



## TOWN OF KENNEBUNKPORT, MAINE

– INCORPORATED 1653 –

To: Board of Selectmen

From: Laurie Smith, Town Manager  
Werner Gilliam, CFM Director of Planning and Development

Date: May 7, 2020

Re: Assisting Businesses during COVID-19

We are quickly entering into the season where many of our local restaurant and retail businesses are preparing to serve our visitors and residents. They are an important part of the character and lifeblood of Kennebunkport. In this unprecedented time related to the COVID-19 pandemic the Town has reached out to the business community to create a plan in partnership, that ensures public health concerns are in the forefront as businesses reopen.

There are many challenges meeting requirements in executive orders, CDC guidelines, local procedures, and physical restraints. In order to thread the needle from what was normal to this new world it would be prudent for the Board of Selectmen to direct us to work within a set of parameters to address situations unique to this particular circumstances and times. These would include:

- Business should be allowed to maintain their current capacities (seating limits, etc.) but may utilize the outdoor areas of their properties (lawns, parking lots, etc.) to allow for lower customer density. In the case of multiple tenant properties, the tenants and owners would establish the priorities. No additional seating beyond what has been previously approved on the latest victualer's license would be allowed.
- The Town Manager or her designee shall be authorized to administratively allow Town parking and public spaces to be used for alternative purposes within reason. Such spaces could assist with curbside pick-up, pedestrian walkways, or the opportunity to reduce customer densities.
- Temporary structures (i.e. tents) would be allowed to accommodate these new locations, beyond our typical 30-day limit. Tents would need to accommodate safety and egress concerns.

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- Temporary allowance of additional signage related to business during the pandemic, (i.e. to direct customers to new traffic patterns, remind staff and the public to hygiene and social distancing standards). Signage should not block pedestrian ways or cause safety concerns.
- Time expansion of sidewalk/outdoor sales to lower customer density in retail establishments. Sales would be held on business owner property, unless further approvals have been granted related to public property.
- Expanding curbside delivery options for retail as well as food service

Each business location is unique and will have its individual challenges. Staff will work with each business to make determinations on ways in which the Town may be able to address our public health and business recovery goals, while maintaining other standards in town processes and procedures.

Requests for these allowances would be considered on an individual basis and could be recognized provided that businesses acknowledge that this consideration is only a temporary accommodation that the Town is extending in the extraordinary circumstances of the current pandemic, which accommodation will cease as soon as the state of emergency is terminated by the Governor or other time as determined by the Board of Selectmen. Staff would approach the temporary allowances on a month by month basis based upon need, executive orders, and CDC guidelines.

In exchange for these temporary allowances each business should be required to be a signatory to the “Kennebunkport Promise” health and safety standards currently being established. Repeated failure to adhere to stated social distancing, sanitary and safety standards could result in the rescinding of these temporary allowances being granted. A release of liability could be established for the use of public property. A draft release is attached to this document.

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## **Release of Liability for Temporary Use of Public Property**

\_\_\_\_\_ [Name of Individual/Entity], hereby acknowledges and agrees that due to the outbreak of novel coronavirus (hereinafter “COVID-19”), and the resulting civil state of emergency in the State of Maine as declared by Governor Mills on March 15, 2020, that the Town of Kennebunkport, Maine (hereinafter the “Town”) will temporarily be allowing the use of portions of public property for \_\_\_\_\_ [Use]

\_\_\_\_\_ [Name of Individual/Entity] acknowledges that this permission is only a temporary accommodation that the Town is extending in the extraordinary circumstances of the current pandemic, which accommodation will cease as soon as the state of emergency is terminated by the Governor.

THEREFORE, under the terms of this Release, the sufficiency of which is hereby acknowledged, and in consideration for the Town’s permissive use of its property, \_\_\_\_\_ [Name of Individual/Entity] does hereby release, hold harmless, and forever discharge the Town of Kennebunkport, Maine, including all of the Town’s officials, employees, and agents, from any and all causes of actions, claims, demands, damages, and/or lawsuits of any kind or nature, which \_\_\_\_\_ [Name of Individual/Entity] or any of his/her/its successor, assigns, customers or those claiming through them, now or may hereafter have, arising from or in any way relating to any and all omissions, or injuries of any kind whatsoever, to persons or property as a result of, or in any way relating to, the Town of Kennebunkport’s use of public property located at \_\_\_\_\_ (the “Property”).

\_\_\_\_\_ [Name of Individual/Entity] further agrees that he/she/it will abide by all safety, social distancing, and cleanliness standards as outline in the “Kennebunkport Promise”, as well as any additional health, life, safety and welfare conditions that the town may deem necessary in order to safeguard the health and safety of the public at large.

\_\_\_\_\_ [Name of Individual/Entity] acknowledges that the undersigned has fully read, fully understands, and is voluntarily signing this Agreement, and if signing on behalf of an entity, is duly authorized to sign on behalf of that entity.

6 Elm Street, P.O. Box 566, Kennebunkport, Maine 04046  
Tel: (207) 967-4243 Fax: (207) 967-8470

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