



TOWN OF KENNEBUNKPORT, MAINE

Board of Selectmen Agenda

June 10, 2021 @ 6:00 PM

VIRTUAL MEETING VIA ZOOM ([Instructions](#))

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1. Call to Order.
2. Approve the May 27, 2021, 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. Award bid for Harbormaster Boat.
5. Award bid for Resealing of Tennis/Basketball Courts at Rotary Park.
6. Discussion of storage of dinghies and kayaks at Dinghy Point.
7. Consider outdoor dining approvals for restaurants.
8. Discussion of future board meetings.
9. Other Business.
10. Approve the June 10, 2021, Treasurer's Warrant.
11. Executive Session per (MRSA 1, §405-6E) for discussion of union negotiations.
12. Executive Session per (MRSA 1, §405-6E) for discussion of a real estate matter.
13. Adjournment.

AGENDA ITEM DIVIDER

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
May 27, 2021
6:00 PM

MINUTES

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

Others attending via Zoom: Laurie Smith, David Powell, Tracey O’Roak, Werner Gilliam, Michael Claus, Stephanie Simpson, John Everett, Christopher Simeoni, Sarah O’Sullivan, James Stockman and others.

1. Call to Order

Selectman Daggett called the meeting to order at 6:05 PM. He took roll call of Selectmen present: Allen Daggett, Patrick Briggs, Sheila Matthews-Bull and Edward Hutchins. Michael Weston was absent.

2. Approve the May 13, 2021, selectmen meeting minutes.

Motion by Selectman Matthews-Bull, seconded by Selectman Briggs to approve the May 13, 2021, selectmen meeting minutes. **Roll Call Vote:** Briggs, Matthews-Bull and Daggett. Selectman Hutchins abstained. **Voted: 3-0. 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.)

Laurie Smith, Town Manager, introduced the new Parks & Recreation Director, Stephanie Simpson. Stephanie gave some background on herself and stated how happy she is to be here.

4. Public Hearing to consider applications for victualer’s licenses for the period from June 1, 2021, through May 31, 2022.

Motion by Selectman Matthews-Bull seconded by Selectman Briggs to open the public hearing on the annual victualer’s licenses for the period from June 1, 2021, through May 31, 2022. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted: 4-0. Motion passed.**

Chair Daggett opened the public hearing at 6:10 pm.

Werner Gilliam, Director of Codes and Planning, stated that the licenses are okay to be approved with the following exceptions. These three businesses will be granted conditional licenses pending future inspections.

- Satelite Donut and Aunt Marie’s are currently not open so they couldn’t be inspected. Their license will be conditional license until the can be inspected.

May 27, 2021, BOS Meeting Minutes

- The Maine Stay Inn is currently under construction, so they are not ready to be inspected.

There were no public comments.

Motion by Selectman Briggs seconded by Selectman Matthews-Bull to close the public hearing. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

Chair Daggett closed the public hearing at 6:13 pm.

Motion by Selectman Briggs seconded by Selectman Matthews-Bull to approve the victualer's licenses for the period of June 1, 2021, through May 31, 2022 except for Satellite Donut, Aunt Marie's and The Maine Stay Inn. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

Motion by Selectman Hutchins seconded by Selectman Matthews-Bull to conditionally approve the victualer's licenses for Satellite Donut, Aunt Marie's and The Maine Stay Inn pending future inspections. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

5. Consider renewal liquor license extension submitted by Chez Rosa, LLC d/b/a Chez Rosa, located at 2 Ocean Avenue, Building D.

Motion by Selectman Matthews-Bull seconded by Selectman Hutchins to approve the liquor license extension submitted by Chez Rosa with the condition that the gate in the courtyard is not padlocked shut. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

6. Review pricing for Geotech survey for communication towers

John Everett, Fire Chief, gave an overview of this project. He advised that two quotes were received from R.W. Gillespie & Associates and Main-Land Development Consultants. He recommended accepting the R.W. Gillespie & Associates

Motion by Selectman Hutchins, seconded by Selectman Briggs to accept the bid from R. W. Gillespie not to exceed \$6,000. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

7. Consider request to fund Piping Plover Coordinator for summer 2021.

Laurie Smith, Town Manager, advised that the Goose Rocks Beach Advisory Committee is recommending authorization to expend up to \$4,000 for a Piping Plover Coordinator to coordinate volunteers, monitor the nests and educate the general public regarding the behaviors and safety of this endangered species. This would allow for a 20-hour per week position for the summer. Staff is currently searching for applicants.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull to approve funding up to \$4,000 for a Piping Plover Coordinator for summer 2021. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

8. Discussion of streetlights

Michael Claus, Public Works Director, and James Stockman of the Lighting Committee gave an overview of the streetlight replacement proposal. The price of platter lights has greatly increased due to lack of production. The cobra lights are a fraction of the price.

Motion by Selectman Hutchins seconded by Selectman Matthews-Bull to switch from platter light fixtures to cobra style streetlights for the seven streetlights that currently require replacement. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

9. Consider Arbor Day Proclamation

Laurie Smith, Town Manager, introduced Sarah O'Sullivan of the Shade Tree Committee who then read the proclamation.

Motion by Selectman Hutchins seconded by Selectman Matthews-Bull to proclaim May 27, 2021, as Arbor Day in Kennebunkport. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

10. Consider outdoor dining approvals for restaurants.

Laurie Smith, Town Manager, advised that as of May 24, 2021, the restrictions on indoor dining capacity have been removed by the Governor's office. The Town originally gave approval for Hurricane's and Alison's restaurants to use Dock Square Parking Lot for tent dining. Other restaurants were given approval for outdoor dining on private property due to pandemic concerns and indoor dining restrictions. The power of the Board is contingent upon the Governor's State of Emergency which could end as early as June.

Discussion ensued. The Selectmen all agreed as individuals that the Town should continue to support the businesses, and their customers, as much as possible for as long as possible. Laurie Smith will contact the Town attorney to see what powers the Board may have after the State of Emergency has been lifted as well as continue to ask questions of the State of Maine.

Tina from the Nonantum and Taylor Benenti from Hurricane spoke on behalf of the local businesses and thanked the Board for their continued support.

Yazmin from Chez Rosa also thanked the Board for their support and hoped that the outdoor dining will continue for the summer.

11. Discussion of future board meetings

Laurie Smith, Town Manager, asked the Board to consider how they would like to proceed with future meetings. Discussion ensued.

It was agreed to meet via Zoom for the June 10, 2021, meeting and discuss the issue again.

12. Other Business.

Selectman Matthews-Bull questioned "for rent" signs on homes. She thought that was prohibited. Werner Gilliam, Director of Codes and Planning advised that those types of signs are allowed if they are renting the whole house. Signs are not allowed for individual rooms for rent.

Laurie Smith, Town Manager, made the following announcements:

- beach stickers are required at Goose Rocks Beach beginning on Saturday.
- the spring newsletter is fresh off the press and will be hitting homes in the next few days.
- there will be a recycling event on June 26th at Parks & Rec and for those who show up early, there will be recycling bins available.
- Laurie thanked staff for the hard work they have been doing to get the Town ready for the summer season.

13. Approve the May 27, 2021, Treasurer's Warrant.

Motion by Selectman Matthews-Bull seconded by Selectman Hutchins to approve the May 27, 2021, Treasurer's warrant. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

14. Executive Session per (MRSA 1, §405-6D) for discussion of union negotiations.

Motion by Selectman Hutchins seconded by Selectman Briggs to move into executive session. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, and Daggett. **Voted:** 4-0. **Motion passed.**

15. Executive Session per (MRSA 1, §405-6E) for discussion of a real estate matter.

16. Adjournment.

Motion to adjourn was made, seconded and approved after discussion in Executive Session at 7:50 pm.

Submitted by,
Tracey O'Roak, Administrative Assistant

AGENDA ITEM DIVIDER

Memo

To: Laurie Smith, Board of Selectmen

From: Chris Mayo

Date: June 4th, 2021

Re: Harbormaster Boat Bids

Hello:

The Town has received bids on the sale of the old harbormaster boat. The highest bid went to Shawn Hull of 31 Hodgkins Street Gloucester Massachusetts in the amount of \$6,510. My recommendation is to award the bid to Mr. Hull.

Regards,

Chris Mayo

AGENDA ITEM DIVIDER

Memo

To: Laurie Smith, Town Manager
From: Stephanie Simpson, Director of Parks & Recreation
Date: June 3, 2021
Re: Quotes for Resealing Tennis/Basketball Courts

The tennis courts and basketball court at Rotary Park at Beachwood were last refinished in 2013. At that time approximately 200 linear feet of cracks were filled with Armor Crack repair System, which had a three year warranty, shim and sanding of minor surfaces irregularities with a patch binder, shim and sanding of structural cracks with two coats of acrylic resurfacer, and surface and lines were painted.

This process typically has been done every six years to maintain a quality surface. It has been eight years since the last time repairs were made and we recommend this work is completed this year.

The Parks & Recreation Department has \$45,000 in the FY '22 budget to reseal and fill cracks at the tennis and basketball courts at Rotary Park at Beachwood.

We have received three quotes from reputable companies for the repair work on the tennis courts and basketball court.

1. Vermont Tennis Court Surfacing, LLC **\$4,281**

Vermont Tennis Court Surfacing will clean the courts, fill cracks with concrete fortified with E330 Acrylic Binder and fill hairline cracks with Crack Magic, which is a rubberized liquid crack filler. They will touch up repaired areas with paint (colors will not match exactly) and touch up lines where repairs were made.

2. Advantage Tennis **\$16,850**

Advantage tennis will grind, power sand, clean and prime mildew peeled areas with Adhesion Promoter as needed, sand and repaint all 4 net posts, tear up approximately 140' of old Armor Crack Repair that has been stretched beyond its ability to hold any longer, fill cracks and minor divots with Acrylic Patch Binder or Acrylic Crack Patch and sand as needed. (Approx. 350 Linear feet), apply Armor Crack repair System as per Manufacturer's instructions, shim and sand patched crack areas with two coats of Rubberized Acrylic Resurfacer filler coating as needed. They will apply the total area of two tennis courts and one basketball court with two coats of SportMaster ColorPlus textured coating. Color to be Light Green and Dark Green. (exterior), apply two sets of regulation white textured tennis lines as per USTA and four sets of red pickleball lines centered on each half of both courts. The basketball courts will receive the same process.

Advantage Tennis is a certified installer of Armor Crack Repair System and offer a three year warranty on the Armor repaired cracks and surfaces, except normal wear and tear and pre-existing moisture conditions and excludes new cracks growth/expansion and peeling due to mildew created by tree shading the court.

3. Beaverbrook Tennis, LLC

\$28,832

Beaverbrook Tennis, LLC will clean the surface, fill cracks with acrylic crack filler, silica sand, or E-330 acrylic cement as appropriate and fill 331 linear feet of cracks with Armor Crack Repair System. They will paint two coats of latex-ite fortified paint and hand paint the court markings for tennis and four sets of pickleball, per USTA guidelines.

The Parks & Recreation Department staff recommends using Advantage Tennis out of Passumpsic, VT for the project. Vermont Tennis Court Surfacing, LLC is not providing the work needed to fix the courts and Beaverbrook Tennis, LLC., while providing the needed service, has a higher price for the work. We are comfortable with Advantage Tennis as they repaired the courts the last time they were repaired which held up beyond the expected life of the products, they are familiar with our courts and they provide a warranty on the product.

Funds for this project will come from the Recreation Capital Reserve Account..

A time line for the work will be set once approval is received.

Thank you for your time and consideration.

**Quality Fencing
Residential & Commercial**



A Division of JS Zangla, LLC

Proposal

P. O. Box 5 St. Johnsbury VT 05819
1-802-748-4378 1-800-237-6774
1-802-748-9974 FAX

www.vttennis.com

PROPOSAL SUBMITTED TO Town of Kennebunkport	PHONE 207-967-4303	fax	DATE 4/7/2021
EMAIL breagle@kennebunkportme.	JOB Crack Repair		
STREET Town Hall - Elm Street - Box 566	JOB LOCATION Rotary Park - Beechwood Rd.		
CITY, STATE, AND ZIP CODE Kennebunkport, ME 04046 19688	Two (2) Tennis and One (1) Basketball Court		

We hereby submit specifications and estimates to:

Work to be completed:

- a. Clean entire surface area with compressed air.
- b. Clean and fill structural cracks with concrete fortified with E330 Acrylic Binder. .
Fill hairline cracks with **Crack Magic** rubberized liquid crack filler.
- c. Touch up repaired areas with **Premier Sports Coatings**, Dk. Green , Lt. Green, and Red with the understanding that the color will not match perfectly.
- d. Touch up lines where crack repair has been made.

Note: Though we use the finest materials available, Vermont Tennis Court Surfacing cannot control your base, therefore we cannot guarantee that cracks will not reappear.

We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Four Thousand Two Hundred Eighty-One and 00/100 ----- dollars (\$ 4,281.00.)

Payment to be made as follows:

50% due upon acceptance of proposal. 50% due within 15 days of billing date.

All materials guaranteed as specified. All work to be completed in a workmanlike manner according to standard practices. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and any other necessary insurance. Our workers are covered by Workman's Compensation Insurance. Customer agrees to pay 1 1/2% per month (or 18% per annum) interest on sums overdue by 30 days or more and agrees to pay cost of collection and reasonable attorneys fees. This agreement shall be governed and

Authorized
Signature

Mike Verge, Representative

Note: This proposal may be withdrawn by us if not accepted within **90 days**

Acceptance of Proposal

The above prices, specifications and conditions (back side) are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____



ADVANTAGE TENNIS
800.550.2226 | ADVANTAGETENNIS.NET

PO BOX 73 PASSUMPSIC, VT 05861

PDF



Proposal Submitted To:
KENNEBUNKPORT PARKS AND REC. DEPT.

Contact:
Breede Reagle - Acting Director

Address:
P.O. Box 566
City / State / Zip Code:
Kennebunkport, ME 04046

Phone:
207-604-1314

Alt / Fax:

Date:
May 27, 2021

E-mail:
breagle@kennebunkportme.gov

Scope Of Work:
Tennis Court Maintenance

Location:
Beachwood Ave

Products and Specifications

Color Coating

Armor Crack

Construction

Overlays

- a. Grind, power sand, clean and prime mildew peeled areas with Adhesion Promoter as needed.
- b. Sand and repaint all 4 net posts
- c. Tear up approx 140' of old Armor Crack Repair that has been stretched beyond its ability to hold any longer.
- d. Fill cracks and minor divots with Acrylic Patch Binder or Acrylic Crack Patch and sand as needed. (Approx. 350 Linear feet)
- e. Apply Armor Crack repair System as per Manufacturers instructions. (certified installer)
(3 year warranty on ARMOR repaired cracks and surface, except normal wear and pre-existing moisture conditions. Excludes new crack growth/expansion and peeling due to mildew created by trees shading the court)
- f. Shim and sand patched crack areas with 2 coats of Rubberized Acrylic Resurfacer filler coating as needed.
- g. Total area of 2 tennis court to receive 2 coats of SportMaster ColorPlus textured coating.
Color to be Light Green and Dark Green. (exterior)
- h. Apply 2 sets of regulation white textured tennis lines as per USTA and 4 sets of red pickleball lines centered on each half of both courts

Free Advantage Tennis Nets and center straps with resurfacing project done by Advantage Tennis

Price for above work: \$14,350.00

Price for Acrylic Resurfacer (if changing colors): Add: \$2,800.00

Optional Price: Repair cracks on Basketball court - ADD \$2,500.00

- a. Tear up approx 40' of old Armor Crack Repair that has been stretched beyond its ability to hold any longer.
- b. Fill cracks and minor divots with Acrylic Patch Binder or Acrylic Crack Patch and sand as needed. (Approx. 85 Linear feet)
- c. Apply Armor Crack repair System as per Manufacturers instructions. (certified installer)
(3 year warranty on ARMOR repaired cracks and surface, except normal wear and pre-existing moisture conditions. Excludes new crack growth/expansion and peeling due to mildew created by trees shading the court)

WE PROPOSE to furnish labor and materials as specified, for the sum of :

As stated above

Payment To Be Made As Follows:

25% prior to project, Upon completion of each phase within 10 days



2.9% credit card fee applicable

All workmanship and materials guaranteed for 1 year or as stated above. Cracks, rust spots, Armor swelling, peeling due to trees shading the court, patching irregularities, heaving and all other problems caused by current asphalt mix, moisture or pre-existing pavement conditions or normal wear are not guaranteed. The Armor Crack Repair System (8 inch tape only), except for swelling caused by excessive moisture or vandalism, will be guaranteed for 3 years or stated above. All costs involving construction debris is the responsibility of the owner, unless specified in writing by Advantage Tennis. Advantage Tennis reserves the right to adjust pricing based on the State DOT book price of Asphalt Cement (AC), Steel, Acrylics and Fuel at the time of delivery. Adjustments will be based on monthly prices determined by the manufacturers. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders or confirmed email, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, weather, COVID, or delays beyond our control. Customer agrees to pay 2.5% per month for interest on all sums overdue by 30 days or more, and agrees to pay the cost of reasonable attorney fees for collection. A Mechanics Lien may be attached to property on overdue accounts of 45 days or more. Unpaid accounts voids warranty.

Authorized Signature:

Shawn Timson

Note: This proposal may be withdrawn by us if not accepted by

2021-2022

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as stated above.

Signature: _____

Date of Acceptance: _____

Beaverbrook Tennis, LLC
610 Rocky Knoll Road
Denmark, Me 04022
Fax/phone 207-452-2107

Town of Kennebunkport
Parks & Recreation
6 Elm Street
Kennebunkport, Me 04046
Attn: Breese Reagle

*Proposal/Contract to Make Temporary Crack Repairs and Resurface Two
Tennis Courts and One Basketball Court Located at 105 Beachwood Avenue
in Kennebunkport, Maine:*

March 22, 2021

1. Cleaning: Clean entire area with high velocity air equipment.
All Courts to be Pressure washed.
Note: Owner to provide charged garden hose hookup.
2. Cracks: All cracks to be pretreated with acrylic crack filler, silica sand, or E-330 acrylic Cement as appropriate.
Armor crack repair system to be installed on 331 linear feet of cracks.
3. Playing Surface: Latex-ite or equal:
2 coats Latex-ite fortified acrylic **Tournament Blue** inbounds.
2 coats Latex-ite fortified acrylic **Dark Green** out of bounds and key/circle.
Layout, mask and hand paint court markings (white).
Four sets of Pickleball court lines be installed as per USTA.

We Propose to furnish material and labor-complete in accordance with above specifications, for the sum of: \$ 28,832.00.

Contract Price is valid for 30 days from the date first herein specified.

Terms: 30% Deposit Required, balance due upon completion.

Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____
Authorized Signature _____

AGENDA ITEM DIVIDER

Daniel A. DiCesare
The Anchorage
904 Kings Highway
Kennebunkport, ME 04046

3 June, 2021

RE: Storage of kayaks, beach gear on Dinghy Point

Dear Ms. Smith, Mr. Daggett, Ms. Matthews-Bull, Mr. Briggs, Mr. Hutchins and Mr. Weston,

The Anchorage is the place I have called home my entire life. It has been in my family since 1953. Over these many years we have come to appreciate Goose Rocks Beach and its natural beauty immensely.

To us, it is a very special place that sees generation after generation enjoy and preserve its unique, quaint family environment.

With the advent of growth and change in the area, so come the problems associated with that growth as you are all well aware of.

Specifically speaking to this letter, the storage of kayaks, boards, chairs and beach gear on Dinghy Point.

As owners of MAP/LOT: 035-010-034, we fully support dune preservation, plover protection and the ability for locals and visitors alike to respectfully enjoy the beach.

Dinghy's have been an integral part of the Goose Rocks Beach life for many decades. The vast majority of boat owners are highly respectful and tend to look out for one another. Issues rarely, if ever arise.

However, Dinghy Point has become a de facto storage/dumping ground for kayaks, paddle boards, chairs and other beach gear which is unacceptable. These items are left for days, weeks and months at a time. Creating an unsightly mess, which wholly detracts from the beach's natural appeal.

What we are respectfully requesting is the Town come to a practical solution to this escalating problem. As the beach becomes more congested with growth from housing and business development, these problems will also rise in tandem.

With the obvious exception of dinghy's, beach goers should be required to take their kayaks, boards and all beach gear home with them at the end of the day, without exception.

Not only is this the respectful thing to do, but it will also ensure that Goose Rocks Beach consistently maintains its uninhibited beauty for all to enjoy now, and in the future.

Sincerely,

Daniel A. DiCesare