

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
February 24, 2022 @ 6:00 PM  
VIRTUAL MEETING VIA ZOOM**

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Join by **computer or mobile device** and click on: <https://us06web.zoom.us/j/89841039619>  
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<https://us06web.zoom.us/j/89841039619>

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1. Call to Order.
2. Approve the February 10, 2022, selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
4. Consider renewal liquor license application for The Ramp Grill, LLC d/b/a Pier 77 Restaurant located at 77 Pier Road.
5. Consider renewal liquor license and Special Amusement applications for The Colony Hotel located at 140 Ocean Avenue.
6. Award bond for radio communication tower project.
7. Review proposal to develop regional task force for fire services.
8. Consider request to write off Pier dues and mooring fees.
9. Review proposed amendments to Land Use Ordinance regarding signs.
10. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.
11. Authorize Quitclaim Deed for Map 014, Block 002, Lot 024.
12. Update on foreclosed property at 133 Main Street, previously owned by Lisa Gunther.
13. Discussion of public meeting protocols: in-person vs. remote.

14. Accept a \$700 donation from Alisson's Restaurant to the general needs account.
15. Other business.
16. Approve the February 24, 2022, Treasurer's Warrant.
17. Adjournment.

Town of Kennebunkport  
Board of Selectmen Meeting VIA Zoom  
February 24, 2022  
6:00 PM

## **MINUTES**

**Selectmen attending via Zoom:** Allen Daggett, Patrick Briggs, D. Michael Weston, Edward Hutchins, and Sheila Matthews-Bull.

**Others attending via Zoom:** David Powell, Tracey O'Roak, John Everett, Denise Brown, Christopher Simeoni, Eric Labelle, Eli Rubin.

**1. Call to Order**

Selectman Matthews-Bull called the meeting to order at 6:00 PM. She took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Michael Weston, Edward Hutchins, and Sheila Matthews-Bull. Selectman Matthews-Bull noted that there was 1 attendee in the audience.

**2. Approve the February 10, 2022, meeting minutes.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to approve the February 10, 2022, selectmen meeting minutes. **Roll Call Vote:** Briggs, Weston, Matthews-Bull, Hutchins, and Daggett. **Voted:** 5-0. **Motion passed.**

**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 public comments.

**4. Consider renewal liquor license application for The Ramp Grill, LLC d/b/a Pier 77 Restaurant located at 77 Pier Road.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to approve the requested for a renewal liquor license for The Ramp Grill, LLC d/b/a Pier 77 Restaurant located at 77 Pier Road. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**5. Consider renewal liquor license application and Special Amusement application for The Colony Hotel located at 140 Ocean Avenue.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs to approve the requested for a renewal liquor license and Special Amusement application for The Colony Hotel located at 140 Ocean Avenue. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**6. Award bond for radio communication tower project.**

Denise Brown, Finance Director, reviewed the two bids received for the \$1M bond for the radio communications tower.

**Motion** by Selectman Daggett, seconded by Selectman Weston to award the bond to Androscoggin Bank with a rate of 2.57%. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**7. Review proposal to develop regional task force for fire services.**

John Everett, Fire Chief, explained the challenges that municipal fire departments are all facing, including increasing prices on equipment and the struggle to find call firefighters. He proposed the formation of a regional task force between Kennebunk and Kennebunkport to determine if there are any opportunities for the towns to collaborate to meet the challenges they both face. The task force would be made up of the Fire Chief, a Fire Officer, and a Firefighter from each town. A seventh member would be a person that could assist with meeting the goals. One example would be a Fire Chief from another municipality that already does these types of sharing.

**Motion** by Selectman Weston, seconded by Selectman Briggs to authorize a joint task force to examine regional partnerships and to report to the Board of Selectmen on a bi-annual basis with the first report in May 2022. **Roll Call Vote:** Briggs, Weston, Daggett, Matthews-Bull, and Hutchins. **Voted:** 5-0. **Motion passed.**

**8. Consider request to write-off Pier dues and mooring fees.**

Denise Brown, Finance Director, gave an overview of the requested write-offs.

**Motion** by Selectman Daggett, seconded by Selectman Hutchins to approve the write-off in the amount of \$1,332 in mooring and pier membership fees. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**9. Review proposed amendments to Land Use Ordinance regarding signs.**

Werner Gilliam, Director of Planning & Development, reviewed the request for two ordinance revisions regarding signs. The first is a housekeeping issue regarding municipalities ability to regular signs and content. Our current ordinance lacks direction on non-commercial signs which is not compliant with a supreme court decision several years ago. The revisions would bring the Town into compliance. The second issue involves a way to better communicate with residents in town. Our current sign ordinance does not allow electrotonic message boards on Town property. This revision would allow that to be an option in the future. Discussion ensued regarding electronic signs and how they would fit in with the aesthetic of Kennebunkport.

- 10. Approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance.**

**Motion** by Selectman Daggett, seconded by Selectman Hutchins to approve restrictions on vehicle weight limits on certain roads in accordance with 29-A M.R.S.A. Section 2395 and the Kennebunkport Traffic and Parking Control Ordinance. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

- 11. Authorize Quitclaim Deed for Map 014, Block 002, Lot 024.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to authorize the quitclaim deed for Map 014, Block 002, Lot 024. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

- 12. Update on foreclosed property at 133 Main Street, previously owned by Lisa Gunther.**

Laurie Smith, Town Manager, advised that this property was foreclosed in January for non-payment of real estate taxes. The Town has not been able to make contact with the previous owner. There is hope someone will be able to provide some information about Lisa Gunther's whereabouts so the taxes can get paid and the property returned to her.

- 13. Discussion of public meeting protocols: in-person vs. remote.**

Laurie Smith, Town Manager, suggested sticking with the remote meetings through the budget process during the month of March and returning to in-person meetings in April, if the numbers continue to improve. Discussion ensued.

- 14. Accept a \$700 donation from Alisson's Restaurant to the general needs account.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett to accept the \$700 donation from Alisson's Restaurant to the general needs account. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

- 15. Other business.**

Patrick Briggs was happy to report that the Kennebunkport Heritage Housing Trust will deliver the sixth and final home tomorrow morning.

Mike Weston asked everyone to keep staff member Yanina Nickless in their thoughts and prayers as her entire family is in her home country of Ukraine.

February 24, 2022, BOS Meeting Minutes

Laurie Smith, Town Manager, reminded everyone of the budget meetings that will take place every Thursday night in March.

**16. Approve the February 24, 2022, Treasurer's Warrant.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to approve the February 24, 2022, Treasurer's Warrant. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.**

**17. Adjournment.**

**Motion** by Selectman Hutchins seconded by Selectman Daggett to adjourn. **Roll Call Vote:** Briggs, Weston, Daggett, Hutchins, and Matthews-Bull. **Voted:** 5-0. **Motion passed.** Meeting adjourn at 6:50 PM.

Submitted by,  
Tracey O'Roak  
Administrative Assistant

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**INTEROFFICE MEMORANDUM**

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**TO:** LAURIE SMITH AND SELECT BOARD

**FROM:** JAMIE MITCHELL

**SUBJECT:** APPROVAL OF LIQUOR LICENSES AND SPECIAL EVENT PERMITS

**DATE:** FEBRUARY 22, 2022

The following annual liquor licenses have been submitted for approval by the Board:

- The Ramp Grill, LLC d/b/a Pier 77
- Boughton Hotel Corp d/b/a The Colony Hotel

The following Special Amusement Permit has been submitted for approval by the Board:

- Boughton Hotel Corp d/b/a The Colony Hotel

Staff has reviewed these applications and recommends approval.

## Award Bid for \$1M GOB

# Memo

**To:** Kennebunkport Board of Selectmen

**From:** Laurie Smith, Town Manager  
Denise Brown, Finance Director

**Date:** 2/22/2022

**Re:** Award Bid for \$1M GOB for the Radio Communications Improvements

At the beginning of February an invitation to bid on the \$1M General Obligation Bond (GOB) was sent out. Two bids were received and opened on February 18th with the following results:

Bid Results					
5 Year - \$1,000,000 General Obligation Bond - Radio Communications Improvements					
		Total all			
Institution	Rate	Interest			
Androscoggin Bank	2.57	\$87,588			
Camden National Bank	2.59	\$89,571			

Both bidders stated that prepayment is permitted with no fees.

We are seeking approval from the Board of Selectmen to award this bid to Androscoggin Bank as they are offering the lowest interest rate, saving the taxpayers \$1,983 over the five year life of this loan.



## MEMORANDUM

**To:** Laurie Smith, Michael Pardue, Kennebunk and Kennebunkport Select Boards  
**From:** Jeff Rowe, Kennebunk Fire Chief and John Everett, Kennebunkport Fire Chief  
**Re:** Creating a taskforce between the two towns to explore Fire Dept. related sharing opportunities  
**Date:** February 15, 2022

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The Fire Departments from Kennebunk and Kennebunkport have always worked well together during emergency situations, as well as providing additional assistance when called upon for non-emergencies. This has been, for the most part, the only time the Towns' Fire Departments worked together.

The two highest priced resources of any Fire Department are personnel and equipment. As more and more towns transition from a volunteer/call department to a per diem and/or full-time department, we realized that we are all trying to hire from the same labor pool. We all need specific equipment that may or may not be needed at all calls, causing a great strain on the budget. These challenges are only going to become more frequent and the costs of them will continue to rise.

Our towns currently share a Harbormaster for the Kennebunk River. This is a similar type of cost sharing agreement that the taskforce would investigate for both fire departments. Sharing equipment could open the door to other possibilities, such as sharing staff as well. The savings to the towns would come from each not having to fund their own expensive ladder truck.

Pre-Covid19, both departments, along with Arundel Fire Department, started a training initiative in which we train together on a specific topic each month. Each town provides instruction on the given topic on their training night. This gives the members three opportunities to attend that monthly topic. This three-town training set up has had a positive impact on all departments. Each town has seen a boost in the numbers of members in attendance. We are also able to do more in depth training due to the higher numbers of attendees.

Chief Rowe and Chief Everett, over the last few months, have been looking into ways the Fire Departments can assist each other on a more meaningful basis. The conversation was started by the realization that both towns were planning for the replacement of their ladder truck. Currently, the average price tag of such an expense is \$1.1 to \$1.4 million.

Some towns in Cumberland County already have agreements in place where they are sharing a specialized vehicle, like a ladder truck or tank truck, a fire station or both. We feel that this type of sharing could be a large part of our towns' future. Other than the ladder truck agreement, we see other possibilities to share like resources such as personnel, facilities, and vehicles.

We are looking for both Boards to approve the development of a task force made up of Fire Department members from both departments. The task force's first goal would be working through the details of how a shared asset would work. We want to continue to grow this into other areas of joint interest as well. We are also hoping to come up with strategies within town management to keep this collaboration moving, regardless of who is in the key administrative role for each town, Town Managers, Fire Chiefs, etc.

The task force would be comprised of the Fire Chief, a Fire Officer and a Firefighter from each town. A seventh member of the task force would be a person that can assist us with attaining the goals. This person could possibly be another Fire Chief from a municipality that already does these types of sharing, or a member of the community that specializes in helping both towns realize the potential and getting the task force to the finish line.

Other opportunities the task force could examine would be the of sharing facilities and personnel. Sharing personnel with like jobs in both towns could be accomplished, for example with the sharing of a mechanic for fire vehicles.

The task force, through the Fire Chiefs from each town, will update both Selectboards of progress in May and at least bi-annually after that. Additional times may be needed for guidance and authorizations as we move forward.

**Town of Kennebunkport  
Cape Porpoise Pier**

# Memo

**To:** Laurie Smith  
**From:** Chris Mayo  
**cc:** Kennebunkport Board of Selectmen  
**Date:** 1/5/22  
**Re:** Pier Fees

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Dear Laurie,

Please see the attached pier dues and mooring fee invoices for consideration of removal of charges. Each person has been contacted, and their issues discussed and found to be valid and warrant the absolution of listed fees due. This has been approved by the Finance Department. The invoices include the following:

- Peter Garsoe - Rec Pier membership fee of \$598.50. Lost mooring during dredge operations- thought he had found it; however, it was not his. Has not reinstalled since dredge because of this but has been in contact with my office.
- Archibald Talmage - Rec Pier Membership fee of \$598.50. Lost mooring during dredge operations. Has had issues with his boat and not replaced his mooring or used pier facilities.
- Charles Howarth - Mooring fee of \$90. Charles had two moorings and is a Pier member in good standing. He discussed relinquishing his "ditch" mooring with me in favor of his outer harbor mooring, but he was on the fence about the decision. He communicated his decision to give up this mooring with me before the season started but after billing went out. He didn't use the mooring and it was removed.
- Ray St. Laurent - Mooring Fee of \$45. Ray encountered issues that made it necessary to sell his boat and mooring prior to the boating season yet after billing went out. He removed the mooring and did not use it at all.

Total fees to be rescinded: \$1,332.

I appreciate your attention to this matter.

**Town of Kennebunkport**  
**INVOICE**

PETER B GARSOE  
98 ELM ST  
PORTLAND, ME 04101

PLEASE REMIT TO:

**Town of Kennebunkport**  
PO Box 566  
Kennebunkport, ME 04046

Invoice Number

210020036

Invoice Date

10/12/2021

Account Number

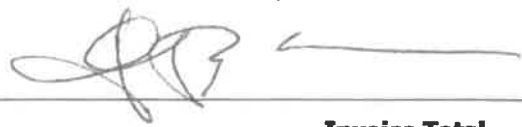
0009

Invoice Amount

598.50

Please detach and return this portion of the invoice with your remittance.

2021 Cape Porpoise Pier Dues

DATE	Description	Amount
10/12/2021	Recreation	598.50
	I don't use the pier and have not for years Just my money 	
	<b>Invoice Total</b>	598.50

Commercial boats include 3 drums.  
Extra drums are \$15.00 for a set of 3.

*PETER GARSOE*

Payment due by November 12, 2021.

Interest will be charged at the rate of 5.0% per annum on outstanding balances as of  
November 13, 2021.



# Town of Kennebunkport

## INVOICE

ARCHIBALD A TALMAGE  
220 BEACHWOOD AVE  
KENNEBUNKPORT, ME 04046

PLEASE REMIT TO:  
**Town of Kennebunkport**  
PO Box 566  
Kennebunkport, ME 04046

Invoice Number

210020004

Invoice Date

10/12/2021

Account Number

0022

Invoice Amount

598.50

Please detach and return this portion of the invoice with your remittance.

### 2021 Cape Porpoise Pier Dues

DATE	Description	Amount
10/12/2021	Recreation  <i>no longer wish to subscribe to pier member ship Archibald E Talma 10/13/21</i>	598.50
	<b>Invoice Total</b>	598.50

Commercial boats include 3 drums.  
Extra drums are \$15.00 for a set of 3.

Payment due by November 12, 2021.  
Interest will be charged at the rate of 5.0% per annum on outstanding balances as of  
November 13, 2021.

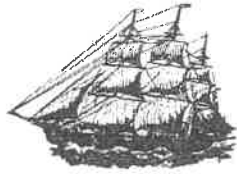
# MEMO

To: Laurie Smith, Town Manager/ Board of Selectmen  
From: Werner Gilliam, CFM Director of Planning and Development  
Re: Potential Warrant Article June 2022 Re: Signs  
Date: February 18<sup>th</sup>, 2022

I would like to introduce the concept of two potential warrant articles related to modification of the Land Use regs related to signs.

1. In 2015 the US Supreme Court heard the case “Reed vs Town of Gilbert 576 U.S. 155(2015) which clarified when towns could impose content-based restrictions within their sign ordinances. Without getting into the specifics of the decision, it is highly advised that towns which have content-based designations have their regulations reviewed and modified so that they do not run contrary to any first amendment concerns. Currently our ordinance focuses on commercial signage and places limits for timeframes for noncommercial signage. For example, in our current ordinance a yard sign that has an inspirational message or a political statement at best is only permitted to be in place for 30 days. It is likely that a strict enforcement of that would be seen as a 1st Amendment infringement. Drummond Woodsum is working on proposed language amendments that will ensure that non-commercial free speech is accurately represented within our sign regulations.
2. Staff is requesting the opportunity to be able to place electronic message boards outside of municipal properties to post community information. This is something that is currently not permitted under the ordinance. This would be a narrowly written exception that would apply to municipal properties only.





## KENNEBUNKPORT WASTEWATER DEPARTMENT

## MEMORANDUM

**Date:** February 10<sup>th</sup>, 2022

**To:** Laurie Smith

**From:** Chris Simeoni, Director of Public Works

**Re:** Agenda item for February 24th Selectmen's meeting- Authorization to post roads

Annually, the Public Works Department posts roads in Kennebunkport to prevent heavy vehicles from causing damage to the roadways during the winter to spring transition. During this time, roads are subject to additional damage from heavy vehicles due to freeze and thaw cycles.

During the winter/spring, Maine roads weaken, and they need to be protected. As temperatures warm and the ground thaws, soil under the pavement becomes saturated with water, making pavement unstable. As a result, many roads cannot support heavy loads.

To protect roads from serious damage, The Public Works Department, seasonally, will post roads to protect its public infrastructure from damages and pre-mature repairs and or improvements. Our roads are posted in accordance with Title 29-A MRSA 2395.

The Town does sometimes allow for travel during certain periods of cold weather. This will require permission from the Director of Public Works. An application to operate on a posted way is available on the Town's website.

It is my recommendation to authorize the posting of the attached list of roads in accordance with Title 29-A MRSA 2395. The attached list of roads would be closed to such traffic commencing on February 25, 2022 and would remain closed until April 30th, 2022, unless postings are removed earlier at the discretion of the Public Works Director.



## Restricted Vehicle Weight on Posted Roadways

The Town of Kennebunkport has authorized the closing of certain town ways to any non-exempt vehicle or combination of vehicles registered for a gross weight of over 23,000 pounds. The following roads will be closed to such traffic commencing on February 25, 2022 and will remain closed until April 30th, 2022, unless postings are removed earlier at the discretion of the Director of Public Works. Any violation of the rules is a traffic infraction punishable by a fine of not less than \$250. Home Heating Fuel Delivery Trucks and Municipal Solid Waste Collection Trucks are exempt from Posted Road regulations. The posting shall remain in force except when the way is solidly frozen. The highway is considered solidly frozen only when the air temperature is 32 degrees F. or below and no water is showing in the cracks in the road. Both conditions must be met. The Town of Kennebunkport will be posting restricted vehicle weight signs on the following roads:

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

Please feel free to contact the Highway Department at 967-5728 if you have any questions or concerns. An application for a Posted Road Permit is available for download on our website.

## MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

KNOW ALL BY THESE PRESENTS THAT the Inhabitants of the Town of Kennebunkport, a body corporate and politic located in York County, State of Maine, for consideration paid, release to Northern Ridge Realty Trust & Marella Michael P Trustee a certain parcel of land, if any, located in the Town of Kennebunkport, York County, State of Maine, identified as follows:

Map Lot 014-002-024, on the Town Assessors' maps for Kennebunkport, which are on file at the municipal office, being the same premises described in Town of Kennebunkport Tax Lien Certificates, recorded in the York County Registry of Deeds on July 13, 2020 in Book 18306 Page 582 and on July 9, 2021 in Book 18729 Page 546.

The Inhabitants of the Town of Kennebunkport have caused this instrument to be signed in its corporate name by Allen A. Daggett, Sheila W. Matthews-Bull, Patrick A. Briggs, Edward W. Hutchins II and D. Michael Weston its Municipal Officers duly authorized.

Witness our hands and seals this 24th day of February 2022.

Inhabitants of the Town of Kennebunkport

\_\_\_\_\_  
Witness

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Witness

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Witness

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Witness

\_\_\_\_\_  
Witness

### ACKNOWLEDGEMENT

State of Maine  
York, County, ss.

February 24, 2022

Then personally appeared before me the above-named Allen A. Daggett, Sheila W. Matthews-Bull, Patrick A. Briggs, Edward W. Hutchins II and D. Michael Weston, the Municipal Officers of the Town of Kennebunkport and acknowledged the foregoing to be their free act and deed in their said capacity and the free act and deed of the Inhabitants of said Municipality.

Before me,

\_\_\_\_\_

**RE Account 798 Detail**  
**as of 02/16/2022**

Name: NORTHERN RIDGE REALTY TRUST & MARELLA  
MICHAEL P TRUSTEE  
Location: 0 PARSONAGE  
Acreage: 3.9 Map/Lot: 014-002-024  
Book Page: B15871P0837

Land: 9,500  
Building: 0  
Exempt 0  

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Total: 9,500

2022-1 Period Due:

Ref1: BP  
Mailing 140 LAWRENCE STREET APT 2  
Address: BROCKTON MA 02302

Year/Rec #	Date	Reference	P C	Principal	Interest	Costs	Total
2022-1 R				0.00	0.00	0.00	0.00
2021-1 L	*			0.00	0.00	0.00	0.00
2020-1 L	*			0.00	0.00	0.00	0.00
2019-1 R				0.00	0.00	0.00	0.00
2018-1 L	*			0.00	0.00	0.00	0.00
2017-1 L	*			0.00	0.00	0.00	0.00
2016-1 R				0.00	0.00	0.00	0.00
2015-1 R				0.00	0.00	0.00	0.00
2014-1 R				0.00	0.00	0.00	0.00
2013-1 R				0.00	0.00	0.00	0.00
2012-1 R				0.00	0.00	0.00	0.00
2011-1 R				0.00	0.00	0.00	0.00
2010-1 R				0.00	0.00	0.00	0.00
2009-1 R				0.00	0.00	0.00	0.00
Account Totals as of 02/16/2022				0.00	0.00	0.00	0.00

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

[illegible]