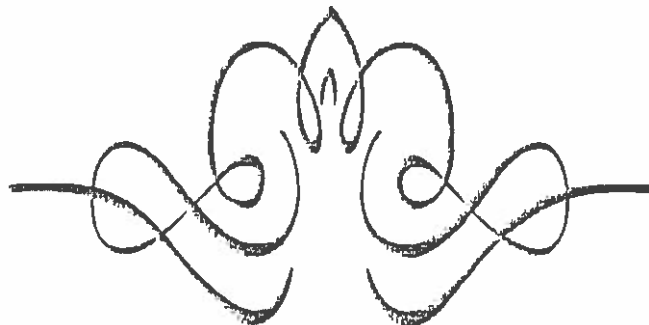
If yes, describe circumstances specifically. (Attach additional page if necessary)

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

Justin Grimes
applicant
Justin Grimes
Dir. of Operations



Agenda Item Divider



9

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

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

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 5/25/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Fishing Pole Lane LLC			Business Name (D/B/A) Hidden Pond		
APPLICANT(S) –(Sole Proprietor) DOB:			Physical Location: 354 Goose Rocks Road		
DOB:			City/Town Kennebunkport	State ME	Zip Code 04046
Address 2 Livewell Drive Suite 203			Mailing Address 2 Livewell Drive Suite 203		
City/Town Kennebunk	State ME	Zip Code 04043	City/Town Kennebunk	State ME	Zip Code 04043
Telephone Number 207-967-1503	Fax Number 207-967-1516		Business Telephone Number 207-967-3757	Fax Number	
Federal I.D. #			Seller Certificate #: or Sales Tax #: 1131323 (Resale ID)		
Email Address: Please Print colleen@krcmaine.com			Website: www.hiddenpondmaine.com		

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: 36
2. State amount of gross income from period of last license: ROOMS \$ 3M FOOD \$ 1M LIQUOR \$ 300K
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

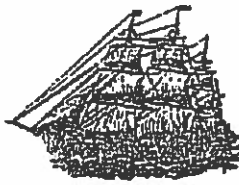
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
5. If manager is to be employed, give name: Kristen Caouette
6. Business records are located at: 2 Livewell Dr. Ste 203 Kennebunk, ME 04043
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 ☐



Agenda Item Divider





10

TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —
MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Fishing Pole Lane LLC
Residence Address 2 Livewell Dr Kennebunk, ME 04043
Home Telephone Number 207 967 1503
Name of Business Hidden Pond
Business Address 354 Crose Rock Rd Kennebunkport, ME 04046
Type of Business Resort/Hotel/Restaurant
Business Telephone Number 207 967 - 9050
Nature of Special Amusement Live music

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

Yes _____ No X

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

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

Justin Grimes
applicant

Justin Grimes
Dir. of Operations



Agenda Item Divider



11

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

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

NEW application: ☒ Yes ☒ No

PRESENT LICENSE EXPIRES ~~01/01/17~~ 5/18/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Ivy One LLC			Business Name (D/B/A) The Old Fort Inn		
APPLICANT(S) --(Sole Proprietor)			DOB:		
			Physical Location: 8 Old Fort Avenue		
DOB:			City/Town Kennebunkport	State ME	Zip Code 04046
Address 2 Livewell Drive Suite 203			Mailing Address 2 Livewell Drive Suite 203		
City/Town Kennebunk	State ME	Zip Code 04043	City/Town Kennebunk	State ME	Zip Code 04043
Telephone Number 207-967-1503	Fax Number 207-967-1516	Business Telephone Number 207-967-0355			
Federal I.D. #			Seller Certificate #: or Sales Tax #: 017970 (Resale ID)		
Email Address: Please Print colleen@krcmaine.com			Website:		

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

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 16
- State amount of gross income from period of last license: ROOMS \$ 500k FOOD \$ 20K LIQUOR \$ 10K
- 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.

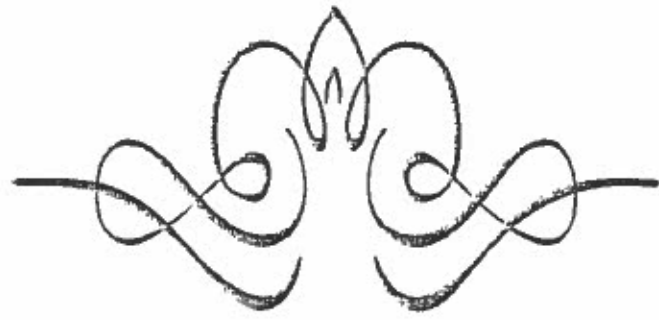
4. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

5. If manager is to be employed, give name: Jana Bissonnette

6. Business records are located at: 2 Livewell Dr. Ste 203 Kennebunk, ME 04043

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 ☐



Agenda Item Divider



12 (SEE NO. 14)

**TOWN OF KENNEBUNKPORT
NOTICE OF PUBLIC HEARINGS
PLEASE TAKE NOTICE**

A public hearing will be held at the
Kennebunkport Village Fire Station at 32 North Street
on Thursday, May 11, 2017 at 6:00 p.m.
by the Kennebunkport Board of Selectmen
to take public comment on the following topic
to be voted on by Referendum Ballot at the
June 13, 2017 Annual Town Meeting.

1. Amendment to the Kennebunkport Shellfish Conservation Ordinance regarding:
 - a. residency of the Shellfish Warden
 - b. additional language regarding harvesting shellfish in a closed area
2. Amendment to the Administrative Code regarding residency of the Shellfish Warden.
3. Proposed Key Lock Box Ordinance requiring that new and renovated buildings shall have a key lock box installed on the exterior of the structure to aid the Fire Department and Emergency Medical Services in gaining access when responding to calls.

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

Tracey O'Roak, Town Clerk

14

CERTIFICATION OF PROPOSED ORDINANCE

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

“2017 Amendment to the Shellfish Conservation Ordinance”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 13, 2017.

Dated this 11th day of May, 2017, at Kennebunkport, Maine.

Edward W. Hutchins, II

Stuart E. Barwise

Allen A. Daggett

Sheila W. Matthews-Bull

Patrick A. Briggs

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

PROPOSED AMENDMENT TO THE SHELLFISH CONSERVATION ORDINANCE

Shall an ordinance entitled “2017 Amendment to the Shellfish Conservation Ordinance” be enacted?

[Note of Explanation: This amendment will remove the requirement that the Shellfish Warden be a resident of Kennebunkport as well as add more restrictive language regarding harvesting shellfish in a closed area.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed.

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-sanitation-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.

June 9, 2009 version



Agenda Item Divider



14

CERTIFICATION OF PROPOSED ORDINANCE

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

"Town of Kennebunkport Key Lock Box Ordinance"

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 13, 2017.

Dated this 11th day of May, 2017, at Kennebunkport, Maine.

Edward W. Hutchins, II

Stuart E. Barwise

Allen A. Daggett

Sheila W. Matthews-Bull

Patrick A. Briggs

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

PROPOSED KEY LOCK BOX ORDINANCE

Shall an ordinance entitled “Town of Kennebunkport Key Lock Box Ordinance” be enacted?

[Note of explanation: This ordinance will require that new and renovated buildings shall have a key lock box installed on the exterior of the structure(s) to aid the Fire Department and Emergency Medical Services in gaining access when responding to calls.]

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 (KPFd) 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 KPFd 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.

Existing Structures: Additions or renovations greater than \$20,000 to any structure that has an automatic fire alarm system or an automatic suppression system existing as of 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.

SECTION 6: GENERAL REQUIREMENTS.

- A. The approved manufacturer of the lock box system used in the Town of Kennebunkport shall be by the Knox Company of Phoenix, AZ. Brand name "Knox Box".
- B. The Fire Chief or his/her designee shall approve the location and style of the key lock box at the time the building permit is issued. All properties subject to this Ordinance shall have the key lock box installed and operational prior to the issuance of an occupancy permit. Or soon as the property is monitored by a 3rd party company.
- C. The number of keys in the lock box cannot exceed the maximum number recommended by the Knox Company. Each key shall be labeled.
- D. All properties with an electronic security gate shall have the lock box installed outside of the gate with the gate access code and required keys inside.
- E. The Fire Chief or his/her designee shall approve any changes in the lock box installation.
- F. Purchase, installation and maintenance of any required lock box is the sole responsibility of the property owner and/or occupant.

SECTION 7: MAINTENANCE.

The owner or operator of the property shall immediately notify the Fire Chief or his/her designee when any locks are added, changed or rekeyed. Additional labeled keys, access cards or access codes shall be added to the lock box immediately, if old keys, access cards or access codes are no longer effective.

SECTION 8: VIOLATIONS.

Any entity violating any of the provisions of this Ordinance or failing or neglecting or refusing to obey any order or notice of the Fire Chief or his/her designee issues hereunder shall be subject to a penalty as provided herein.

SECTION 9. CIVIL PENALTIES.

Any person who is found to be in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00), or as otherwise provided by 30-A M.R.S.A. §4452, as may be amended from time to time. Each violation of a separate provision of this Ordinance, and each day of violation, shall constitute separate offenses. In addition, if the Town is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses incurred by the Town in the enforcement of this Ordinance, including, but not limited to, attorney's fees and costs. All civil penalties shall inure to the benefit of the Town of Kennebunkport.

SECTION 10: SEVERABILITY, AMENDMENTS AND ADOPTION.

Severability: The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

Amendments: This Ordinance may be amended from time to time in accordance with the provisions of 30-A M.R.S.A. §3002, as may be amended.

Adoption: This Ordinance was submitted to the voters of the Town of Kennebunkport and shall be effective upon its adoption by Town Meeting.

ADOPTED: June __, 2017



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

MAINE'S FINEST RESORT

ARBOR DAY PROCLAMATION 145th Anniversary-1872-2017

- Whereas,** In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,** 2017 is the 145th Anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and
- Whereas,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife, and
- Whereas,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and
- Whereas,** trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,** trees, wherever they are planted, are a source of joy and spiritual renewal.
- Whereas,** Kennebunkport has been recognized as a Tree City USA by The National Arbor Day Foundation for the past 40 years, and desires to continue its tree-planting ways,

NOW, THEREFORE, WE, the Selectmen of the Town of Kennebunkport, do hereby proclaim May 19, 2017, as the 145th Anniversary Celebration of ARBOR DAY.

Further, we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated this 11th day of May, 2017

Stuart E. Barwise

Patrick A. Briggs

Allen A. Daggett

Edward W. Hutchins

Sheila Mathews-Bull



Agenda Item Divider



16

Narrative to accompany landscape plan revisions for:

#1 Pier Road

#3 Langsford Road

For many years the parking was never clearly defined for either of these two buildings.

With extensive renovations and re-purposing of these two buildings establishing clarity to off street parking is essential. The attached plan allows two full size vehicles to park completely off Langsford Road. The parking at #1 Pier Road has been in place for many years and will remain unchanged. A new driveway will be cut in and used for the residents in #3 Langsford Road.

A small 3.5 foot picket fence with one arbor and two gates will also be installed with climbing plantings to provide a bit of privacy primarily for #3 Langsford Road.

It is understood that much of this work is being executed on town land and that the owners of these properties will need to repair any damage done by the town with snow plowing and removal.

All proposed parking areas will be finished in crushed shell.

1 PIER & 3 LANGSFORD

Kennebunkport, Maine

March 13, 2017
April 3, 2017
April 27, 2017
May 4, 2017



TED CARTER
Inspired Landscapes



PIER ROAD

Basic One inch Equals Eight Feet
Lighting



2017-2018
2019-2020
2021-2022
2023-2024
2025-2026
2027-2028
2029-2030
2031-2032
2033-2034
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2087-2088
2089-2090
2091-2092
2093-2094
2095-2096
2097-2098
2099-2100

LANDSCAPING AGREEMENT

JTJ Development, LLC ("JTJ"), the owner of property at 1 Pier Road in Cape Porpoise (the "Property"), in consideration of the Town of Kennebunkport (the "Town") allowing certain landscaping adjacent to the Property, located within the bounds of Langsford Road, hereby agrees as follows:

1. JTJ will install the landscaping in accordance with the Plan approved by the Board of Selectmen at its meeting on May 11, 2017. JTJ agrees that there will be no changes to the landscaping (other than removing any of the landscaping) without prior approval from the Board of Selectmen.

2. JTJ understands and agrees that it is responsible for the maintenance and upkeep of the landscaping within the bounds of Langsford Road, and that the Town has no responsibility for any such maintenance and upkeep. JTJ further understands that the Town may damage some of the landscaping in the process of winter snowplowing or other road maintenance; and JTJ agrees that the Town will have no responsibility or liability for the repair of any such damage.

3. JTJ further understands that, by virtue of the Board of Selectmen's decision to allow landscaping within the bounds of Langsford Road, it does not acquire any rights in or to the land area on which the landscaping is located. JTJ understands and agrees that the Town can require JTJ to remove any or all of the landscaping within the bounds of Langsford Road, upon thirty (30) days written notice to JTJ, if the Town needs all or a portion of the landscaped area for road widening or other reasons.

4. JTJ, or its successor, shall maintain general liability and automobile liability insurance in amounts sufficient to protect itself against risks associated with this Agreement. JTJ and its successor shall indemnify, defend and hold harmless the Town from any and all claims arising from JTJ's performance under this Agreement.

5. JTJ agrees that this Agreement shall be recorded in the York County Registry of Deeds, with reference to the deed into JTJ dated July 14, 2016 and recorded in the York County Registry of Deeds in Book 17276, Page 357.

Dated: May ____, 2017

JTJ Development, LLC

By: _____
Timothy Harrington, Manager

STATE OF MAINE
YORK, ss.

May ____, 2017

Then personally appeared the above-named Timothy Harrington, Manager of JTJ Development, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said company, before me,

Before me,

Ralph W. Austin, Attorney-at-Law
Maine Bar No. 1156



Agenda Item Divider



May 8, 2017
W-P Project No. 13601B

Mr. Allan Moir, Superintendent
Wastewater Department
Town of Kennebunkport
25R School Street
P.O. Box 1038
Kennebunkport, ME 04046

Subject: Bid Evaluation
Green Street Pump Station and Chicks Creek Pump Station Upgrades

Dear Mr. Moir:

Wright-Pierce has reviewed the results of the May 4, 2017 bid opening for the above-referenced project. The attached bid tabulation is a tally of the bids received for the project. As you are aware, a total of two bids were received from general contractors, a low bid of \$813,900.00 to a high bid of \$941,976.00. Penta Corporation ('Penta') of Moultonborough, New Hampshire was the apparent low bidder for the project.

Wright-Pierce contacted Penta to confirm the validity of their bid. Their response indicated they have reviewed their bid, it contains no apparent errors or omissions, and they are willing to perform the work for the bid amount. Wright-Pierce also reviewed Penta's bid package and found that it is responsive and contains no major omissions. Penta did not provide OSHA information for their proposed subcontractor Richardson Electrical, which is required if the subcontractor's scope of work exceeds 10% of the contract value. In Wright-Pierce's estimation, we recommend proceeding and obtaining this information when awarding the contract.

Penta has been engaged in the contracting business for approximately 35 years, with projects ranging in size from relatively small projects to large, multi-million-dollar wastewater pump station and treatment plant upgrades. Over the past eight years, Wright-Pierce has worked with Penta on 25 projects in Maine and New Hampshire. Penta indicated that they have not defaulted on any contract or failed to complete a project assigned to them.

Wright-Pierce contacted Bank of New Hampshire to enquire as to whether or not Penta has the financial ability to perform this project. We received a reference from Ms. Bambi Lane, Account Manager for Penta at Bank of New Hampshire. Ms. Lane indicated that Penta has been a client since 1999 and that Penta has handled all accounts in an exemplary manner. When asked if Bank of New Hampshire has any reservations about Penta's financial ability to complete this project, Ms. Lane stated that Penta regularly completes projects of this size and larger.

Mr. Allan Moir
5/8/2017
Page 2 of 2



Based on our review of the bidding documents and our previous experience with Penta we recommend awarding to Penta as the low responsive and responsible bidder. It should be noted that Wright-Pierce cannot make any guarantee that Penta will perform the work within the bid price, within the established project schedule, or in accordance with the Contract Documents. Ultimately, the decision to award the Contract lies with the Town of Kennebunkport. Should you have any questions, please do not hesitate to contact us at (207) 761-2991.

Very truly yours,

WRIGHT-PIERCE

A handwritten signature in black ink, appearing to read "Kyle M. Coolidge", written over the printed name.

Kyle M. Coolidge PE
Lead Project Engineer

KMC/RRS
Enclosures

cc: Ryan Wadsworth, PE

**Town of Kennebunkport
Green Street Pump Station and
Chicks Creek Pump Station
Upgrades**

BID TABULATION

13601A

BID OPENING: 05/04/2017, 2 PM

Engineers Estimate: \$888,000

WRIGHT-PIERCE 
Engineering a Better Environment

75 Washington Ave, Suite 202
Portland, ME USA 04101
Tel: 207-761-2991 Fax: 207-729-8414

BID QUANTITIES				BIDDER'S NAME			
				Penta Corporation		T. Buck Construction	
	Item	Qty.	UNIT	UNIT AMT	BID	UNIT AMT	BID
BASE BID							
1	Green Street Pump Station and Force Main Upgrade	1	LS	\$466,900.00	\$466,900.00	\$518,000.00	\$518,000.00
2	Chicks Creek Pump Station Upgrade	1	LS	\$327,000.00	\$327,000.00	\$396,476.00	\$396,476.00
3	Additional Select Fill	50	CY	\$20.00	\$1,000.00	\$20.00	\$1,000.00
4	Additional Screened Stone	50	CY	\$20.00	\$1,000.00	\$20.00	\$1,000.00
5	Additional Earthwork Excavation and Disposal	50	CY	\$10.00	\$500.00	\$10.00	\$500.00
6	Ledge Excavation and Disposal	50	CY	\$50.00	\$2,500.00	\$200.00	\$10,000.00
7	CMP Electrical Service Charges	1	Allowance	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
TOTAL BASE BID AMOUNT ITEMS (1 THROUGH 7)					\$813,900.00		\$941,976.00



Agenda Item Divider



Government Wharf				
	FY 17	as of 3/31/2017	FY 18	
Government Wharf Fund Balance	4,791.11	4,791.11		
Revenues				
14-73-07 Commercial dues	3,650.00	3,650.00	5,000.00	20 members @ \$250.00 (includes bait space)
14-73-08 Base dues	0.00	0.00	700.00	4 members @ \$175.00
14-73-09 Student dues	0.00	0.00	125.00	1 member @ \$125.00
14-73-20 Miscellaneous	0.00	0.00	0.00	
14-73-22 Use of Fund Balance	0.00	0.00	2,175.00	
	<u>3,650.00</u>	<u>3,650.00</u>	<u>8,000.00</u>	
Expenses				
47-06 15-02 Electricity	500.00	29.47	1,000.00	yearly costs
47-06 35-08 Float Maintenance	500.00	94.15	500.00	for minor repairs
47-06 35-09 Pier Maintenance	500.00	0.00	500.00	for minor repairs
47-06 60-04 Capital Equipment	2,150.00	0.00	6,000.00	for major repairs, maintenance and replacements
	<u>3,650.00</u>	<u>123.62</u>	<u>8,000.00</u>	
adjusted fund balance		8,317.49	6,142.49	



Agenda Item Divider



CAPE PORPOISE PIER BUDGET

Expenses			
Account	FY/16	FY/17	FY/18
Wages & Benefits	\$76,193.00	\$75,913.00	\$77,539.00
Salaries	\$59,087.00	\$59,313.00	\$ 60,727.00
Fica	\$5,370.00	\$5,350.00	\$ 5,465.00
ICMA	\$2,666.00	\$2,828.00	\$ 2,913.00
Health	\$8,670.00	\$8,022.00	\$ 8,034.00
Travel	\$400.00	\$400.00	\$ 400.00
15-Utilities	\$10,500.00	\$10,380.00	\$10,880.00
01-Electricity	\$6,800.00	\$6,000.00	\$6,500.00
02-Telephone	\$670.00	\$850.00	\$850.00
03-Heating fuel	\$1,200.00	\$1,500.00	\$1,500.00
05-Water	\$500.00	\$700.00	\$700.00
06-Internet	\$1,330.00	\$1,330.00	\$1,330.00
20-Services	\$3,200.00	\$3,200.00	\$3,200.00
04-Advertising	\$100.00	\$100.00	\$100.00
07-Audit	\$500.00	\$500.00	\$500.00
26-Licenses	\$600.00	\$600.00	\$600.00
28-Waste removal	\$2,000.00	\$2,000.00	\$2,200.00
25-Insurance	\$2,800.00	\$3,850.00	\$3,900.00
30-Supplies/Equ	\$259,800.00	\$240,800.00	\$216,800.00
01-Office suppl	\$300.00	\$300.00	\$300.00
02-Operating sup	\$500.00	\$500.00	\$1,500.00
24-Gas	\$40,000.00	\$30,000.00	\$25,000.00
25-Diesel	\$219,000.00	\$210,000.00	\$190,000.00
35-Repairs/Maint	\$7,000.00	\$6,000.00	\$6,500.00
01-Buildings	\$1,000.00	\$1,000.00	\$1,000.00
03-Vehicles/Equip	\$4,000.00	\$3,000.00	\$4,000.00
08-Float Mnt	\$1,000.00	\$1,000.00	\$500.00
09-Pier Mnt	\$1,000.00	\$1,000.00	\$1,000.00
50-Miscellaneous	\$3,520.00	\$3,820.00	\$3,820.00
01-Miscellaneous	\$1,020.00	\$1,020.00	\$1,020.00
33-Diesel Tax	\$2,500.00	\$2,800.00	\$2,800.00
60-04 Purchases	\$25,000.00	\$28,000.00	\$13,000.00
Total:	\$388,013.00	\$371,963.00	\$335,639.00
Revenues			
71-PIER	FY16	FY17	FY18
02-Mooring Fees	\$6,630.00	\$7,290.00	\$6,570.00
04-Pier miscell			
05-Pier Diesel	\$236,688.00	\$210,000.00	\$203,500.00
06-Pier Gas	\$42,750.00	\$30,000.00	\$26,900.00
07-Pier Dues	\$43,416.00	\$45,600.00	\$44,216.00
09-Pier Lease	\$40,000.00	\$40,000.00	\$40,000.00
11- Capital	\$15,000.00	\$23,000.00	\$13,000.00
22-Use of fb	\$3,529.00	\$1,073.00	\$1,453.00
Total:	\$381,383.00	\$349,673.00	\$335,639.00



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

MAINE'S FINEST RESORT

Memo

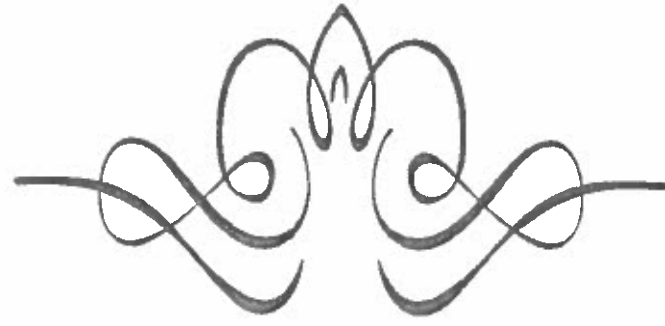
May 3rd 2017

RE: Requested Modification to Permit Fee Schedule

From: Werner Gilliam CFM Director of Planning and Development

To: Kennebunkport Board of Selectmen

Currently the Planning and Development department tracks and inputs permits and related fees into two computer systems, Trio which is our financial software, and VISION which is our assessing software. We have found it very helpful to use these two systems to cross check our data input for monthly and end of the year auditing and reporting. VISION however does not recognize fee amounts less than a whole dollar amount. In other words, an actual permit fee of \$45.80 is recognized as \$46.00 in VISION vs. \$45.80 in Trio. For ease of accounting and for our own internal cross check and auditing purposes I am requesting the Board to authorize the rounding of permit fees to the nearest dollar. Fee amounts .50 and higher would be rounded up, .49 and lower would be rounded down. I do not anticipate any significant revenue fluctuations because of this change. It will also simplify our transactions with our cash customers.



Agenda Item Divider



22

KENNEBUNKPORT		Non Zero Balance on All Accounts				04/05/2017	
11:41 AM						Page 1	
		As of: 04/05/2017					
Acct	Name ----	Year	Original Tax	Payment / Adjustments	Amount Due by year	Total Due	
64 P	LANIGAN JENNIFER	2015	21.59	10.80	10.79	10.79	
68 P	LUCAS ON 9	2014	153.54	3.96	149.58	149.58	
102 P	CURTIS KYMARA M	2009	28.26	0.00	28.26		
102 P	CURTIS KYMARA M	2010	11.10	0.00	11.10		
102 P	CURTIS KYMARA M	2011	24.03	0.00	24.03		
102 P	CURTIS KYMARA M	2012	24.03	0.00	24.03		
102 P	CURTIS KYMARA M	2013	26.15	0.00	26.15		
102 P	CURTIS KYMARA M	2014	28.54	0.00	28.54		
102 P	CURTIS KYMARA M	2015	28.92	0.00	28.92	171.03	
141 P	VILLAGE COVE INN	2004	322.51	0.00	322.51	322.51	
185 P	CARROTS & CO INC	2014	44.50	21.97	22.53	22.53	
198 P	LANIGAN MATHEW	2014	13.48	0.00	13.48	13.48	
212 P	AT&T MOBILITY LLC	2011	122.74	0.00	122.74	122.74	
Total for 7 Accour			849.39	36.73	812.66		
Payment Summary							
Non Lien Summary							
2004-1			322.51				
2009-1			28.26				
2010-1			11.10				
2011-1			146.77				
2012-1			24.03				
2013-1			26.15				
2014-1			214.13				
2015-1			39.71				
Total			812.66				



Agenda Item Divider



MEMORANDUM

To: Board of Selectmen
 Fr: Laurie Smith, Town Manager
 Re: Amendments to Sewer Use Ordinance
 Dt: May 3, 2017

As we discussed in April, it appears that the connection fees listed in the sewer use ordinance have not been amended since the adoption of the ordinance in 1985. Staff is recommending that the fees be updated to more accurately reflect the costs associated with connection and to contribute to future infrastructure investment. Staff have also investigated neighboring communities and found the following fees:

Sewer Connection Fees for Single Family Home		
Old Orchard	\$3,300	
Kennebunk	\$3,887	
Wells	\$1,300	1 bdrm
	\$2,000	2 bdrm
	\$3,360	3 bdrm
Ogunquit	\$5,300	
York	\$2,500	

As most homes are a 3 bedroom or higher, the average is calculated at \$3,669. Staff is recommending a charge of \$4,000 per unit, which may be slightly higher than average but more fairly reflects the current costs.

ARTICLE V - BUILDING SEWERS AND CONNECTIONS

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and (b) commercial service, for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Sewer Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of ~~one dollar (\$1.00)~~ two dollars (\$2.00) per gallon based on the Design Flows Tables 501.1 and 501.2 in the Maine Subsurface Wastewater Disposal Rules residential or commercial building sewer permit shall be paid to the Town at the time the application is filed.

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

- (A) The fee for each unit change imposed under Article XIII shall be ~~\$2,000~~ 4,000. For those uses to be assigned a special charge under that Article, the connection charge shall be established by the Selectmen. Any person seeking to make connection shall fill out an appropriate form provided by the Superintendent. When the form has been approved and the fee paid, the Superintendent shall notify the Building Inspector. No building permit or occupancy permit may be issued until the fee has been paid.
- (B) Any building or structure in existence or for which a building permit has been obtained prior to July 1, 1986, is exempted from the charge under this Section 13 for the initial building or structure connection to the Public Sewer System, except as provided in subparagraph (C) below.
- (C) After July 1, 1986, for any change of use within a building, or expansion or alteration to a building, which results in an increase in the unit charge imposed under Article XIII, a connection charge is due for each additional unit change.
- (D) All charges generated by this section shall be placed in a non-lapsing fund, to be known as the "Water Pollution Control Facility Fund," to be used for improvements to or expansion of or replacement of the existing treatment plant and facilities.



Agenda Item Divider

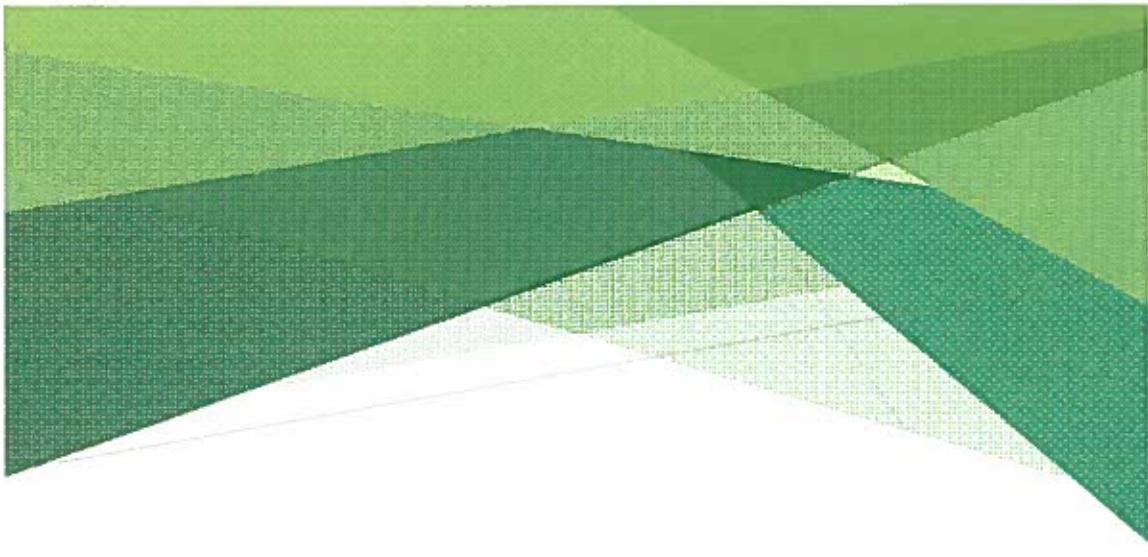


Recreational Marijuana

24

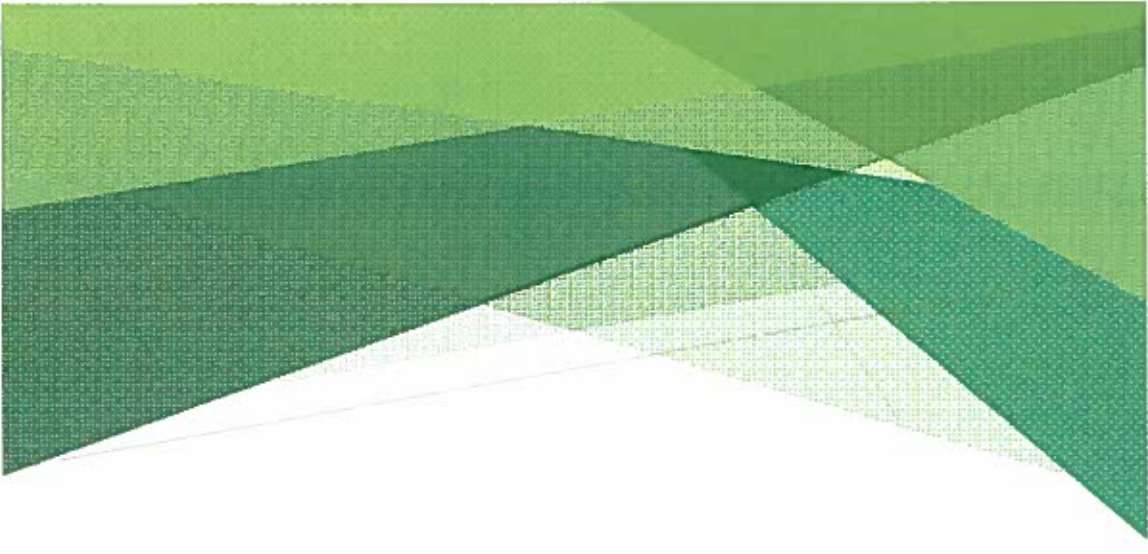
November 2016

- ▶ Maine legalized recreational marijuana
 - ▶ Title 7: AGRICULTURE AND ANIMALS, Part 5: PLANT INDUSTRY, Chapter 417: MARIJUANA LEGALIZATION ACT
- ▶ 29 states with medical marijuana
- ▶ 8 with full “adult use,” i.e., recreational legalization (CO, OR, WA, AK, CA, MA, NE and ME)



Marijuana Legalization Act

- Legalizes cultivation, production, and possession of marijuana for retail sale to individuals 21 year of age and older.
- Effective January 30, 2017: at that time, possession and use in private became legal, and growing marijuana for personal use became legal
- Legalization Act contemplates creation of state-wide, licensed commercial system of cultivation, processing and retail sale of marijuana
- This will come after issuance of state regulations and licenses (February 2018)



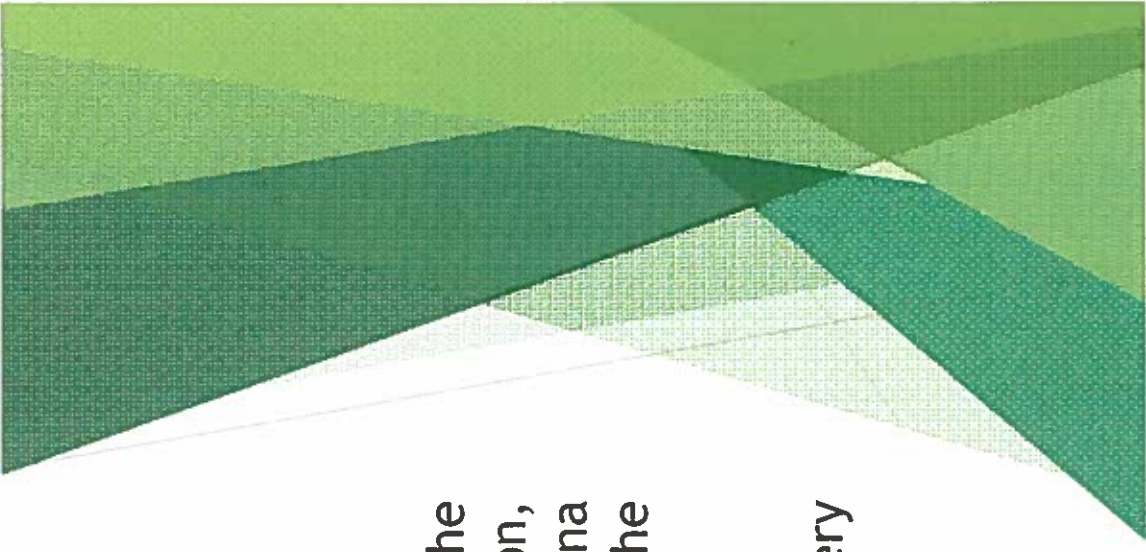
Marijuana Legalization Act - Local Level

- ▶ It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments.
- ▶ The initiated bill allows a person to consume marijuana in a nonpublic place including a private residence. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as governed by law commits a civil violation for which a fine of not more than \$100 may be adjudged.

Who at the State level will oversee licensing?

§ 2444. State licensing authority

- ▶ For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products in this State, the state licensing authority is the Department of Agriculture, Conservation and Forestry.
- ▶ However, Bureau of Alcoholic Beverages and Lottery Operations (BABLO) will oversee licensing



State licensing

► §2447. License application and issuance

An application for a license under the provisions of this chapter must be made to the state licensing authority on forms prepared and furnished by the state licensing authority and must set forth such information as the state licensing authority may require to enable the state licensing authority to determine whether a license should be granted. The information must include the name and address of the applicant and the names and addresses of the applicant's officers, directors or managers. Each application must be verified by the oath or affirmation of such person or persons as the state licensing authority may prescribe.

The state licensing authority may issue a license to an applicant pursuant to this section upon completion of the applicable criminal history record check associated with the application. The license is conditioned upon municipal approval. An applicant is prohibited from operating a retail marijuana establishment or retail marijuana social club without state licensing authority and municipal approval. If the applicant does not receive municipal approval within one year from the date of state licensing authority approval, the license expires and may not be renewed. If an application is not approved by the municipality, the state licensing authority shall revoke the license.

Five License Types:

- ▶ Cultivation - grow marijuana for wholesale sale of flower, two tiered system of licenses
- ▶ Manufacturing - convert cannabis flower into edible products, topicals, concentrates, etc.
- ▶ Testing - perform lab tests on cannabis flower to test for purity, potency, heavy metals, etc.
- ▶ Retail sales - sell marijuana products to the public
- ▶ Social clubs - sell marijuana and marijuana products for purposes of on-premises consumption only





§2447. State License application and issuance

- ▶ 4. Limitation on number of retail marijuana stores. The state licensing authority may not limit the total number of retail marijuana stores in this State. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs and may prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction

- ▶ §2442. Definitions
 - ▶ 36. Retail marijuana establishment. "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

§2449. Local licensing

- ▶ **1. Municipality may regulate retail marijuana establishments and retail marijuana social clubs.** A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3. A municipality may adopt and enforce regulations for retail marijuana establishments and retail marijuana social clubs that are at least as restrictive as the provisions of this chapter and any rule adopted pursuant to this chapter. Nothing in this chapter prohibits the registered voters of a municipality from calling for a vote on any regulations adopted by a municipal legislative body.
- ▶ **2. Municipal approval required.** A retail marijuana establishment or retail marijuana social club may not operate until it is licensed by the state licensing authority pursuant to this chapter and approved by the municipality in which it is located. If an application is denied by the municipality, the licensee has 90 days to locate and obtain legal interest in another property in a municipality that approves of the retail marijuana establishment or retail marijuana social club before the license is revoked.

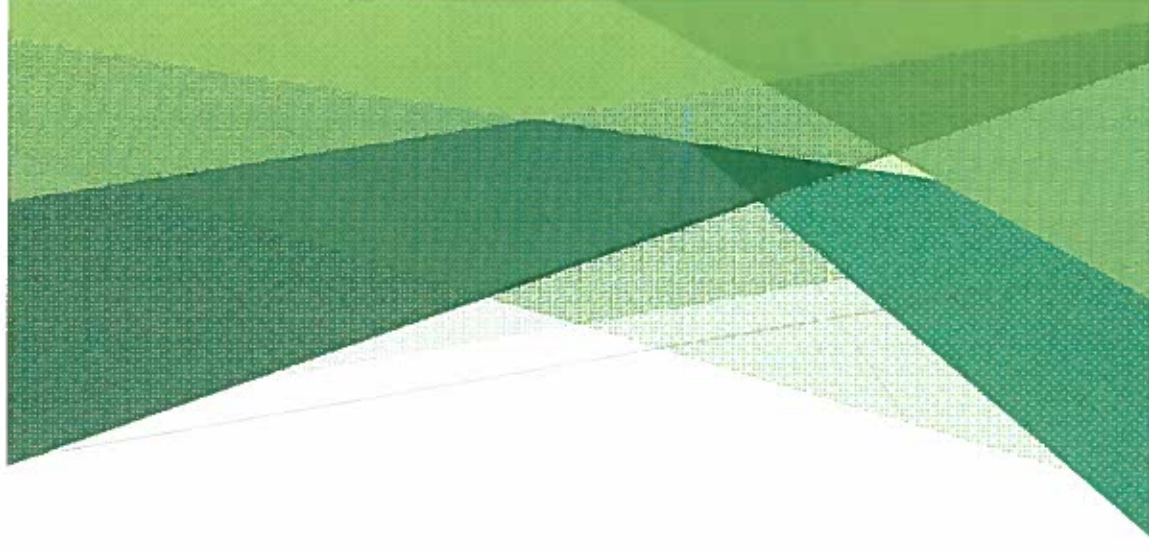
§2449. Local licensing Cont...

- ▶ **3. Notice and portion of fee must be given to municipality.** When the state licensing authority receives an application for original licensing, or renewal of an existing license, for any retail marijuana establishment or retail marijuana social club, the state licensing authority shall, within 7 business days, provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located....
- ▶ **4. Municipality may impose licensing requirement.** A municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner and the number of marijuana businesses. A municipality may decline to impose any local licensing requirements, but a municipality shall notify the state licensing authority that it either approves or denies each application forwarded to it within 14 business days.
- ▶ **5. Public hearing notice.** The following provisions govern local public hearings and notice.
 - A. If a municipality issues local licenses for a retail marijuana establishment or retail marijuana social club, a public hearing on the application may be scheduled. If the municipality schedules such a hearing, it shall post and publish public notice of the hearing not less than 10 days prior to the hearing....
 - B. If a municipality does not issue local licenses, the municipality may give public notice of the state application by posting a sign in a conspicuous place on the premises identified in the application and by publication in a newspaper of general circulation in the county in which the premises are located.

Local Decisions

Marijuana Legalization Act contains provisions giving municipalities substantial control over commercial marijuana activities, although some provisions of the law are unclear or inconsistent.

- ▶ Decisions:
 - ▶ Do you allow retail marijuana establishments?
 - ▶ Zoning? (Consistent with Comprehensive Plan)
 - ▶ Fire Regulations?
 - ▶ Security?
 - ▶ Retail Stores -How Many?
 - ▶ Licensing process? (Criteria for choosing)





Agenda Item Divider



(25) April 25, 2017

In memory of Elizabeth Loun

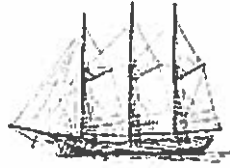
Peter and Ann Bergen
70 Spyglass Hill Road
Yarmouth Port, MA 02675

BERGIN SALES AND MARKETING 70 Spy Glass Hill Rd Yarmouth Port, MA 02675-1676		54-7/114	1275
		April 25 2017	
PAY TO THE ORDER OF	The Kennebunkport Conservatory		\$ 50.00
Fifty and		00	100 DOLLARS
TD Bank			
In memory of Elizabeth Loun			
FOR	Peter & Ann Bergen		MP
⑆0⑆⑆⑆0007⑆⑆⑆ 9242158023⑆		1275	



Agenda Item Divider





KENNEBUNKPORT SEWER DEPARTMENT

Certificate of Commitment of Sewer User Rates

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

We, the undersigned municipal officers of the municipality of Kennebunkport, hereby certified and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A. § 3406 for those properties, units, and structures required by local and State law to pay a sewer rate to the municipality, for the period beginning January 1, 2017 and ending December 31, 2017. This list is comprised of the pages numbered 1 to 67 inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) June 19, 2017. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being \$1,078,009.80. You are hereby required to charge interest at a rate of 7.00% per annum on any unpaid account balance beginning June 20, 2017. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before December 31, 2017 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this 11th day of May 2017.

Municipal Officers, Town of Kennebunkport