

**Town of Kennebunkport  
Board of Selectmen/Assessors' Meeting  
Town Hall – 6 Elm Street  
November 26, 2013 – 9 AM**

Minutes of the Selectmen Meeting of November 26, 2013

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

**Others present:** April Dufoe, John Fraser, David James and Arlene McMurray

**1. Call to Order.**

Chair Barwise called the meeting to order at 9 AM.

**2. Approve the November 14, 18, and 20, and 25, 2013, Selectmen Meeting minutes.**

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the November 14, 2013, Selectmen Meeting minutes. **Vote:** 5-0.

**Motion** by Selectman Hutchins seconded by Selectman Daggett, to approve the November 18, 2013, Selectmen Meeting minutes. **Vote:** 4-0-1/Selectman Barwise abstained because he was not present at that meeting.

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the November 20, 2013, Selectmen Meeting minutes. **Vote:** 4-0-1/Selectman Barwise abstained because he was not present at that meeting.

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the November 25, 2013, Selectmen Meeting minutes. **Vote:** 4-0-1/Selectman Matthews-Bull abstained because she was not present at that meeting.

**3. Amend the Solid Waste Rules and Regulations.**

**Motion** by Selectman Daggett, seconded by Selectman Hutchins, to amend the Solid Waste Rules and Regulations. **Vote:** 5-0. (See Exhibit A).

**4. Appoint Dick Stedman as Safety Officer and approve revised job description for Fire Protection Administrator.**

Interim Town Manager John Fraser asked to table this item.

The Board agreed to table this item.

**5. Discuss closure of soft shell clam flats from December 1, 2013, to April 1, 2014.**

Selectman Daggett said the Clam Warden supports closing the soft shell clam flats to protect the clams. In the wintertime, if the flats are disturbed and the blanket of snow is removed, the clams will freeze.

Town Clerk April Dufoe asked if the Board would consider changing the December 1 date for initiating the clam flats closing to January 1 to avoid confusion. She said some people that have clam licenses may not realize the clam flats are closed for soft shell clams. If the closing began January 1, everyone would be aware because, she would not sell them clam licenses.

The Board did not support moving the date back another month.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to close the Kennebunkport clam flats from December 1, 2013, to April 1, 2014. **Vote:** 5-0.

**6. Review/approve proposed letter to Town residents regarding the January 21, 2014, Referendum.**

Selectman Hutchins pointed out an error in the costs of the projects.

**Motion** by Selectman Hutchins, seconded by Selectman Daggett, to approve the letter to be sent to Kennebunkport registered voters with correction mentioned above. **Vote:** 5-0.

Ms. Dufoe said the letter to residents will be sent by first class mail and will also include an absentee ballot application if the Board approves.

The Board supported Ms. Dufoe's intentions.

**7. Discuss fiscal year 2015 budget priorities.**

The Board's budget priorities were as follows:

- Continue with and sustain work on infrastructure: sidewalks, curbing, and road repairs.
- Cape Porpoise Pier repairs.
- Continue working on the Police Department command center.

**8. Other business.**

- a. **Discuss closing town hall for two hours on December 18, so that**

**employees may attend holiday party from 12 to 2 PM.**

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to close Town Hall for two hours on December 18, from 12 to 2 P.M. **Vote:** 5-0.

Selectman Matthews-Bull said they are still working on Prelude. She said WGME will have a live feed at Dock Square on December 13.

**9. Consideration of the November 26, 2013, Treasurer's Warrant.**

**Motion** by Selectman Daggett, seconded by Selectman Hutchins, to approve the November 26, 2013, Treasurer's Warrant. **Vote:** 5-0.

**10. Adjournment.**

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

The meeting adjourned at 9:18 A.M.

Submitted by Arlene McMurray  
Administrative Assistant

**SOLID WASTE RULES AND REGULATIONS  
TOWN OF KENNEBUNKPORT  
KENNEBUNKPORT, MAINE**

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# SOLID WASTE RULES AND REGULATIONS TOWN OF KENNEBUNKPORT KENNEBUNKPORT, MAINE

## 1.0 GENERAL

These Rules and Regulations for the collection, transportation and disposal of solid waste in the Town of Kennebunkport ("the Town") have been adopted by the Board of Selectmen as authorized by the Solid Waste Ordinance, and should be read in conjunction with the Solid Waste Ordinance. The rules and regulations may be updated by the Board of Selectmen from time to time. It shall be the responsibility of each licensed hauler to have the most current copy of the rules and regulations and the Solid Waste Ordinance.

## 2.0 WASTE HAULING PERMIT

The owner of each vehicle collecting solid waste for disposal at Pine Tree Waste/Casella in Westbrook shall obtain a permit for that vehicle from the Board of Selectmen prior to the use of that vehicle to collect and dispose of any waste in the Town. Permit applications shall be submitted to the Town on forms provided by the Town for that purpose. The Board of Selectmen shall review the application and may require the applicant to appear before the Board to provide relevant information and respond to questions. The Board shall make a decision within sixty (60) days of receipt of a complete application and shall grant the permit upon a finding by the Board that the applicant has met all the requirements of the Solid Waste Ordinance, these Rules and Regulations, and the Waste Handling Agreement dated July 1, 2004 and any amendments thereto between the Town of Kennebunkport and Pine Tree Waste/Casella in Westbrook. Permits shall be renewed on an annual basis in accordance with the foregoing procedures.

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Before obtaining a permit, every vehicle owner or hauler must establish reasonable financial responsibility for delivering waste safely and competently to the Pine Tree Waste/Casella in Westbrook facility on behalf of the Town.

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Every vehicle owner or hauler seeking a permit under this section must agree to comply with the hauler regulations adopted from time to time by Pine Tree Waste/Casella in Westbrook, with respect to delivery of waste to the Pine Tree Waste/Casella in Westbrook facility, including any regulation prohibiting delivery of Unacceptable Waste, as that term is defined in the Solid Waste Ordinance.

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Every vehicle owner or hauler seeking a permit under this section must agree to notify Pine Tree Waste/Casella in Westbrook's weigh station operator and/or waste delivery inspector if their load contains pathological waste or hazardous waste or is from a source such as a hospital or other place likely to produce pathological waste or hazardous waste.

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Failure to comply in any material respect with Pine Tree Waste/Casella in Westbrook's hauler regulations on two or more occasions within a 12-month period may result in suspension or revocation of the permit (see sections 15.0 and 16.0).

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### 3.0 DISPOSAL SITE

3.1 The following sites are approved disposal sites for each waste stream listed. No other site shall be used for waste originating in the Town without written authorization of the Board of Selectmen.

3.1.1 Acceptable Waste (as defined in the Solid Waste Ordinance): Pine Tree Waste/Casella in Westbrook, Biddeford or its backup facilities in the event of a breakdown.

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3.1.2 White Goods: The Demolition Debris Transfer Station, Sea Rd. Kennebunk or Saco Steel, Saco.

3.1.3 Brush and Demolition Debris: Demolition Debris Transfer Station, Sea Rd. Kennebunk.

3.1.4 Hazardous Waste: State approved site for the specific waste.

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3.1.5 Recyclable Material: Every other week curbside or Recycle Transfer Station, Sea Road, Kennebunk.

3.1.6 Stumps and grubbings: J.A. Simpson, Inc., 281 Jagger Mill Road, Sanford, ME or other licensed facility.

Deleted: Putnam Lumber Inc., No. Berwick, ME

3.1.7 Organic Waste (including fibrous materials and food waste): Maine DEP Approved Processing Facilities and Composting Facilities.

Deleted: Winter Woods Farm facility in Lyman, Maine

Acceptable waste for Pine Tree Waste/Casella in Westbrook: See definition of Acceptable Waste in Solid Waste Ordinance.

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3.3 Acceptable waste for Sea Road Demolition Debris Transfer Station: Construction and demolition debris, brush, leaves, lawn wastes. Other wastes acceptable at the Demolition Debris Transfer Station include

but are not limited to, asphalt shingles, asbestos siding, and non-recyclable metal and plastic. (For additional information and a list of acceptable sites for special wastes, call the Maine Department of Environmental Protection, (207) 289-2111.)

- 3.4 Any project required to be reviewed by the Planning Board for site plan or subdivision approval is required to use a facility licensed by the Maine Department of Environmental Protection.

#### 4.0 FEE

- 4.1 For each vehicle hauling waste to Pine Tree Waste/Casella in Westbrook, an annual fee of one hundred dollars (\$100.00) shall be assessed for the period of June 1 to May 31 or any portion thereof.

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- 4.2 A fee for white good disposal will be charged as assessed by current contractor of Sea Road Demolition Debris Transfer Station. Cash payments will be accepted at the facility.

Deleted: The use of the Sea Road Demolition Debris Transfer Station by residents for the disposal of lawn and garden waste shall require an annual sticker obtained at the town office. There is no charge for this sticker. The waste must be emptied from and not left in disposal containers, such as plastic bags. No fee will be assessed for this waste

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Deleted: disposal of demolition debris

Deleted: 4.4 There is no fee for white good disposal except for a fifteen dollar (\$15.00) charge for any unit containing Freon.¶

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#### 5.0 PLACARD

Each vehicle which is issued a permit for use of the Pine Tree Waste/Casella in Westbrook facility by the selectmen may be issued a placard which shall be affixed to the vehicle. The placard shall be affixed to the vehicle at all times that waste is being collected or conveyed to the approved disposal site.

#### 6.0 DISPOSAL FEES

The Town of Kennebunkport will pay the tipping fee for all Acceptable Waste originating from and collected within the Town and delivered to Pine Tree Waste/Casella in Westbrook. Tipping fees at all other disposal facilities shall be the responsibility of the licensed hauler, unless otherwise agreed to in writing by the Board of Selectmen and the Hauler.

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#### 7.0 WASTE LOADS

Only waste originating from and collected within the Town and delivered to Pine Tree Waste/Casella in Westbrook shall be charged to the Town. Each load charged to the Town shall consist solely of waste originating from the Town. Waste collected within the Town shall not be mixed with waste from

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any other community unless certified weighing equipment is built into the truck to assure proper origin for municipal charge. Prior approval of the selectmen is required for each hauler to use such scales for mixed loads.

## 8.0 VEHICLES

Vehicles licensed to collect waste within the Town which is to be delivered to Pine Tree Waste/Casella in Westbrook must be of a suitable design which is acceptable to Pine Tree Waste/Casella in Westbrook.

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## 9.0 LITTER

- 9.1 Any licensed hauler servicing a residence shall collect all waste that has been left out to be picked up, including any items that may not be in containers, destruction of containers by animals, or other litter generated in connection with the waste disposal service. Any acceptable waste, once picked up at curbside, becomes the property of the hauler.

Any resident or business putting unacceptable waste or unacceptably contained waste out for collection shall remove the waste within 24 hours of notification by the Town or shall be subject to a fine imposed by the Board of Selectmen in accordance with Section 10.

- 9.3 Acceptable containers: In connection with the curbside waste collection service provided by the Town, the following containers shall be acceptable:

Cans or containers having handles, with a capacity not exceeding 35 gallons. Such cans or containers shall be tapered so that the diameter of the top is larger than the diameter of the bottom. They must have mechanically locking covers (friction or catching covers). The contents plus the container must not exceed forty (40) pounds. All containers are to be identified with either the family surname or with the street name and house number.

Unacceptable containers shall include paper bags, plastic bags (usage inside proper containers is approved), cardboard boxes, and 55 gallon drums. Loose or bundled waste is not acceptable. All containers must be in good condition. It is the responsibility of the hauler to determine the acceptability of containers. Unacceptable containers will not be collected, or if not in good condition, may be removed with the trash.

Any person or business putting waste out for curbside collection earlier than 4:00 PM the day prior to scheduled collection or failing to remove



their containers from curb-side within 24 hours of pick-up shall be subject to a fine imposed by the Board of Selectmen as stated in the Solid Waste Ordinance, Article VI, 6.1 (Fines and Penalties).

- 9.5 Five (5) containers per residence are the limit allowed for weekly curbside pick-up.

## 10.0 FINES

The selectmen may impose a fine up to \$1,000 plus all costs incurred by the Town including legal fees, for each infraction of the Solid Waste Ordinance or these Rules and Regulations. Each waste load or day of violation shall be considered a separate violation which is subject to a separate fine.

## 11.0 CUSTOMER LIST

Each licensed hauler delivering waste to Pine Tree Waste/Casella in Westbrook, shall supply a customer list to the Board of Selectmen. This list will be used to determine if the total amount of waste delivered to Pine Tree Waste/Casella in Westbrook is reasonably related to the amount of waste generated by that hauler's customers and for such other purposes as the Selectmen determine to be necessary. The total number of seasonal and year round customers shall be set forth. Each licensed hauler shall notify the Town on a monthly basis of changes in its customer list. These lists will be kept confidential by the Town.

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## 12.0 PERMITTED HOURS OF COLLECTION

Unless otherwise approved by the Town, hours of solid waste collection, for all permit holders, shall start no earlier than 6:30 AM and shall be completed no later than 6:00 PM.

## 13.0 PERMITS NOT TRANSFERABLE

No permit shall be transferred to any person or to any other vehicle, and no license fee shall be refunded if the licensed activity is ceased prior to the expiration of the license. Purported transfers not in accordance with this section are void.

## 14.0 SUPPLEMENTATION OF APPLICATIONS

Whenever a permit is in effect, the licensee shall be responsible for notifying the Board of Selectmen in writing of any material change in facts set forth in the application for the permit within seven (7) days thereafter. Failure to comply with this requirement shall be a violation of this chapter.

## 15.0 STANDARD FOR DENIAL, SUSPENSION OR REVOCATION

A permit may be denied, suspended or revoked by the Board of Selectmen upon a determination of the existence of one or more of the following grounds:

- 15.1 Failure to fully complete the application forms, knowingly making an incorrect statement of a material nature on such form, failure to supply any additional documentation required or reasonably necessary to determine whether such license should be issued, failure to pay any fee required hereunder, or:
- 15.2 The licensee has violated any provision of the Solid Waste Ordinance or these Rules and Regulations in the course of the conduct of the activity for which the license has been issued.
- 15.3 The licensee has failed to comply in any material respect with Pine Tree Waste/Casella in Westbrook's hauler regulations on two or more occasions within a 12-month period.

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## 16.0 RIGHT TO A HEARING

- 16.1 A permit may not be revoked or suspended without prior notice to the licensee and a hearing.
- 16.2 In the case of the suspension or revocation of a permit, a hearing shall be given to the licensee and a statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Unexcused failure of licensee to appear at the hearing shall be deemed a waiver of the right to said hearing.
- 16.3 Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a permit can be scheduled and upon a finding of probable cause for such suspension or revocation, the Board of Selectmen may suspend a permit, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Board of Selectmen shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

16.4 All suspensions or revocations shall be based upon substantial evidence and all hearings shall be conducted with substantial fairness. Strict adherence to the rules of evidence shall not be required.

16.5 All hearings on suspension or revocation of permits shall be held within thirty (30) days of delivery to licensee of the statement of complaint.

#### 17.0 NOTICE OF HEARING

The Board of Selectmen shall give notice of the time and place of the hearing by regular United States mail at least seven (7) days in advance of the hearing date. Failure of any person other than the licensee or complainant to receive a notice of hearing shall not necessitate another hearing and shall not invalidate any action taken as a result thereof.

#### 18.0 APPEALS

Any person aggrieved by a decision of the Board of Selectmen under these rules and regulations may appeal there from to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

#### 19.0 EFFECTIVE DATE

These rules and regulations as amended shall be effective as of March 1, 1994.

Amended October 23, 2003, June 24, 2004, ~~July 28, 2005~~ and ~~November 26, 2013~~.

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