

TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

**Board of Selectmen Agenda
Town Hall- 6 Elm Street
July 26, 2018 – 9:00 AM**

1. Call to Order.
2. Approve the July 12, 2018, meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.).
4. Public hearing to consider application submitted by Breakwater Kennebunkport, LLC, for a new malt, spirituous and vinous liquor license, special amusement permit, and victualer's license for the Breakwater Inn and Spa, 127 Ocean Avenue.
5. Consider a renewal liquor license application submitted by Arundel Marine Service, DBA Arundel Wharf Restaurant, 43 Ocean Avenue.
6. Consider a conditional gift to the Town.
7. Set the mill rate for 2018 taxes.
8. Consider an amendment to the Waterfront Ordinance for the November ballot.
9. Consider a request for acceptance of Reid Lane as a town road for the November ballot.
10. Other business.
11. Approve the July 26, 2018, Treasurer's Warrant.
12. Adjournment.



Agenda Item Divider



**Board of Selectmen Meeting
Village Fire Station – 32 North Street
July 12, 2018 – 5:30 PM**

Minutes of the Selectmen's Meeting of July 12, 2018

Selectmen Attending: Stuart Barwise, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull

Selectman Absent: Patrick A. Briggs

Others: Ralph Austin, Susan Boak, Tom Boak, Michael Corsie, Michael Davis, Jay Everett, Werner Gilliam, David James, Arlene McMurray, Janet Powell, Laurie Smith, and others

1. Call to Order.

Chair Hutchins called the meeting to order at 6:07 PM.

2. Executive session pursuant to MRSA 1, §405-6E to consult with the Town Attorney regarding legal rights and duties.

Motion by Selectman Daggett, seconded by Selectman Barwise, to go into executive session per to MRSA 1, §405-6E to consult with the Town Attorney regarding legal rights and duties. **Vote:** 4-0.

The Board went into executive session at 5:31 PM and came at 6:07 PM.

No action was taken.

3. Approve the June 12, and 28, 2018, selectmen meeting minutes.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the June 12, 2018, selectmen meeting minutes. **Vote:** 3-0-1/Selectman Barwise abstained because he was not present at that meeting.

Motion by Selectman Daggett, seconded by Selectman Barwise, to approve the June 28, 2018, selectmen meeting minutes. **Vote:** 4-0.

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

There were no comments.

5. Consider a renewal liquor license application submitted by Captain Jefferds Inn, LLC., DBA Captain Jefferds Inn, 5 Pearl St.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to approve the renewal liquor license application submitted by Captain Jefferds Inn, LLC., d.b.a. Captain Jefferds Inn, 5 Pearl St. **Vote:** 4-0.

6. Consider new special amusement permit application submitted by Sandy Pines Campground, Sandy Pines, LLC, 277 Mills Road.

Motion by Selectman Barwise, seconded by Selectman Daggett, to approve the special amusement permit application submitted by Sandy Pines Campground, Sandy Pines, LLC, 277 Mills Road. **Vote:** 4-0.

7. Proposed ordinance changes for the November Town Meeting ballot.

a. Victualer's Ordinance

Town Manager Laurie Smith explained that this proposal clarifies enforcement recourse.

b. Telecommunications Ordinance

Director of Planning and Development Werner Gilliam explained that the ordinance is outdated and needs to be updated. The language came from Verizon Wireless.

8. Discussion of medical marijuana storefront moratorium.

Mr. Gilliam explained that rules regarding medical and recreational marijuana have been in a state of flux. He went on to explain patient recycling in which medical caregivers are only allowed five patients, but when the caregiver gives a patient a marijuana prescription, that patient can be discharged from their care and another patient can be added to their patient list. Also, the caregiver could open a retail store to sell medical marijuana. A moratorium was proposed to allow time for the town to discuss the implications of having retail marijuana storefronts in town and to determine regulations.

Ms. Smith said the Board needs to decide which zones to allow it and whether it wants to regulate the retail store. She said moratoriums are 180 days in nature and take effect when the town votes for them. A moratorium means the town would not accept applications for retail medical marijuana. Also, they need to decide whether to make it retroactive. She said they could have a Special Town Meeting or vote on this in November. She asked for direction from the Board.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to move forward with putting a moratorium on retail medical marijuana on the November ballot and to make it retroactive to July 12, 2018. **Vote:** 4-0.

9. Request to waive tent permit fee for Circus Smirkus.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to waive the tent permit fee for Circus Smirkus held on August 9, and 10, 2018. **Vote:** 4-0.

Selectman Barwise explained that this is an annual, charitable event which helps raise money for the children who attend Consolidated School.

10. Consider request from the Rotary Club to rename Dock Square to Duck Square for one day on August 11 for the Duck Race and River Fest event.

David James spoke up that he supports the Rotary and buys lots of ducks for the Duck Race, but he thinks it is demeaning and is too much commercialization to rename the street for that one day. He doesn't think it would make any difference in their revenues if the street name wasn't changed.

Motion by Selectman Matthews-Bull, seconded by Selectman Barwise, to approve the request from the Rotary Club to rename Dock Square to Duck Square for one day on August 11 for the Duck Race and River Fest event. **Vote:** 4-0.
hg

11. Consider request from the fire department to purchase 8 sets of protective clothing.

Fire Chief Jay Everett explained this is an annual expenditure and there is only one vendor in the state of Maine that sells Globe turnout gear. They have been purchasing this protective clothing from Bergeron Protective Clothing since 2001.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to purchase 8 sets of Globe turnout gear from Bergeron Protective Clothing at a cost of \$18,155.52. **Vote:** 4-0.

12. Appoint Boards/Committees.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to reappoint:

- on the **Administrative Code Committee** for a one-year term ending in July 2019: Wayne Adams, H. Stedman Seavey, Richard Smith, April Dufoe, and D. Michael Weston.
- on the **Board of Assessment Review** no one. There are three vacancies and no applicants.
- on the **Cape Porpoise Pier Advisory Committee** for a one-year term ending in July 2019: Peter Eaton, Peter Garsoe, Arnold Nickerson IV, Ben Nunan, Jonathan Nunan, Zandy Talmadge, Eric Wildes and Robert O'Reilly.

- on the **Cemetery Committee** for a one-year term ending in July 2019: Lynda Bryan, Ruth Fernandez, Greg Pargellis, Ann Sanders, and Rita Schlegel.
- on the **Conservation Commission** for a three-year term ending in July 2021: Joe Frank and Gillet Page, and to reappoint Sarah Lachance to a term expiring in July 2020, and to appoint new member Aimee Vlachos to a term expiring in July 2020.
- on the **Government Wharf Committee** for a one-year term ending in July 2019: Jeff Davis, Ron Francoeur, Thomas Mansfield, Chris Welch, and Allen Daggett, and to appoint new member Andrew Welch to a term expiring in July 2019.
- on the **Growth Planning Committee**: Dan Saunders and Paul Hogan for a three-year term expiring in July 2021, to move James McMann from an alternate position to a full-term position, and to appoint new members to alternate positions: Janet Powell for a term expiring in July 2020 and Mike Corsie to a term expiring in July 2019.
- Richard Woodman on the **Kennebunk River Committee** for a three-year term ending in July 2021.
- Gordon Ayer on the **Parsons Way Committee** for a three-year term ending in July 2021.
- Tom Boak on the **Planning Board** for a three-year term expiring in July 2021.
- on the **Public Safety Committee** for a one-year term expiring in July 2019: Jay Everett, fire chief; Michael Claus, public works superintendent/acting wastewater superintendent; Craig Sanford, police chief and emergency management director, and Joseph Carroll, KEMS chief of operations.
- on the **Sewer Advisory Committee** for a one-year term expiring July 2019: Bob Convery, Stephen Couture, Richard Johnson, and Joseph Martin Mead.
- on the **Shade Tree Committee** for a one-year term expiring in July 2019: Sarah Adams, Stephen Doe, Kim Gurski, Nina Pearlmutter, and John Rip-ton.
- Kristen Garvin, Craig Sanford, and Michael Claus on the **Sidewalk Committee** for a one-year term expiring July 2019.
- on the **Zoning Board of Appeals** for a three-year term expiring in July 2021: Paul Cadigan.

Vote: 5-0.

13. Appoint Selectmen Representatives to Boards/Committees.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to re-appoint as Selectmen Representatives to the following committees:

Committee	Selectman Representative
Cape Porpoise Pier Committee	Ed Hutchins
Goose Rocks Beach Advisory	Stuart Barwise
Government Wharf	Allen Daggett
Graves Library Board	Ed Hutchins
Growth Planning Committee	Allen Daggett
Investment Committee	Pat Briggs and Allen Daggett
K.E.M.S.	Pat Briggs
Planning Board	Pat Briggs
Public Safety Committee	Pat Briggs
S.M.R.P.C.	Stuart Barwise
Shade Tree Committee	Sheila Matthews-Bull
Zoning Board of Appeals	Sheila Matthews-Bull

Vote: 4-0.

14. Accept the \$2,500 donation from Sandy Pines, LLC for clean water testing.

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to accept with great appreciation the \$2,500 donation from Sandy Pines, LLC for clean water testing. **Vote:** 4-0.

15. Other business.**a. MMA Legislative Policy Committee ballot.**

Motion by Selectman Barwise, seconded by Selectman Matthews-Bull, to nominate Laurie Smith for membership on the MMA Legislative Policy Committee.

Vote: 4-0.

Ms. Smith passed out a letter that was mailed to neighbors inviting them to learn more about a new sledding hill project on town property abutting Parson's Field. The meeting is Wednesday, July 18, at 5 PM, at the Parks and Recreation building next to Consolidated School.

16. Approve the July 12, 2018, Treasurer's Warrant.

Motion by Selectman Barwise, seconded by Selectmen Matthews-Bull to approve the July 12, 2019, Treasurer's Warrant. **Vote:** 4-0.

17. Executive session pursuant to MRSA 1, §405-6D to discuss union negotiations.

Motion by Selectman Daggett, seconded by Selectmen Matthews-Bull, to go into executive session pursuant to MRSA 1, §405-6D to discuss union negotiations.

Vote: 4-0.

The Board went into executive session at 6:40 PM and came out at 7:15 PM.

No action was taken.

18. Adjournment.

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

Vote: 4-0.

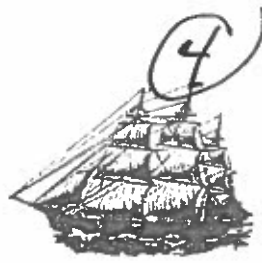
The meeting adjourned at 7:15PM.

Submitted by Arlene McMurray
Administrative Assistant



Agenda Item Divider





TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

NOTICE OF PUBLIC HEARING

TOWN OF KENNEBUNKPORT

NOTICE is hereby given that the Municipal Officers of the Town of Kennebunkport will hold a Public Hearing at Town Hall, 6 Elm Street, on Thursday, July 26, 2018 at 9:00 AM to act on the following application:

Breakwater-Kennebunkport, LLC d/b/a Breakwater Inn & Spa, 127 Ocean Avenue, a New Malt, Spirituous and Vinous Liquor License, Special Amusement Permit and Victualer's License Application.

Tracey O'Roak
Town Clerk

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

✓

Police Chief

✓

Fire Inspector

✓

Code Enforcement Officer

Tracy Oboak

Town Clerk

Beakwater Inn & Spa
7/26

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 _____

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: <i>Breakwater - Kennebunkport, LLC</i>			Business Name (D/B/A) <i>Breakwater Inn & Spa</i>		
APPLICANT(S) - (Sole Proprietor) DOB:			Physical Location: <i>127 Ocean Avenue</i>		
DOB:			City/Town <i>Kennebunkport, ME</i>	State <i>ME</i>	Zip Code <i>04046</i>
Address <i>155 Littlefield Ave.</i>			Mailing Address <i>Same</i>		
City/Town <i>Bangor</i>	State <i>ME</i>	Zip Code <i>04401</i>	City/Town	State	Zip Code
Telephone Number <i>207-862-8000</i>			Business Telephone Number <i>207-967-5333</i>		
Fax Number			Fax Number		
Federal I.D. # <i>83-1129105</i>			Seller Certificate #: or Sales Tax #: <i>applied for</i>		
Email Address: Please Print <i>Jackie@LHADA.com</i>			Website:		

If business is NEW or under new ownership, indicate starting date: July 2018

Requested inspection date: as soon as possible Business hours: _____

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

2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

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

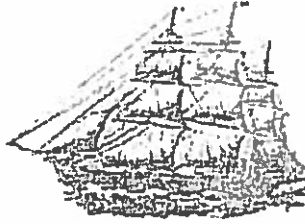
If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # Name of Business (Use an additional sheet(s) if necessary.)

Physical Location City / Town



TOWN OF KENNEBUNKPORT, MAINE

- INCORPORATED 1653 -

APPLICATION SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant Jackie Rawcliffe
Residence Address PO Box 59, Hampden, ME 04444
Home Telephone Number 207-
Name of Business Breakwater - Kennebunkport, LLC
dba Breakwater Inn + Spa
Business Address 127 Ocean Ave, Kennebunkport, ME 04046
Type of Business Hotel, restaurant, & Spa
Business Telephone Number 207-967-5333
Nature of Special Amusement Dancing and entertainment

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

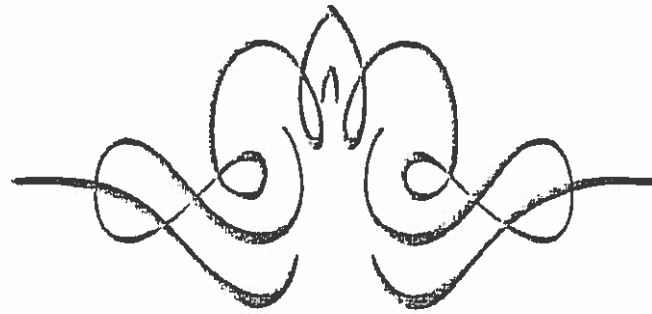
Yes _____ No X

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

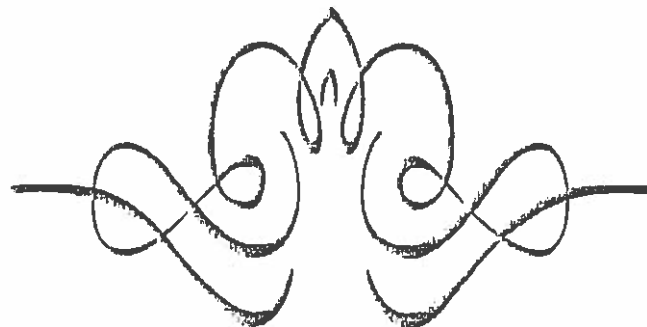
1. Permit Fee: \$ 50.00 (payable to the Town of Kennebunkport)
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Jackie Rawcliffe
Signature of Applicant

Printed name: Jackie Rawcliffe



Agenda Item Divider



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

✓

Police Chief

✓

Fire Inspector

✓

Code Enforcement Officer

Tracy Olick, Town Clerk

Arundel Wharf Rest
7/26/18

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 _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|---|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> 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: Arundel Marine Service		Business Name (D/B/A) Arundel Wharf Restaurant	
APPLICANT(S) - (Sole Proprietor) Arundel Marine Service		DOB: 1974	
DOB: DOB:		Physical Location: 43 Ocean Avenue	
Address 43 Ocean Avenue		City/Town State Zip Code Kennebunkport ME 04046	
City/Town State Zip Code Kennebunkport ME 04046		Mailing Address PO Box 1950	
Telephone Number Fax Number (207) 967-3444 (207) 967-5462		City/Town State Zip Code Kennebunkport ME 04046	
Business Telephone Number Fax Number (207) 967-3444 (207) 967-5462		Federal I.D. # 01-03 24798	
Seller Certificate #: or Sales Tax #: 17714		Email Address: Please Print wharf@roadrunner.com	
Website: arundelwharf.com			

If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 15349.87 LIQUOR \$ 522,562.28
- 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.
- Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☐ No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	Physical Location	City / Town



Agenda Item Divider



8.75

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2018 MUNICIPAL TAX RATE CALCULATION STANDARD FORM
Municipality: KENNEBUNKPORT

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	1,952,618,340	
		(should agree with MVR Page 1, line 6)	
2. Total taxable valuation of personal property	2	10,021,140	
		(should agree with MVR Page 1, line 10)	
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1962639480	
		(should agree with MVR Page 1, line 11)	
4. (a) Total exempt value for all homestead exemptions granted	4(a)	15,093,200	
		(should agree with MVR Page 1, line 14f)	
(b) Homestead exemption reimbursement value	4(b)	9,433,250	
		(Line 4(a) multiplied by .625)	
5. Total exempt value of all BETE qualified property	5(a)	1,394,390	
		(should agree with MVR Page 2, line 15c)	
(b) BETE exemption reimbursement value	5(b)	697,195	
		(line 5(a) multiplied by 0.5)	
Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,972,769,925	

Assessments

7. County Tax	7	1,135,299.19	
8. Municipal Appropriation	8	8,514,313.00	
9. TIF Financing Plan Amount	9	0.00	
10. Local Educational Appropriation (Adjusted to Municipal Fiscal Year)	(Local Share/Contribution) 10	10,220,198.00	
11. Total Assessments (Add lines 7 through 10)	11	19,869,810.19	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	55,000.00	
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement)	13	2,609,553.00	
14. Total Deductions (Line 12 plus line 13)	14	2,664,553.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14)	15	17,205,257.19	
16. 17,205,257.19 X 1.05 =		18,065,520.05	Maximum Allowable Tax
17. 17,205,257.19 / 1,972,769,925 =		0.008721	Minimum Tax Rate
18. 18,065,520.05 / 1,972,769,925 =		0.009157	Maximum Tax Rate
19. 1962639480 X 0.00875 =		17,173,095.45	Tax for Commitment
	(Selected Rate)	(Enter on MVR Page 1, line 13)	
20. 17,205,257.19 X 0.05 =		860,262.86	Maximum Overlay
21. 9,433,250 X 0.00875 =		82,540.94	Homestead Reimbursement
	(Selected Rate)	(Enter on line 8, Assessment Warrant)	
22. 697,195 X 0.00875 =		6,100.46	BETE Reimbursement
	(Selected Rate)	(Enter on line 9, Assessment Warrant)	
23. 17,261,736.85 - 17,205,257.19 =		56,479.66	Overlay
	(Line 19 plus lines 21 and 22)	(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2018 to 06/30/2019 as they existed on the first day of April 2017.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 26 day of August, 2017.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,135,299.19	
2. Municipal Appropriation	8,514,313.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	10,220,198.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	56,479.66	
6. Total Assessments		19,926,289.85

Deductions:

7. State Municipal Revenue Sharing	55,000.00	
8. Homestead Reimbursement	82,540.94	
9. BETE Reimbursement	6,100.46	
10. Other Revenue	2,609,553.00	
11. Total Deductions		2,753,194.40
12. <u>Net Assessment for Commitment</u>		17,173,095.45

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2018.

In case of the neglect of any person to pay the sum required by said list until after 09/11/2018 & 03/12/2019; you will add interest to so much thereof as remains unpaid at the rate of 8.00 percent per annum, commencing 09/12/2018 & 03/13/2019 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 08/26/2017.

_____ Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$17,173,095.45 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 08/26/2017

_____ Assessor(s) of: KENNEBUNKPORT

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

County York, ss.

Assessments:

Deductions:

Given under our hands this 08/26/2017

Municipal Assessor(s)

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

8.76

2018 MUNICIPAL TAX RATE CALCULATION STANDARD FORM
Municipality: KENNEBUNKPORT

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	1,952,618,340	
		(should agree with MVR Page 1, line 6)	
2. Total taxable valuation of personal property	2	10,021,140	
		(should agree with MVR Page 1, line 10)	
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1962639480	
		(should agree with MVR Page 1, line 11)	
4. (a) Total exempt value for all homestead exemptions granted	4(a)	15,093,200	
		(should agree with MVR Page 1, line 14f)	
(b) Homestead exemption reimbursement value	4(b)	9,433,250	
		(Line 4(a) multiplied by .625)	
5. Total exempt value of all BETE qualified property	5(a)	1,394,390	
		(should agree with MVR Page 2, line 15c)	
(b) BETE exemption reimbursement value	5(b)	697,195	
		(line 5(a) multiplied by 0.5)	
Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,972,769,925	

Assessments

7. County Tax	7	1,135,299.19	
8. Municipal Appropriation	8	8,514,313.00	
9. TIF Financing Plan Amount	9	0.00	
10. Local Educational Appropriation (Local Share/Contribution)	10	10,220,198.00	
(Adjusted to Municipal Fiscal Year)			
11. Total Assessments (Add lines 7 through 10)	11	19,869,810.19	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	55,000.00	
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement)	13	2,609,553.00	
14. Total Deductions (Line 12 plus line 13)	14	2,664,553.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14)	15	17,205,257.19	
16. 17,205,257.19 X 1.05 =		18,065,520.05	Maximum Allowable Tax
17. 17,205,257.19 / 1,972,769,925 =		0.008721	Minimum Tax Rate
18. 18,065,520.05 / 1,972,769,925 =		0.009157	Maximum Tax Rate
19. 1962639480 X 0.008760 =		17,192,721.84	Tax for Commitment
		(Selected Rate)	(Enter on MVR Page 1, line 13)
20. 17,205,257.19 X 0.05 =		860,262.86	Maximum Overlay
21. 9,433,250 X 0.008760 =		82,635.27	Homestead Reimbursement
		(Selected Rate)	(Enter on line 8, Assessment Warrant)
22. 697,195 X 0.008760 =		6,107.43	BETE Reimbursement
		(Selected Rate)	(Enter on line 9, Assessment Warrant)
23. 17,281,464.54 - 17,205,257.19 =		76,207.35	Overlay
		(Line 19 plus lines 21 and 22)	(Enter on line 5, Assessment Warrant)

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2018 to 06/30/2019 as they existed on the first day of April 2017.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 26 day of August, 2017.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,135,299.19	
2. Municipal Appropriation	8,514,313.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	10,220,198.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	76,207.35	
6. Total Assessments		19,946,017.54

Deductions:

7. State Municipal Revenue Sharing	55,000.00	
8. Homestead Reimbursement	82,635.27	
9. BETE Reimbursement	6,107.43	
10. Other Revenue	2,609,553.00	
11. Total Deductions		2,753,295.70
12. <u>Net Assessment for Commitment</u>		17,192,721.84

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2018.

In case of the neglect of any person to pay the sum required by said list until after 09/11/2018 & 03/12/2019; you will add interest to so much thereof as remains unpaid at the rate of 8.00 percent per annum, commencing 09/12/2018 & 03/13/2019 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 08/26/2017.

_____ Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$17,192,721.84 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 08/26/2017

_____ Assessor(s) of: KENNEBUNKPORT

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

County York, ss.

Assessments:

1. County Tax	1,135,299.19	
2. Municipal Appropriation	8,514,313.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	10,220,198.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	76,207.35	
6. Total Assessments		19,946,017.54

7. State Municipal Revenue Sharing	55,000.00	
8. Homestead Reimbursement	82,635.27	
9. BETE Reimbursement	6,107.43	
10. Other Revenue	2,609,553.00	
11. Total Deductions		2,753,295.70
12. <u>Net Assessment for Commitment</u>		17,192,721.84

Given under our hands this 08/26/2017

Municipal Assessor(s)

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

877

7

2018 MUNICIPAL TAX RATE CALCULATION STANDARD FORM
Municipality: KENNEBUNKPORT

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total Taxable Valuation of Real Estate	1	1,952,618,340	
		(should agree with MVR Page 1, line 6)	
2. Total taxable valuation of personal property	2	10,021,140	
		(should agree with MVR Page 1, line 10)	
3. Total Taxable Valuation of real estate and personal property (Line 1 plus line 2)	3	1962639480	
		(should agree with MVR Page 1, line 11)	
4. (a) Total exempt value for all homestead exemptions granted	4(a)	15,093,200	
		(should agree with MVR Page 1, line 14f)	
(b) Homestead exemption reimbursement value	4(b)	9,433,250	
		(Line 4(a) multiplied by .625)	
5. Total exempt value of all BETE qualified property	5(a)	1,394,390	
		(should agree with MVR Page 2, line 15c)	
(b) BETE exemption reimbursement value	5(b)	697,195	
		(line 5(a) multiplied by 0.5)	
Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	1,972,769,925	

Assessments

7. County Tax	7	1,135,299.19	
8. Municipal Appropriation	8	8,514,313.00	
9. TIF Financing Plan Amount	9	0.00	
10. Local Educational Appropriation (Local Share/Contribution)	10	10,220,198.00	
		(Adjusted to Municipal Fiscal Year)	
11. Total Assessments (Add lines 7 through 10)	11	19,869,810.19	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	55,000.00	
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement)	13	2,609,553.00	
14. Total Deductions (Line 12 plus line 13)	14	2,664,553.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14)	15	17,205,257.19	

16.	17,205,257.19	X	1.05	=	18,065,520.05	Maximum Allowable Tax
17.	17,205,257.19	/	1,972,769,925	=	0.008721	Minimum Tax Rate
18.	18,065,520.05	/	1,972,769,925	=	0.009157	Maximum Tax Rate
19.	1962639480	X	0.008770	=	17,212,348.24	Tax for Commitment
			(Selected Rate)		(Enter on MVR Page 1, line 13)	
20.	17,205,257.19	X	0.05	=	860,262.86	Maximum Overlay
21.	9,433,250	X	0.008770	=	82,729.60	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	697,195	X	0.008770	=	6,114.40	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	17,301,192.24	-	17,205,257.19	=	95,935.05	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant,
Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of KENNEBUNKPORT for State, County, District, and Municipal Taxes for the fiscal year 07/01/2018 to 06/30/2019 as they existed on the first day of April 2017.

IN WITNESS THEREOF, we have hereunto set our hands at KENNEBUNKPORT this 26 day of August, 2017.

_____ Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality KENNEBUNKPORT County York
To Laurie A. Smith , Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	1,135,299.19	
2. Municipal Appropriation	8,514,313.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	10,220,198.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	95,935.05	
6. Total Assessments		19,965,745.24

Deductions:

7. State Municipal Revenue Sharing	55,000.00	
8. Homestead Reimbursement	82,729.60	
9. BETE Reimbursement	6,114.40	
10. Other Revenue	2,609,553.00	
11. Total Deductions		2,753,397.00
12. <u>Net Assessment for Commitment</u>		17,212,348.24

You are to pay to Jennifer L. Lord, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 06/30/2018.

In case of the neglect of any person to pay the sum required by said list until after 09/11/2018 & 03/12/2019; you will add interest to so much thereof as remains unpaid at the rate of 8.00 percent per annum, commencing 09/12/2018 & 03/13/2019 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 08/26/2017.

_____ Assessor(s) of: KENNEBUNKPORT

CERTIFICATE OF COMMITMENT

To Laurie A. Smith the Collector of the Municipality of
KENNEBUNKPORT , aforesaid.

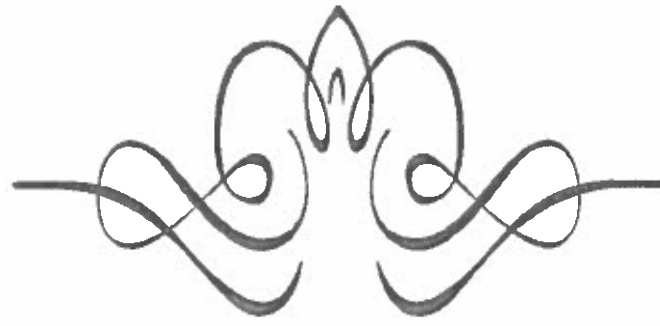
Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$17,212,348.24 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 08/26/2017

_____ Assessor(s) of: KENNEBUNKPORT

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book



Agenda Item Divider



WATERFRONT ORDINANCE

1. GENERAL PROVISIONS

1.1 TITLE

This ordinance shall be known as the "Waterfront Ordinance of the Town of Kennebunkport, Maine". It shall be referred to herein as the "Ordinance".

1.2 AUTHORITY

This ordinance is adopted pursuant to the authority granted by Title 38 M.R.S.A., Chapter 1, as amended, Title 30-A M.R.S.A., §§ 3001, 3007, 3009 and 4452, as amended and the Home Rule provisions of the Constitution of the State of Maine with additions and deletions.

1.3 PURPOSE

Kennebunkport's waterfront is a limited and valuable resource. The demands on this resource have been increasing for both commercial and recreational uses; therefore, this Ordinance is adopted for the following purposes:

- 1.3.1** Ensure that there will always be adequate and usable mooring space for the Kennebunkport Commercial Fishing Fleet.
- 1.3.2** Preserve the working waterfront, which includes commercial fishing, marine related businesses and recreational boating.
- 1.3.3** Provide Ordinance guidelines and authority for the Harbormaster to administer mooring space and to resolve any conflicts.
- 1.3.4** Address dangerous and unsuitable mooring placements.
- 1.3.5** Ensure consistency with the policies set by the state of Maine and the US Army Corps of Engineers.
- 1.3.6** Plan, establish and maintain the arrangement and utilization of Mooring areas, public landings, boat ramps, harbor channels and other related properties in Kennebunkport Waters.

1.4 APPLICABILITY

The provisions of this ordinance shall apply to all tidal water areas located within the municipal boundaries of Kennebunkport, Maine, with the exception of the Kennebunk River, hereinafter referred to as Kennebunkport Waters.

1.5 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unenforceable by any Court, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

1.6 CONFLICT

Whenever any section, subsection, sentence, cause, phrase or portion of this ordinance is deemed to be in conflict with any existing state law and/or federal rule(s), then the stricter provision shall apply, unless preempted by federal law.

1.7 EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.

2. DEFINITIONS

For the purpose of interpreting this Ordinance, the following terms, phrases and words shall be defined as set forth below.

COMMERCIAL FISHERIES BUSINESS: An enterprise, as defined in Title 12 M.R.S. Section 6001(6-A), which is directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

- A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives;
- B. Persons providing direct services to commercial fishermen, aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront property; and
- C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives.

COMMERCIAL FISHING VESSEL: A vessel used in furtherance of the purposes of a commercial fisheries business, including vessels rigged to engage in the commercial harvest, processing or transport of wild or aquacultured marine organisms as well as supporting vessels such as lobster, crab and shellfish cars.

FEE: A charge for the use of Town owned waterfront facilities; all fees described herein are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting.

FINE: A civil penalty for a violation of this Ordinance; all fines are set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting.

HARBOR MASTER: A person appointed pursuant to Title 38 M.R.S.A. § 1 and this Ordinance; all references to the Harbor Master shall include any Deputy Harbor Master.

KENNEBUNKPORT WATERS: Has the meaning defined by Section 1.4.

MOORING: The Means of securing a vessel to a particular location in Kennebunkport Waters, other than temporarily by anchor for a period of no more than 72 hours. Dock, pier, wharf or float tie-ups are not moorings. There are three classes of moorings, Commercial, Recreational and Transient, which are defined below.

Commercial: A Mooring issued to and utilized by a Commercial Fisheries Business for the purpose of mooring a Commercial Fishing Vessel. In Cape Porpoise, the mooring permit holder must either be a Cape Porpoise pier member in good standing or a shorefront owner as defined in this ordinance.

Recreational: A Mooring other than a commercial mooring that is permitted for the purpose of mooring a specific Vessel. In Cape Porpoise, the mooring permit holder must either be a Cape Porpoise pier member in good standing or a shorefront owner as defined in this ordinance.

Transient: A Mooring set aside for temporary (7 days or less) use by Vessels cruising along the coast.

MOORING PERMIT: An annual permit that is issued by the Harbor Master to a Mooring Permittee, authorizing the placement of a specific class of Mooring at a specific Mooring Site and which expires on May 31 of the year following its issue.

MOORING PERMITTEE: A person granted a Mooring Permit.

MOORING PERMIT WAITING LIST: A list of persons desiring a Mooring Permit as described in Section 4.3.2.

MOORING RELOCATION WAITING LIST: A list of Mooring Permittees desiring relocation of a Mooring Site as described in Section 4.3.2.

MOORING SITE: A specific location assigned by the Kennebunkport Harbor Master for placement of a Mooring, defined by GPS coordinates where practicable.

PERSON: An individual, a corporation, a firm, partnership, an association or any other entity.

SHIP CHANNELS: Ship channels as described herein and depicted on the NOAA nautical chart and other such channels designated by the Harbor Master which shall be kept open for the passage of watercraft. These channels are maintained by the US Army

Corps of Engineers and are depicted on the Corps Condition Survey for Cape Porpoise and the Kennebunk River.

SHOREFRONT OWNER: A person who owns Kennebunkport shorefront property with a minimum 100 feet of shore frontage on Kennebunkport Waters who can demonstrate that a Mooring Site fronting their property is both practicable and safe.

VESSEL: Any type of watercraft, including a ship, boat, barge, float or craft, other than a seaplane, used or capable of being used as a means of transportation on water. For purposes of this Ordinance, floating docks including commercial work floats and lobster, crab and shellfish cars are vessels.

VESSEL OWNER: The person who can demonstrate the controlling interest in a Vessel and who is named on the boat registration or the person identified as the managing owner on the U.S.C.G. Certificate of Documentation.

3. HARBOR MASTER

3.1 APPOINTMENT AND COMPENSATION

Pursuant to the Kennebunkport Administrative Code, Article III, the Board of Selectmen shall annually appoint a Harbor Master who shall be subject to all the duties and liabilities of that office as prescribed by state law, regulations adopted by the municipal officers and municipal ordinances. Pursuant to the Kennebunkport Administrative Code, Article II, the Town Manager shall establish compensation and may remove the Harbor Master for cause after notice and hearing and appoint another instead.

3.2 POWERS AND DUTIES

3.2.1 Removal of Vessels

The Harbor Master, upon complaint from the master, owner or agent of any Vessel, shall cause any other Vessel or Vessels obstructing the free movement or safe anchorage of that Vessel to be removed to a position as designated by the Harbor Master and may, without any complaint being made, cause any Vessels anchoring within the ship channels to be removed to such anchorage as the Harbor Master may designate. If that Vessel has no crew on board or if the master or other person in charge neglects or refuses to move such Vessel as directed by the Harbor Master, the Harbor Master may put a suitable crew on board and move that Vessel to a suitable berth at a wharf or anchorage at the expense and risk of the owner(s) of the Vessel and shall charge a Vessel Removal Fee plus expenses, to be paid to the Town of Kennebunkport by the master or owner of that Vessel.

Once a Vessel has been removed by the Harbor Master the owner of record shall be notified in writing and mailed a notice via US Mail certified return receipt. Such

notice shall give the owner 30 calendar days to relocate the Vessel to a suitable location and pay a Vessel Removal Fee as set by the Board of Selectmen. Should the Vessel not be relocated within the set time period a fine of up to \$100 per day may be assessed until the Vessel is relocated. After 60 calendar days the Vessel may be declared abandoned. Abandoned Vessels may be disposed of at the direction of the Harbor Master.

3.2.2 Mooring Removal or Replacement

In case of neglect or refusal of the Mooring Permittee to remove a Mooring or to replace it by one of a different character when so directed by the Harbor Master, the Harbor Master shall cause the entire Mooring to be removed or shall make such change in the character of the Mooring as required and shall charge a Mooring Removal/Replacement Fee, plus expenses, to be paid to the Town of Kennebunkport by the Mooring Permittee for either of those services rendered. Before removing a Mooring, the Harbor Master shall notify the Mooring Permittee by first class mail, at the address on the current Mooring Application, of the action desired, the fact that the Mooring will be removed, and the amount of the Mooring Removal/Replacement Fee. If the matter is not settled to the Harbor Master's satisfaction within 14 days, the Harbor Master may take any action provided for in this section.

The Harbor Master is authorized to remove any unmarked and/or unauthorized moorings. The Harbor Master may remove the mooring immediately and shall charge a Mooring Removal Fee, plus expenses to be paid to the Town of Kennebunkport by the owner of the unmarked and/or unauthorized mooring.

3.2.3 Training

The Harbor Master shall complete training as required by Title 38 M.R.S.A. §1-A, as amended. In addition the Harbormaster shall be required to attend the annual Harbormaster training by the Maine Harbormasters Association.

4. MOORINGS

4.1 ANCHORAGES

No person shall place or allow to anchor or to lay any Vessel in any position in Kennebunkport Waters for more than 72 hours unless written permission has been granted by the Harbormaster. The Harbormaster may designate a specific area available as a general anchoring area.

4.2 DESIGNATION OF MOORING SITES

The Harbor Master shall designate Mooring Sites in accordance with Title 38 M.R.S.A., § 3, as amended. Mooring Sites shall be permitted for the sole use of the Vessel indicated on the application. Any change in the Vessel using the Mooring Site must be in accordance with this ordinance and state law and have the written approval of the Harbor Master.

The Harbor Master shall have the authority to determine the total number of allowed moorings based on available Mooring Sites. The Harbor Master may consult with the Board of Selectmen and any other appropriate authority to determine mooring areas and their capacity. Commercial Moorings shall comprise at least 60% of the total number of Mooring Sites within Cape Porpoise Harbor. If an existing Commercial Mooring becomes available within Cape Porpoise Harbor, it may not be assigned for use as a Recreational or Transient Mooring if such assignment would cause the number of Commercial Moorings to constitute less than 60% of the total number of available mooring sites within Cape Porpoise Harbor. Mooring Sites outside of Cape Porpoise Harbor may be designated commercial, recreational, or transient at the discretion of the Harbor Master.

The Harbor Master may change the location of assigned Mooring Sites when the crowded condition of the harbor, the need to conform with Title 38 M.R.S.A., §§ 3, 7-A, or other conditions render the change desirable.

4.3 MOORING PERMIT

4.3.1 Application

Application for a Mooring Permit shall be made annually and shall contain the information set forth on the application. The applicant must demonstrate that the applicant is the Vessel Owner of the Vessel associated with the Mooring. An application will not be processed unless it is complete, the payment of required fees, including excise taxes or other taxes or charges owed to the Town of Kennebunkport, or its agent, are made prior to May 1st and there be a current Mooring Inspection Certification on file with the Harbor Master. At the time of each annual review of Mooring Permits, existing Mooring Permittees shall be given priority over other applications for a Mooring.

The Harbor Master shall deny any application where incorrect information is submitted, where outstanding Kennebunkport pier use fees or fuel fees are owed to the Town, or where an applicant is not in compliance with this ordinance.

4.3.2 Waiting List

The Harbor Master shall maintain a Mooring Permit Waiting List and a Mooring Relocation Waiting List each of which shall be available for inspection at the Harbor Master's office. The operation of all waiting lists shall conform to Title 38 M.R.S.A., § 7-A as amended.

All persons desiring mooring space in Kennebunkport Waters shall place their name and the type of mooring desired on the Mooring Permit Waiting List. All Mooring Permittees desiring a different Mooring Site shall place their names and their desired mooring location on the Mooring Relocation

Waiting List. A fee may be charged to be placed on the Mooring Permit Waiting List which shall be applied against the mooring permit fee as a credit the year the mooring is placed. The Mooring Permit Waiting List will be operated on a first come first serve basis, priority being given as stated below:

1. Commercial fishing vessel owners.
2. Shorefront property owners.
3. Recreational vessel owners.
4. Transient moorings to be operated by the Town of Kennebunkport.
5. Transient moorings to be operated by any other person. The Mooring Relocation Waiting List will be operated on a first come first serve basis. The Harbor Master shall attempt to accommodate any request for a relocated Mooring Site when, in the Harbor Master's discretion, conditions do not render the relocation undesirable, and the relocation is consistent with Section 4.2.

4.3.3 To Whom Issued

A Recreational Mooring Permit shall only be issued to the Vessel Owner and a Commercial Mooring Permit shall only be issued to an officer or principal of the Commercial Fisheries Business. A Transient Mooring Permit shall be issued to the person who will maintain and operate the Transient Mooring.

4.3.4 Conversion

A Mooring shall not be converted from the class of Mooring originally permitted if such conversion would be inconsistent with Section 4.2.

4.4 MOORING IDENTIFICATION

All Moorings shall have the number of the Mooring Permittee indicated on the float or buoy above the water line for the purposes of identification. Such number and name shall be displayed in at least three (3) inch letters and be legible at all times. Mooring buoys shall be white with a single blue horizontal band clearly visible above the water line.

4.5 PLACEMENT OF MOORINGS

No person shall place a Mooring of any type within the boundaries of Kennebunkport Waters without a Mooring Permit issued by the Town of Kennebunkport's Harbor Master.

4.6 SIZE AND CONSTRUCTION

All Moorings shall be of a suitable size and construction for the Vessel. Mushroom or pyramid anchors are recommended, unless the owner can demonstrate holding power adequate for his boat. Blocks are permitted however they may only be granite; concrete or cement blocks are not allowed. The weight of the Mooring anchor shall conform to the requirements of either the chart or formulas below. Chain size shall conform to the chart below, regardless of whether the weight conforms to the chart or formulas below.

Length of Boat (Feet)	Weight of Mooring Anchor (Pounds)	Chain Size (Minimum)
20' Or Less	500	1/2"
20' To 30'	1000	1"
30' To 40'	1500	1 1/4"
40' To 60'	2000	1 1/2"

Mooring weight: To determine the minimum weight of a mushroom or pyramid anchor, multiply the length on deck (ft.) by the beam (ft.) by 1.5. The product is the minimum mooring weight in pounds.

Example: Boat length 31 ft., beam 10 ft.
 $31 \times 10 \times 1.5 = 465$ lbs. minimum weight.
Round up to the next even mooring size.

Shallow water (restricted) moorings: are set in less than less than 6 feet of water at high tide for boats twenty (20) feet or less. Minimum Requirements shall be length x beam = anchor weight for mushroom or pyramid anchors
(minimum weight 50 pounds). _____

Dead weight anchors length x beam x
 $1.5 \times 2 =$ dead weight.

4.7 INSPECTION OF MOORINGS

The Board of Selectmen shall have the authority to approve regulations to establish a program requiring the inspection of moorings.

4.8 DENIAL

The Harbor Master may deny the replacement or use of a Mooring if in the judgment of the Harbor Master, the Vessel is:

4.8.1 Structurally unsafe;

4.8.2 Emitting obnoxious fumes, oils, or any other substance detrimental to the safety or comfort of others, including any pollution of its waters, shores and flats;

4.8.3 Of inappropriate size for the Mooring; or

4.8.4 Causing damage to Town owned waterfront facilities.

4.9 NON-USE OF MOORINGS

If a Mooring Permittee fails to use the assigned Mooring Site or Mooring for the Vessel listed on the current Mooring Permit during the term (June 1 to May 31) of that permit, the Mooring Permit shall not be renewed. A Mooring Permittee may appeal such non-renewal to the Board of Selectmen pursuant to Section 10 of this Ordinance.

4.10 MOORING ASSIGNMENTS

4.10.1 There shall be no transfer of a Mooring Permit or an assigned Mooring Site and no renting of a Recreational or Commercial Mooring, except for good cause with the prior written approval of the Harbor Master and, if otherwise required by law, the Army Corps of Engineers, or as otherwise noted in this ordinance. Municipal and Commercial Transient moorings are permitted to be rented.

4.10.2 A Mooring Permittee shall promptly notify the Harbor Master of a proposed change of Vessel on a Recreational or Commercial Mooring. Such change of Vessel shall be permitted only with the prior written approval of the Harbor Master.

4.10.3 Any assigned Mooring Site used for commercial fishing purposes may be transferred only at the request or death of the Permittee, and only to a member of the Permittee's family and only if the mooring assignment will continue to be used for commercial purposes. For the purpose of this section, "member of the permittee's family" means a Permittee's parent, child, or sibling, by birth or by adoption including a relation of the half blood or an assignee's spouse.

4.10.4 As of the effective date of this Ordinance a vessel may only be assigned to a single mooring site.

5. FEES AND FINES

The Board of Selectmen shall establish and provide for the collection of Fees including but not limited to Fees for Mooring Permits and the Mooring Permit Waiting List, and may establish and provide for the collection of Fees for the inspection of moorings. The Board of Selectmen may establish and provide for the collection of Fines for violations of this Ordinance. Such Fees may be a flat amount or vary according to the size of the Vessel. Fines may be a flat amount or vary according to the infraction or violation. The Vessel Removal Fee and Mooring Removal/Replacement Fee shall be consistent with Title 38 M.R.S.A. §§ 4.5. A schedule of the Fees and Fines established under this section shall be available at the Town Office and from the Harbor Master. Fees and Fines shall be set by the Board of Selectmen annually and will be effective upon adoption by the Board of Selectmen at a public meeting. If a Fee and Fine is not paid in the prescribed time, after billing, the Mooring Permit will be void and the Mooring Site reassigned to the next eligible individual on the Mooring Permit Waiting List.

6. ABANDONMENT

No person shall cause to be abandoned any Vessel, floating device, cradle, or any other obstruction on the shore within Kennebunkport Waters. Any such object left within the confines of Kennebunkport Waters and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbor Master shall then order the last owner of any such abandoned Vessel, floating device, cradle or other obstruction, if such owner is ascertainable, to remove same within thirty (30) days. Upon refusal or failure to do so, the Harbor Master shall cause its removal or destruction at the cost of the said last ascertainable owner. Any violation of the above shall be considered a Class E crime pursuant to Title 38 M.R.S.A. § 9, and further punishable as set forth in this Ordinance.

7. POLLUTION

Except in case of emergency imperiling life or property or unavoidable accident, collision, or stranding, no person shall discharge, or suffer, or permit the discharge of sewage, garbage, trash or other refuse of any kind, by any method, means, or manner into or upon Town wharves or docks or Kennebunkport Waters.

8. RULES AND REGULATIONS

The Harbor Master shall recommend to the Board of Selectmen for adoption such rules and regulations as shall be necessary to implement the intent of this ordinance.

9. ENFORCEMENT

9.1 ENFORCEMENT BY THE HARBOR MASTER

It is the duty of the Harbor Master to enforce the provisions of this Ordinance. No person shall fail to observe any lawful order of the Harbor Master with reference to the navigation and disposition of Vessels or Moorings within Kennebunkport Waters. If, after investigation, the Harbor Master finds that any provision of this Ordinance is being violated, he or she shall give written notice delivered by hand, if the owner agrees to sign a receipt for the notice, or by certified mail, return receipt requested, to the person responsible for such violation, and/or to the owner and/or to the operator of such Vessel. The notice shall indicate the nature of the violation and order the action necessary to correct it, including discontinuance of illegal use of moorings, or work being done, removal of illegal moorings, fishing equipment and abatement of nuisance conditions. The notice shall demand that the violation be abated within some designated reasonable time. If after such notice, the violation is not abated within the time specified, the Harbor Master shall take appropriate measures to enforce this Ordinance including notifying the Selectmen of the need to institute appropriate action in the name of the Town of Kennebunkport to prevent, enjoin, restrain or abate any violation of this Ordinance. A copy of each such notice of violation shall be submitted to the Board of Selectmen and be maintained as a permanent record.

9.2 ENFORCEMENT BY LAW ENFORCEMENT OFFICERS

In addition to the Harbor Master, any law enforcement officer vested with the authority to carry a weapon and make an arrest shall have the authority to enforce the provisions of this Ordinance.

9.3 MISDEMEANOR FINES; SEPARATE VIOLATIONS

Any person who violates any provision of this Ordinance or a lawful order of the Harbor Master shall be subject to a Fine. Each day that a violation continues, without action to effect abatement after receipt of notification by the Harbor Master, shall be considered a separate violation for purposes of this section. Pursuant to 38 M.R.S.A. § 13, an intentionally, knowingly, or recklessly failing to obey any lawful order of the harbormaster is a Class E Crime.

9.4. LEGAL ACTION

The Harbor Master may impose Fines as approved by the Board of Selectmen as may be appropriate to enforce any provision of this Ordinance. The Board of Selectmen, upon notice from the Harbor Master, are hereby authorized and directed to institute any and all action and proceedings, either legal and/or equitable, including seeking injunctions of violations and the collection of Fees or Fines as may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town. In any such action in which the town prevails, the town shall be awarded reasonable attorney's fees and the cost of suit in addition to any other relief to which it may be entitled.

10. APPEALS

The Board of Selectmen shall hear and decide appeals alleging error by the Harbor Master in the administration of this ordinance. The aggrieved person must make a written appeal within thirty (30) days of the date of the decision being appealed and the Board of Selectmen shall hold a public hearing within thirty (30) days from the date of receipt of the appeal. The Board may establish additional rules and procedures for such hearings. A party aggrieved by the decision of the Board may appeal it to Superior Court within thirty (30) days from the date of the original decision pursuant to Maine Rules of Civil Procedure, Rule 80B.



Agenda Item Divider



9

PORTER HOLDINGS INC.

149 Epping Road, Suite 2A
Exeter, NH 03833

Telephone 603-778-6894
Fax 603-773-5826

January 26, 2018

Town of Kennebunkport
Attn: Board of Selectmen
6 Elm Street, PO Box 566
Kennebunkport, ME 04046

Dear Selectmen,

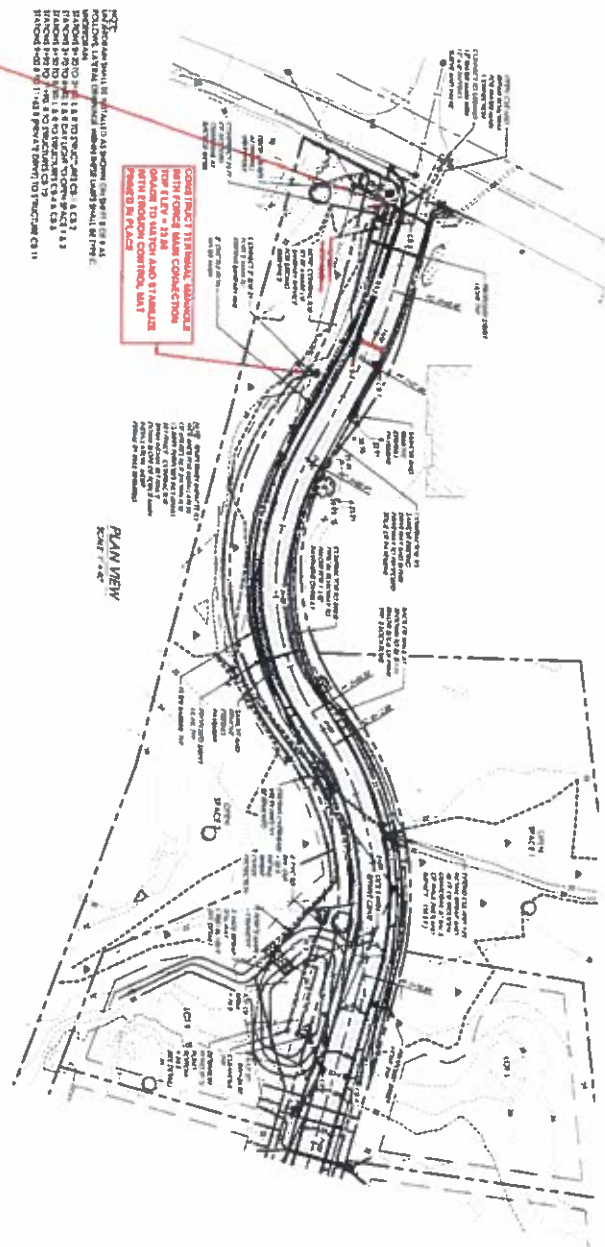
As the developers of the Wallace Woods subdivision, we are sending this letter on behalf of the homeowners to request that the Town accept Reid Lane, the road in the subdivision, as well as the sidewalks, as a Town road.

Attached is the requested information. We appreciate your consideration of this matter.

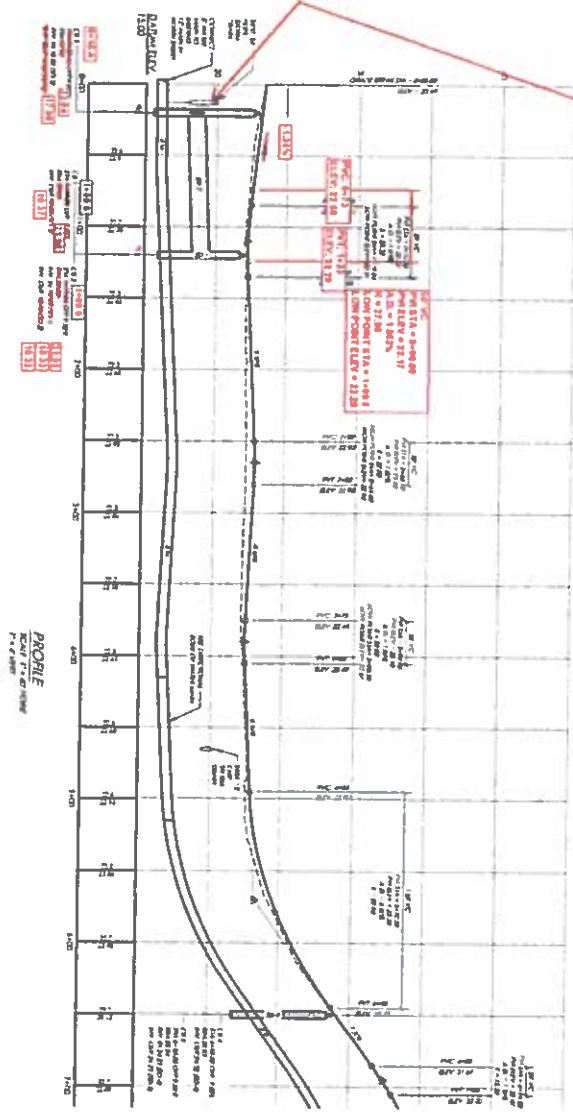
Sincerely,



W. Turner Porter Jr.
President
Porter Holdings Inc.



PLAN VIEW
SCALE: 1" = 40'



PROFILE
SCALE: 1" = 40'

STORM DRAIN SYSTEM
ELEVATION
ELEVATION
ELEVATION

STORM DRAIN SYSTEM
ELEVATION
ELEVATION
ELEVATION

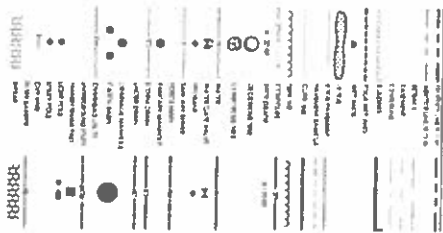
STORM DRAIN PIPE DATA

Station	Size	Length	Flow
1+00	18"	100'	1.00
2+00	18"	100'	1.00
3+00	18"	100'	1.00
4+00	18"	100'	1.00
5+00	18"	100'	1.00
6+00	18"	100'	1.00
7+00	18"	100'	1.00

STORM DRAIN STRUCTURE DATA

Structure	Size	Flow	Flow
1+00	18"	1.00	1.00
2+00	18"	1.00	1.00
3+00	18"	1.00	1.00
4+00	18"	1.00	1.00
5+00	18"	1.00	1.00
6+00	18"	1.00	1.00
7+00	18"	1.00	1.00

LEGEND



SEBAGO
P L L C
www.sebagopllc.com
75 Main Street, Suite 100
Burlington, VT 05401
802.255.1234

STORM DRAIN SYSTEM
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CONSTRUCTION NOTES

[illegible]

SEBAGO
TECHNICS

PLAN AND PROFILE SHEET	PROJECT NO. 1	SCALE	AS NOTED
WALLACE WOODS			
WOODS STREET			
EDWARDS STREET AND OGDEN			
TURNER PORTER			
147 EDWARDS ROAD, SUITE 2A			
630-112-688-6833			

SHEET 5 OF 9