

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda  
August 24, 2023, @ 6:00 PM  
VILLAGE FIRE STATION  
32 North Street**

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**This is an in-person meeting, but the public may join in Zoom webinar format**

Join by **computer or mobile device** and click on:

<https://us06web.zoom.us/j/81333570962>

or go to **ZOOM** and enter the **webinar ID: 813 3357 0962**

By **phone 1(929) 205 6099 US**

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1. Call to Order.
2. Approve the August 10, 2023, 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 the renewal of a liquor license submitted by Musette LLC, located at 2 Pier Rd.
5. Consideration of new Town Hall construction on Village Parcel.
6. Consideration of Cape Porpoise Pier funding gap and updated cost estimate.
7. Consideration of an easement agreement between the Town of Kennebunkport and Green Marine Corporation.
8. Consideration of gift of Cape Porpoise Fire Station to the Town of Kennebunkport.
9. Potential November Ballot Questions:
  - a. Comprehensive Plan updates.
  - b. Street Opening Permit updates.
  - c. Town Hall bond for new construction.
  - d. Request for additional funding for Cape Porpoise Pier
  - e. Authorize the Selectboard to enter into an easement agreement with Green Marine.

- f. Acceptance of ownership of Cape Porpoise Fire Station
- 10. Cape Porpoise Pier Parking Ordinance Amendment.
- 11. Board of Selectmen liaison appointments to committees.
- 12. Consider two appointments for the Zoning Board of Appeals with a term expiring in June of 2026 from Kate Bauer-Burke, Allan Evelyn, and Mark Messer.
- 13. Consider appointing Mark Messer for an alternate position on the Board of Assessment Review with a term expiring in June 2026.
- 14. Accept donations to the general nurses' account:
  - a. \$50.00 donation from an anonymous donor;
  - b. \$50.00 donation from the Health Council in honor of Marty Forbes;
  - c. \$50.00 donation from an anonymous donor.
- 15. Other Business.
- 16. Approve the August 24, 2023, Treasurer's Warrant.
- 17. Adjournment.

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# **AGENDA ITEM DIVIDER**

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Town of Kennebunkport  
Board of Selectmen Meeting  
August 10, 2023  
6:00 PM

**MINUTES**

**Selectmen attending:** Mike Weston, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Marybeth Gilbert.

**1. Call to Order.**

Chairman Weston called the meeting to order at 6:00 PM.

**2. Approve the July 27, 2023, selectmen meeting minutes.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the July 27, 2023, selectmen meeting minutes. **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.)**

Selectman Dykstra let everyone know that there will be an informal meeting tomorrow with handouts (August 11<sup>th</sup>) from 5:00 pm – 7:00 pm at the Goose Rocks Beach Community House to discuss water quality at the beach and the testing regimen we are using to keep the public informed and safe.

Susan Holleran asked for an update on the progress of the widening of and sidewalk on Wildes District Road. Town Engineer Eric Labelle reported that the project is now fully funded. The first step is to do the drainage work. The plan is to reclaim the road in the Spring, do some widening, and a first layer of pavement. We will wait a year and then pave one more time.

Town Manager Laurie Smith clarified that we are fully funded for the drainage portion of the project, but the reclaim and paving will be funded in another budget year.

David James via Zoom commented that he didn't have a video at the beginning of the meeting but that it is OK now.

**4. Review of the Town Hall subcommittee report.**

Chairman Weston briefly reviewed the subcommittee report, describing the overall process and existing buildings considered for a Town Hall expansion, including the

existing Town Office, 63 Wilds District Road (the Wildwood Fire Station) and 32 North Street (the Village Fire Station). All three were eliminated from consideration because they either wouldn't meet the use requirements after expansion and/or because there would be no cost savings in doing an expansion versus building new at the North Street Village Parcel site. The project cost is estimated to be approximately \$8.8 million. Cost reduction options were considered, including the sale of the existing 6 Elm Street property (\$1 million), use of reserves (\$800,000), fundraising (\$500,000) and additional property sales (\$700,000).

For fundraising, the idea of a memorial wall in the new building was proposed by the committee, possibly involving a mural and/or trees, pavers, benches, etc. As to property sales, Selectman Gilbert informed the group that there were two parcels considered – the one-acre lot at 48 Beachwood Ave and the eight-acre “McCabe property” on School Street.

If the cost reduction options are implemented, this will bring the bond needed for the project down to \$5.8 million. If a 20-year bond were obtained for \$8.8M, it would increase the tax mil rate by 17 cents. For a \$7M bond, it would increase by 14 cents, and for a \$5.8M bond, it would increase by 11 cents.

Chairman Weston described debt retirements that will occur in the years 2026-2029. He also laid out the next steps in the process: the Select Board votes on the potential ballot items in the August 24<sup>th</sup> meeting, there will be ongoing public hearings and awareness sessions regarding the November ballot questions in September through to November, and then the public will vote on Election Day on November 7<sup>th</sup>.

If approved by the voters, the permitting and building design would happen October 2023 – May 2024, bidding the project June – July 2024, and project construction August 2024 – December 2025.

Alan Lamb asked what other expenses might come along. Chairman Weston said that the Board was unaware of anything specific or definitive.

Robin Phillips had several questions:

She asked the amount of funds that had been set aside to this point for the Town Hall project. Laurie Smith responded that the \$400,000 that had been approved previously was for design and engineering throughout the project, taking us to the point of construction. A portion of those funds have been expended for the architectural design and engineering to this point.

Robin suggested a mailed paper survey for the Town Hall project and Village Parcel development. The Board responded that we are past that point for the Town Hall project, but they would take into consideration how best to keep the public informed and get feedback regarding the Village Parcel.

## August 10, 2023, BOS Meeting Minutes

Robin asked for details about how the public was informed of and provided feedback regarding the Town Hall project. Chairman Weston explained that a public call was made for people to participate in a committee including two Selectmen. The committee, he estimated of approximately 30 people, worked with the engineers to develop the building plan.

Bob Sherman asked the Board to consider budgeting for the following when it comes to the Town Hall project: new furniture, landscaping, and signage.

Melinda Anderson, via Zoom, asked what the cost would be to build up (a second floor) to the existing Town Hall building instead of constructing a new building. Director of Planning and Development, Werner Gilliam, responded that while an upward expansion had been studied and was possible, there were several major problems with this approach. While adequate office space could be created, a large public meeting room could not. An expansion of the existing location would not solve the current problem of inadequate parking. And there would be logistical issues in continuing to carry out the town's business while that building is being renovated. Finally, the cost of the renovation and reconstruction would likely end up being more than a new build. Selectman Gilbert added that the current community room space at the Village Fire Station being used for this and other meetings would likely be converted to quarters for per diem firefighters in the future. This would make having such meeting space in a new or reconstructed Town Hall building essential.

Dave James via Zoom mentioned in response to Robin Phillips' concern about meeting viewing, that the public has three options other than attending the meeting in person: via Zoom during the meeting (where they can also participate), on the government access cable TV channel, or on-demand after the meeting at the Town website.

Christos Cotsakos asked how the McCabe property was going to be zoned. Chairman Weston responded that it's currently zoned Village Residential. Christos also asked if there was a contingency fund for the Town Hall construction, given inflation and fluctuations in building costs. Chairman Weston replied that there is a contingency of 15%, which comes to \$1.1M. Christos asked further if the Board feels the \$8.8M is adequate for the needs of the Town now and in the future. Chairman Weston responded that the committee determined it should be adequate for the next ten years or so. Werner Gilliam added that the design does include flexible design space.

Alan Lamb asked if other capital projects have been budgeted for future years, and Mike Weston responded that they were – for example, for the wastewater treatment plant. Town Engineer, Eric Labelle, continued that three wastewater projects have been bonded: the clarifier project (completed), the pump station project, and the de-watering project. Mike Weston added that the new fire department ladder truck had been budgeted. Items and projects like these are laid out in the Town Budget Book, which is available to the public.

Loretta McDonnell asked for clarification of the number of people on the Town Hall committee. She had documentation that indicated it was more like 15 people, not 30. Chairman Weston concurred that 15 seemed right.

Melinda Anderson asked about the roof in the plan for the new Town Hall. It appears to her that it is flat. Werner explained that it is a trussed roof though there may be some flat roofing elements for equipment. Melinda further questioned why time and effort had been expended examining properties for a new Town Hall that wouldn't work. Board members replied that they were merely going through an inventory of town-owned properties to determine if any were suitable. The previously mentioned property on Beachwood Ave is too small, and the "McCabe property" building envelope is significantly farther from the street than the site at the Village Parcel. It would require considerably more road and utility infrastructure, increasing the construction cost. Melinda finished her comments, stating that she agrees a mailed survey to residents is the best way to ensure all community members are informed.

Susan Holleran asked what the run rate would be for the increase in square footage from the current 5,730 to the proposed 12,661. Chairman Weston said they hadn't done that analysis yet, but it would likely be more. Selectman Dykstra added that more efficient equipment would be used, with a design option to incorporate solar, though that would not be immediately implemented.

**5. Recognition of the resignation of the RSU 21 School Board member and discussion of the replacement process.**

Chairman Weston explained that with the resignation of Jameson Davis, the Board of Selectmen is to appoint an interim representative to the School Board. Town Clerk Tracey O'Roak continued that per State statute, the interim School Board representative would serve until the next regular election in June 2024. The suggested process is to advertise the vacancy on our website, Facebook, the Kennebunk Post, the library, and Town Hall. Tracey has created a simple application form to get like-for-like information from all applicants. All applications must be received at Town Hall by 4:30 pm on Friday, September 1<sup>st</sup>. The Board will review the applications at the September 14<sup>th</sup> meeting. Tracey suggested that it would be beneficial to have applicants attend that meeting to answer any questions the board might have of them. The Board could then make their appointment in that meeting or at the September 28<sup>th</sup> meeting. She noted that this is an efficient and fair process that has been used in other nearby communities, such as Kennebunk, and by Town Manager Laurie Smith in other communities, she has served.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept the appointment process. **Voted: 5-0. Motion passed.**

**6. Presentation of proposed November 2023 ballot questions:**

**a. Comprehensive Plan updates**

Werner Gilliam explained that While the Town submitted its plan in a timely fashion, the state did not review it in the allotted time. The Town, therefore, decided to proceed in putting the plan before the voters. He considers these to be minor housekeeping changes to bring the Kennebunkport Comprehensive Plan into compliance with State ordinances. Mike Weston noted that these changes have already been discussed in previous meetings. These changes are available as warrant article exhibits online.

Robin Phillips questioned a passage in the state ordinance referring to motorized vehicles on trails. Werner responded that this language is required by State ordinance but that Kennebunkport has no intention of having trails for motorized vehicles.

**b. Street Opening Permit updates**

Public Works Director Chris Simeoni explained a change regarding applications for street openings and moratorium status. The Town does not want roads that have been recently reconstructed to be opened back up for a while. We send notifications of road projects to the residents along the road, informing them that it is a prudent time to check their water & sewer, and other utility lines before the reconstruction happens. We have a five-year moratorium on opening the road following reconstruction. If this change is approved, requests for streets that are not under moratorium would be addressed by Chris, whereas those for streets that are under moratorium would continue to be addressed by the Board of Selectmen. He is also introducing a standard for repair quality for short-term and permanent road repairs by contractors.

**Motion** by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the ballot question changes. **Voted: 5-0. Motion passed.**

**7. New cruiser for the Police Department.**

Chief of Police, Craig Sanford, informed the Board that the usual process of bidding, ordering and taking delivery of replacement police cruisers is still a mess. He's being told that delivery for the latest cruiser replacement could take a year or more. The Chief reached out to the dealer that replaced three cruisers last year. They have a vehicle on their lot now and provided a trade-in amount for the existing aging vehicle. The Chief recommends we make this purchase now as we need the vehicle, and he doesn't know when we will get another opportunity.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the purchase of a 2023 Ford Explorer for \$39,115.35. **Voted: 5-0. Motion passed.**

**8. Authorize carryforwards from FY23.**

Finance Director, Nicole Evangelista, informed the Board that the carryforwards include projects, equipment & services that could not be completed in the prior fiscal year. The total carryover request is \$192,320.

**Motion** by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the carryforwards in the total amount of \$192,320. **Voted: 5-0. Motion passed.**

**9. Dyke Road Right of Way Agreement.**

**10. Request to waive Planning Board fees for the upcoming Beachwood neighborhood by the Kennebunkport Heritage Housing Trust.**

**Chairman Weston informed the group that agenda items 9 & 10 are being tabled until the Board gets more detailed information.**

**11. Boat Launch presentation and updates.**

Selectman Dykstra informed the group that the new boat launch was operational. More than 40 residents have registered to use the launch. A taxpayer or mooring holder can apply by going to the website <https://kportboat.com>. Harbormaster Frank Orr will confirm that the applicant is a taxpayer or mooring holder and then approve the application.

Selectman Dykstra then did a short presentation showing how an approved user would log into the site and select a date and time for a 30-minute boat ramp reservation. He explained that you could pick two time slots in a 7-day window. You cannot reserve a time greater than 7 days out. You should check out the location at low tide because there are lots of rocks nearby you will want to avoid.

He demonstrated how you can pick a time slot. You will receive an email with the combination to unlock the padlock so you can remove the chain at the ramp entrance. He asked everyone to remember to replace the chain and lock when you are done. He also demonstrated how you can cancel a reservation if you need to.

Alan Evelyn asked how the lock codes are cycled. Jon replied that they are changed weekly.

**12. Update on the Pier Rd Causeway project.**

Eric Labelle informed the group that the project went out to bid today. Bids are due back by 3 pm on August 31<sup>st</sup>. The Army Corps of Engineers permit is still pending, but we do have a project manager. The feedback so far is that they find no major issues with the project plan. We hope to start construction in October and complete the project in May of next year.

**13. Update on the Cape Porpoise Pier project.**

Mike Claus told the Board that we're working with grants from EDA and the State of Maine, so we have made our submittals to them. We have made our permit submittal and our site certificate, which proves we own the property. Plan specifications and cost estimate submittals have been made to EDA and Maine DOT. Those submittals are being reviewed now. DOT had questions about our cost estimates which are being worked out in the next few days. The project engineer at EDA estimates that we'll get our approvals in September, at which point we can then put the project out for bid. Mike thinks it's unlikely that we'll be able to get bids for construction in Winter 2023 but thinks the Winter 2024 time frame looks promising with good pricing. He thinks we'll put the project out for bid in January or February and receive bids in March. The project has been delayed a year or more due to COVID and other complications. Selectman Gilbert asked if there was a time limit to the grant funding. Laurie responded that EDA and DOT are aware of our timing and we're still in good standing.

Melinda Anderson asked if the pump-out station is included in this project, and Mike responded that it is not.

**14. Request for Street Opening permit by George Burr & Sons Inc. for:**

**a. Langsford Road.**

Chris Simeoni explained that the residents' sump pump is currently discharging in a way that the water runs onto the neighbor's property. They are seeking a way to responsibly run their sump pump without negatively impacting the neighbors. There is a catch basin in front of the residence to which they would like to open the sidewalk and run a discharge pipe. The residents would pay for the work. The catch basin does not run to the wastewater treatment facility but rather to the storm water system.

**b. Ocean Avenue.**

Chris continued that this request is for an area coming out of moratorium but that the road is in very good condition. Contractor Burr & Sons is aware of the quality standard to which Chris expects the repair to be made. A \$6,000 bond is being held for this street opening.

Chris is recommending that the Board approve both street opening permits.

**Motion** by Selectman Dykstra, seconded by Selectman Daggett, to approve the street opening permits for Langsford Road and Ocean Avenue, contingent upon the stipulations made by Public Works Director Chris Simeoni. **Voted:** 5-0. **Motion passed.**

**15. Maine Municipal Association Annual Election.**

Chairman Weston read the slate of nominees:

Vice President – 1 year term

Melissa Doane, Town Manager, Town of Bradley

Executive Committee Members – 3-year term

Shiloh LaFreniere, Town Manager, Town of Jay

Nathaniel Rudy, Town Manager, Town of Gray

Dina Walk, Selectperson, Town of Weld

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the slate of nominees as read. **Voted: 5-0. Motion passed.**

**16. Appoint Carolyn Muse to the Shade Tree Committee with an expiration date of June 2024.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Carolyn Muse to the Shade Tree Committee with an expiration date of June 2024.

**Voted: 5-0. Motion passed.**

**17. Appoint Mike West to the Board of Assessment Review with an expiration date of June 2026.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Mike West to the Board of Assessment Review with an expiration date of June 2026. **Voted: 5-0. Motion passed.**

**Voted: 5-0. Motion passed.**

**18. Appoint Ella Boxall to the Climate Action Task Force with an expiration date of December 31, 2023.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to appoint Ella Boxall to the Climate Action Task Force with an expiration date of December 31, 2023.

**Voted: 5-0. Motion passed.**

**19. Other Business.**

Selectman Gilbert asked for feedback from the rest of the Board about the subcommittee report. The Board agreed that the subcommittee did a great job and appreciated the time and effort put into the report.

Melinda Anderson questioned why Mike Weston was being appointed to the Board of Assessment Review. The Board corrected her, saying that the appointee was Mike West, not Selectman Mike Weston.

**20. Approve the August 10, 2023, Treasurer's Warrant.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Daggett, to approve the August 10, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

**21. Adjournment.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Dykstra, to adjourn. **Voted: 5-0. Motion passed.**

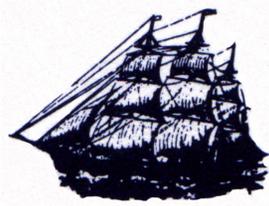
The meeting adjourned at 7:34 PM.

Submitted by,  
Dave Powell,  
Technology Specialist

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT TOWN CLERK

**To:** Laurie Smith, Town Manager  
Board of Selectmen  
**Fr:** Tracey O’Roak, Town Clerk  
**Re:** Renewal Liquor License  
**Dt:** August 14, 2023

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We have received the following renewal application for a liquor license:

- **Musette LLC, 2 Pier Road**

Staff have reviewed the application and provided approval.



4. Indicate the type of license applying for: (choose only one)

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)   | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)   | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)  | <input type="checkbox"/> Other: _____                                    |   |
| <input type="checkbox"/> Qualified Caterer   | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |   |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

2 Pier Road Kennebunkport ME 04046

6. Is the licensee/applicant(s) citizens of the United States?  Yes  No

7. Is the licensee/applicant(s) a resident of the State of Maine?  Yes  No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes  No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes  No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes  No

If yes, please provide details: \_\_\_\_\_  
 \_\_\_\_\_

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

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Jonathan M. Cartwright	4/18/66	Sheffield, England

Residence address on all the above for previous 5 years	
Name	Address:
Jonathan Cartwright	2 Pier Rd, Kennebunkport ME 04046
Name	Address:
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes  No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license?  Yes  No

17. Does the licensee/applicant(s) own the premises?  Yes  No

If No, please provide the name and address of the owner:

mortgage held by Biddeford Savings Bank

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

40 Seat Dining Room  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: The Church on the Cape

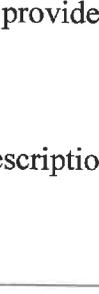
Distance: 298.6ft

**Section II: Signature of Applicant(s)**

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 8/2/23

  
Signature of Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

Selena Roy  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application?  Municipal Officers of \_\_\_\_\_

County Commissioners of \_\_\_\_\_ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

<b>Signature of Officials</b>	<b>Printed Name and Title</b>

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

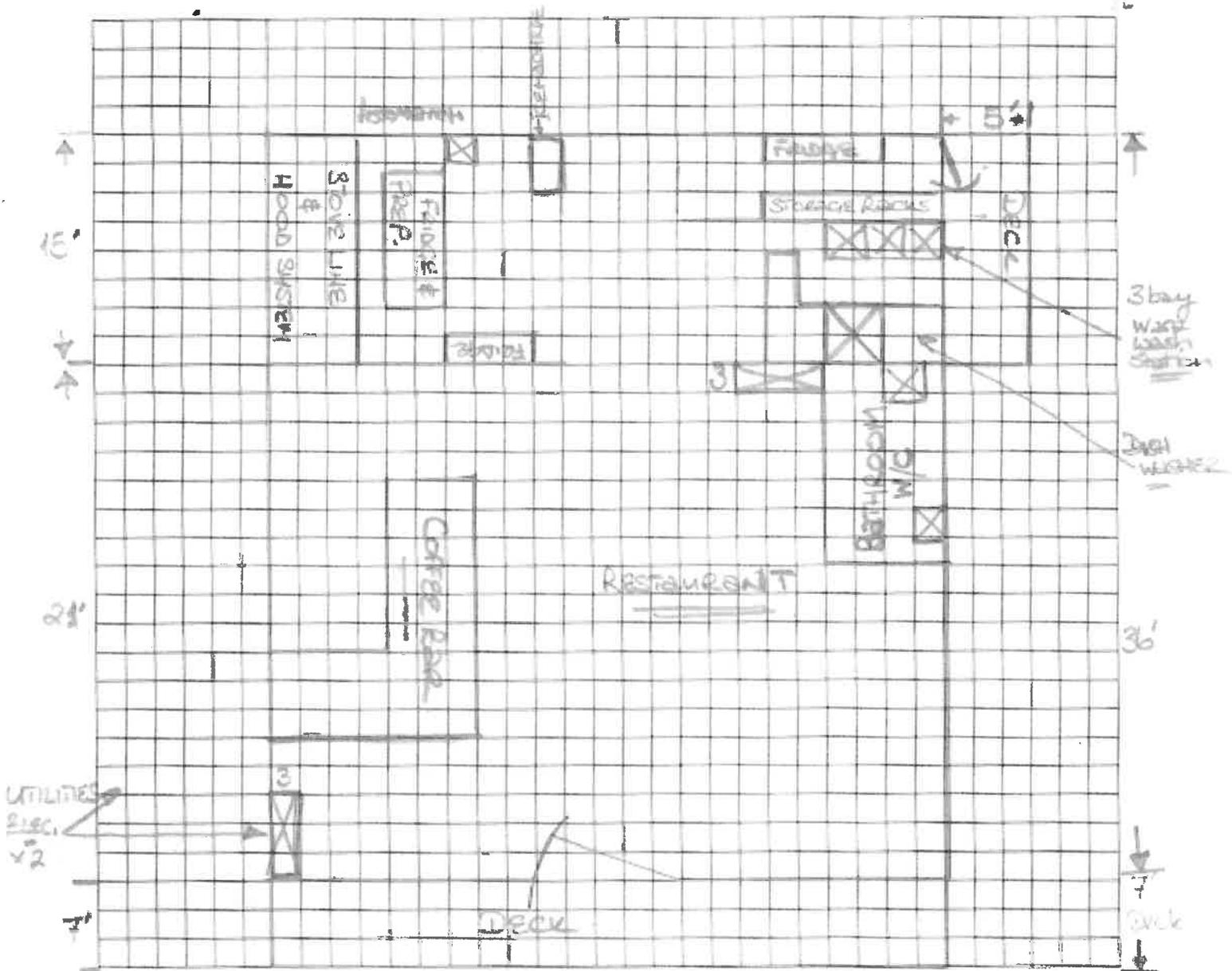
§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

### 9. Kitchen or Food Preparation Area Plan:

Use this grid or a separate sheet of graph paper to draw a floor plan, or provide a floor plan prepared by a knowledgeable party, for eating place food preparation area(s)/kitchen(s). If the plan is not drawn to scale, the dimensions must be clearly labeled. Please see the example on page 11.



The floor plan should include the following items.

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
✓ 1. Hand Washing	✓ 1. Water Closets	✓ 1. Walk-in Coolers	✓ 1. Food Preparation Areas
✓ 2. Ware Washing	✓ 2. Lavatories	✓ 2. Walk-in Freezers	✓ 2. Food Storage Areas
✓ 3. Utility	✓ 3. Urinals	✓ 3. Freestanding Coolers	✓ 3. Trash/Refuse/Redemption Areas
✓ 4. Food Prep	✓ 4. Other	✓ 4. Freestanding Freezers	✓ 4. Dining Areas
✓ 5. Dipper Wells		✓ 5. Ice Maker	✓ 5. Equipment/Counters/Seats/Tables
✓ 6. Other		✓ 6. Other	✓ 6. Dry Storage/All Other Storage

**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Jonathan M. Cartwright
2. Doing Business As, if any: Musette LLC
3. Date of filing with Secretary of State: 5/5/2017 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jonathan Cartwright	2 Pier Road Kennebunkport	4/18/66	owner	100%

(Ownership in non-publicly traded companies must add up to 100%.)

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# **AGENDA ITEM DIVIDER**

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# Town of Kennebunkport Town Offices



**A** PROPOSED WEST ELEVATION (NORTH STREET)

SCALE: 1/8" = 1'-0"



**B** PROPOSED SOUTH ELEVATION (PARKING)

SCALE: 1/8" = 1'-0"

# Town Hall Public Process

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March, 2019	Requested \$10,000 to undertake the municipal facility needs assessment for Town Hall and Fire Station.
July, 2019	Tax Newsletter - article on the Village Parcel Visioning Process citing municipal needs such as relocating town hall to Village Parcel.
Feb., 2020	Presentation at Selectboard meeting on Town Hall program space needs and Fire Department renovation.
March, 2020	Presentation to Selectboard and Budget Committee regarding request for reserve for Town Hall project - \$200,000.
June, 2020	Town Meeting approved the funding request for municipal facility needs assessment.
March, 2022	Presentation to Selectboard and Budget Committee requesting \$400,000 for engineering and design of Town Hall project.
June, 2022	Town Meeting approved the funding request for design and engineering of Town Hall.
July, 2022	Town advertised Request for Proposals for design and engineering of Town Hall.
Sept., 2022	Selectboard award Town Hall design and engineering contract to Sebago Technics and Grant Hayes Architects.
Oct., 2022	Town Newsletter article with an overview of the Town Hall project including a map of the site location.
Oct., 2022	Selectboard discussion of building committee selection for Town Hall project and projected timeline.
Oct., 2022-June, 2023	Town Hall Building Committee comprised of 7 citizens from various backgrounds, 2 Selectboard members, and 6 staff members met and reviewed over 7 potential designs.
July, 2023	Presentation to Selectboard and Public on final recommendation from the committee.
Aug., 2023	Discussion of Town Hall project and subcommittee recommendations to lower the tax impact from the Town Hall bond issuance.
Aug., 2023	Discussion and follow-up on Town Hall project and potential warrant article for November ballot.

# Village Parcel Visioning Process 2019-2020

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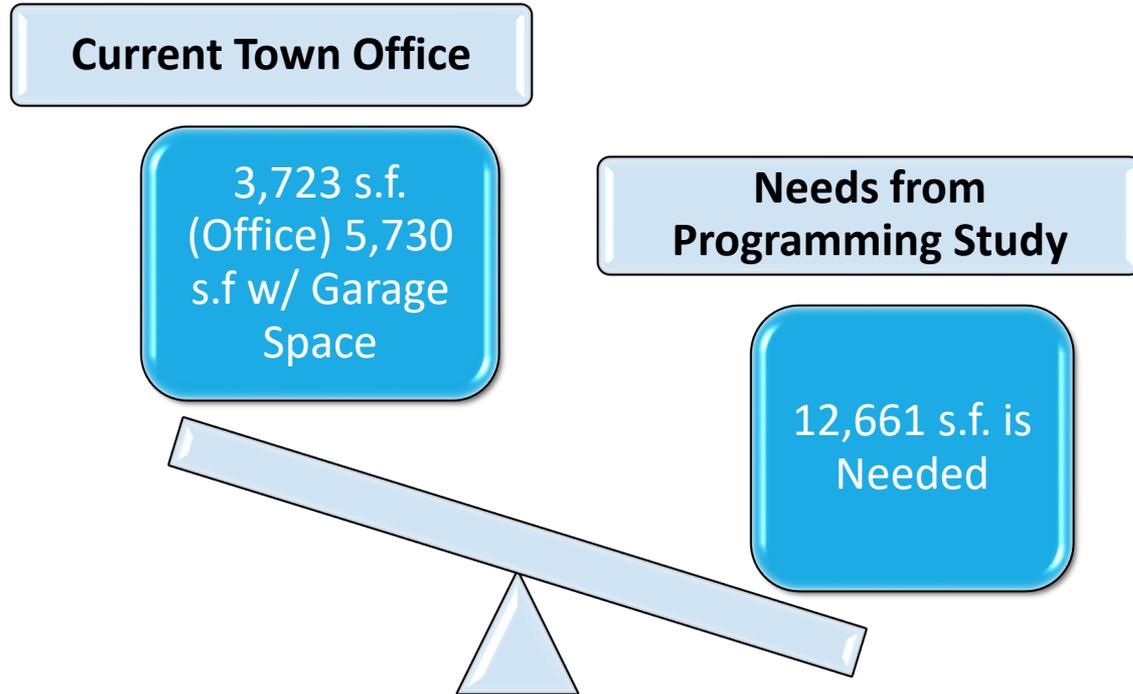
- ❖ Steering Committee comprised of 7 residents and 2 Selectboard members.
- ❖ Seventeen stakeholder groups were identified and interviewed as part of the public process. The consultants conducted interviews during scheduled Steering Committee meetings. Stakeholder groups included: Planning Board, Growth Planning Committee, Kennebunkport Conservation Trust, Conservation Commission, Housing Heritage Trust, Kennebunkport Business Association, Cemetery Committee, Shade Tree Committee, Budget Board, Street Lighting Committee, Ad-hoc Senior Advisory Committee, Kennebunkport Library, Historical Society, Portside Rotary, Consolidated PTA, and abutters. (Over 90 people)
- ❖ Two Public Visioning Sessions in May and July of 2019 with over 250 participants
- ❖ Public Steering Committee Meetings with public attending. (11 meetings)

## Final Report:

- Identification of Village Parcel supporting a new town hall and meeting space.
- Through stakeholder interviews the desire to move Town Hall to a more accessible location was voiced.
- Municipal uses were noted should be located on Site A of the Village Parcel.

# Programming and Needs

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# Program Space

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<b>Program Function</b>	<b>square footage</b>
Office Spaces	5,728
Meeting Rooms	2,128
Functional Support	1,728
Circulation	2,068
Mechanicals	1,009
	12,661

# Project Costs

PROJECT NAME: Kennebunkport Town Office  
 REVISED DATE: 7/3/2023  
 PRELIMINARY OPINION OF CONSTRUCTION COSTS



	<u>Unit</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Totals</u>	<u>Notes</u>
Site Construction	ls	1	\$1,650,510	\$1,650,510		Schematic Level - See attached.
Building Construction	sf	12,661	\$450	\$5,697,450		Est. Per Square Foot - 2024 Construction
FFE (Furnishings Fixtures, Equip.)	ls	0	\$400,000	\$0		IT, Furnishing, Equip. - Operations Budget
<b>Subtotal - Project Costs</b>					<b>\$7,347,960</b>	
Construction Contingency	ls	1	\$1,102,194	\$1,102,194	<b>\$1,102,194</b>	15% Allowance
Design, Permitting and Engineering	ls	1	\$0	\$0	<b>\$0</b>	Current Contract - Already Funded
Permit Fees	ls	1	\$10,000	\$10,000	<b>\$10,000</b>	Allowance - Assumes Town Fees Waived - Maine Fire Marshal Permit Needed, Traffic Study
Builders Risk Insurance	ls	1	\$7,000	\$7,000	<b>\$7,000</b>	Laurie will need to check with Town Insurance Carrier
Electrical Service Fees	ls	1	\$75,000	\$75,000	<b>\$75,000</b>	Allowance for Transformer and Power Extension
Impact Fees - Sewer	ls	4	\$3,500	\$14,000	<b>\$0</b>	\$3,500 flat charge per unit. 3 units for 20 employees plus 1 unit for the public. Town doesn't have to pay it.
KKWD Impact Construction	ls	1	\$5,000	\$5,000	<b>\$5,000</b>	KKWD - OAM spoke with Scott Minor on 5-9-23. Carry \$5,000
Management/Oversight	ls	1	\$250,000	\$250,000	<b>\$250,000</b>	Allowance - Town Oversight, Engineering, Materials Testing, Architectural Support
<b>Total Project Cost</b>					<b>\$8,797,154</b>	<b>Total</b>

# Cost Reduction Options

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Town Hall Construction Cost	\$ 8,800,000
Sale of 6 Elm Street	\$ (1,000,000)
Use of Reserves	\$ (800,000)
Fundraising	\$ (500,000)
Additional Property Sales	\$ (700,000)
Bonds needed for project	\$ 5,800,000

# Potential Impact on Mil Rate

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<b>Bond Amount</b>	<b>Average Annual Payment</b>	<b>Tax Impact</b>	<b>\$ Impact Per \$100,000 value</b>	<b>\$ Impact Per \$500,000 value</b>
\$8.8 million bond - 20 years	\$ 605,000	\$ 0.17	\$ 17.23	\$ 86.15
\$7.0 million bond - 20 years	\$ 497,000	\$ 0.14	\$ 14.15	\$ 70.77
\$5.8 million bond - 20 years	\$ 385,000	\$ 0.11	\$ 10.96	\$ 54.82

# Debt Retirements FY26-FY29

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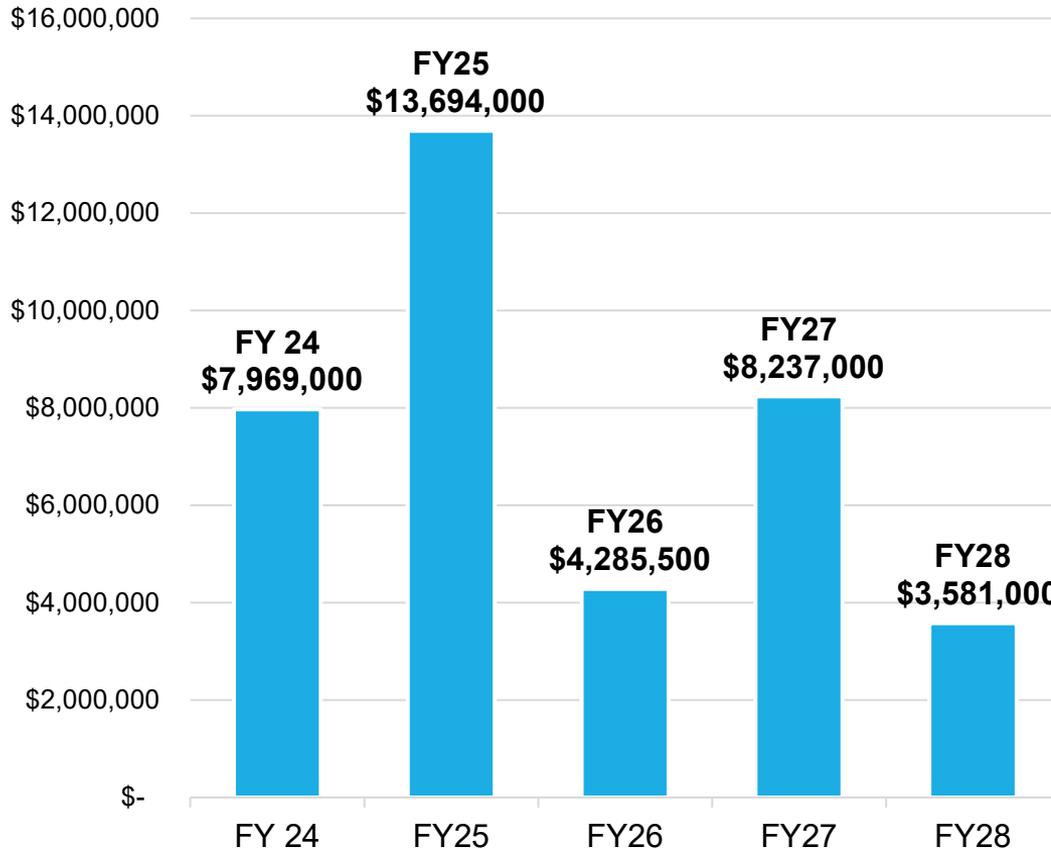
<b>Year</b>	<b>Project</b>	<b>Principal</b>	<b>Interest</b>
2026	Wastewater	\$ 33,590.27	\$ 1,604.23
2027	Police	\$ 42,254.17	\$ 2,936.86
2027	Radio Tower	\$ 200,000.00	\$ 19,380.06
2028	Recreation	\$ 45,000.00	\$ 5,801.40
2029	Seawall	\$ 105,000.00	\$ 26,270.83
	Total:	\$ 425,844.44	\$ 55,993.39
	Grand Total		\$ 481,837.83

# Capital Improvement Plan

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<b>Department</b>	<b>FY 24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>Future</b>
Administration	\$ 7,000	\$ 4,507,000	\$ 7,000	\$ 37,000	\$ 7,000	\$ 250,000
Fire	\$ 2,307,000	\$ 1,551,000	\$ 91,000	\$ 361,000	\$ 55,000	\$ 3,640,000
Parks & Rec	\$ 75,000	\$ 650,000	\$ 150,000	\$ 50,000	\$ -	\$ 150,000
Piers	\$ 7,500	\$ -	\$ 7,500	\$ -	\$ -	\$ 30,000
Police	\$ 99,000	\$ 81,000	\$ 120,000	\$ 151,000	\$ 120,000	\$ 556,000
Public Works	\$ 1,478,500	\$ 1,245,000	\$ 910,000	\$ 1,083,000	\$ 1,299,000	\$ 6,715,000
Special Projects	\$ 3,285,000	\$ 2,500,000	\$ 200,000	\$ 3,500,000	\$ 300,000	\$ 7,000,000
Wastewater	\$ 710,000	\$ 3,160,000	\$ 2,800,000	\$ 3,055,000	\$ 1,800,000	\$ 8,200,000
<b>Totals</b>	<b>\$ 7,969,000</b>	<b>\$ 13,694,000</b>	<b>\$ 4,285,500</b>	<b>\$ 8,237,000</b>	<b>\$ 3,581,000</b>	<b>\$ 26,541,000</b>

## CIP Funding FY24 - FY28



# 5 Year CIP Funding Needs

## Major Projects:

### FY 24

- Ladder Truck
- Pier Road

### FY25

- Town Hall
- Village Fire Station
- Ocean Ave. Resiliency
- 2 Pump Stations

### FY26

- 2 Pump Stations

### FY27

- 2 Pump Stations
- Cape Porpoise Resiliency

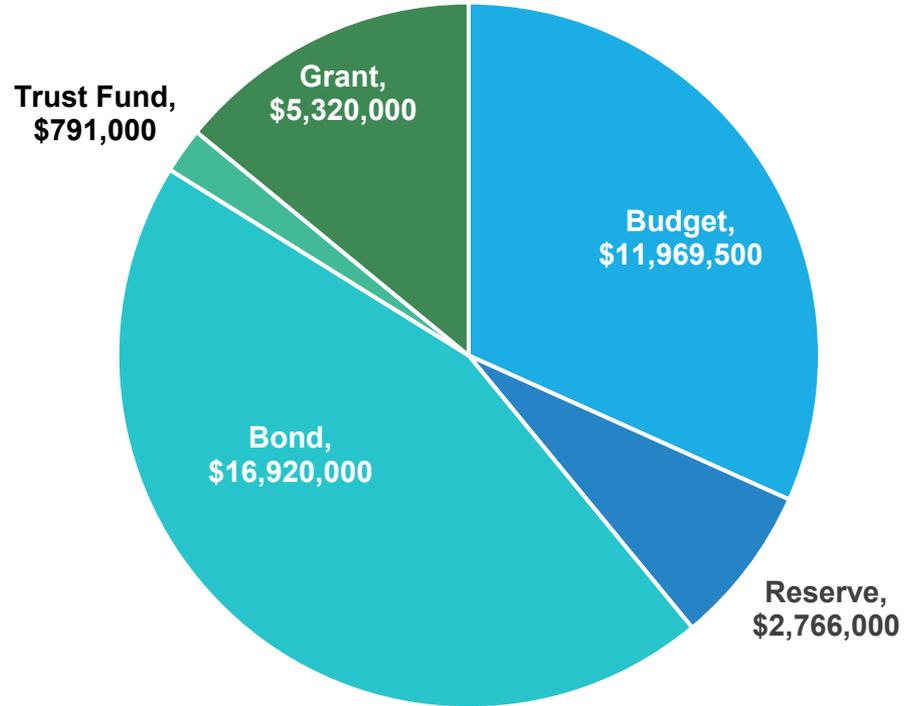
### FY 28

- Pump Station

# CIP Funding Sources

Note: for future Climate initiatives, the town will be seeking federal and State grant monies for support where/when possible for these initiatives

## CIP FY24 - FY28 Funding Sources



# Other Potential Bond Projects

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Fire Department Renovations (FY26)

Resiliency – Head of Harbor & Ocean Ave. (FY26-28)

Waste Water Pump Stations - \$10 million (FY26-29)

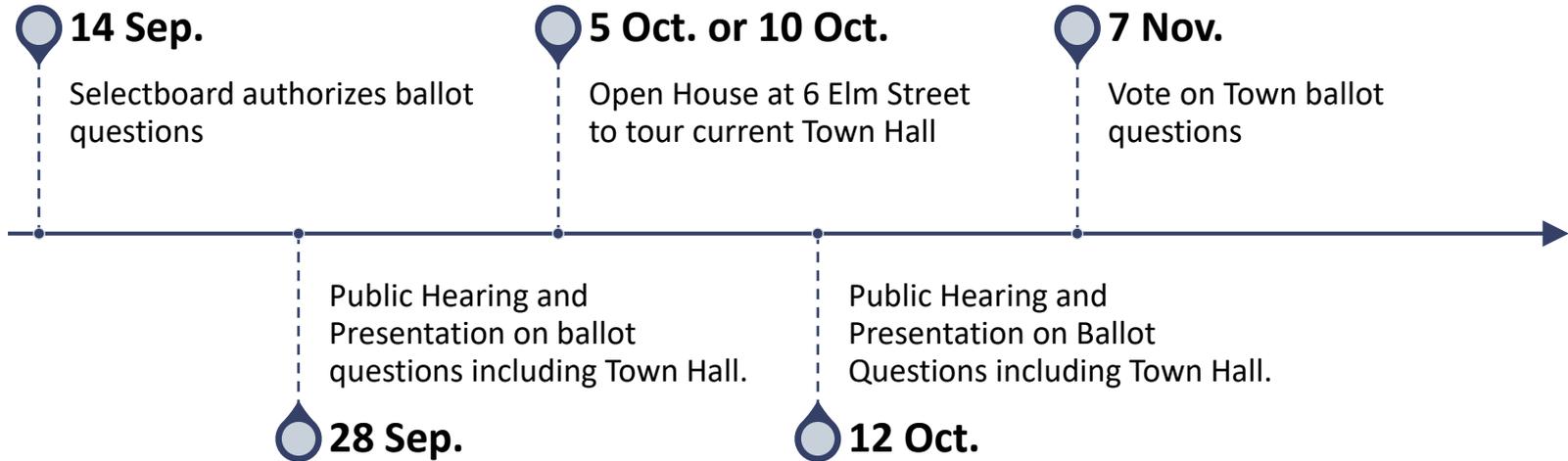
# Projected Utility Costs

Town is investigating the use of solar power and return on investment to decrease electricity costs.

	6 Elm	New Bldg.
Electricity	\$ 4,500	\$ 25,322
Heating Fuel	\$ 9,000	\$ -
Water	\$ 550	\$ 825
Mechanical systems	\$ 3,000	\$ 10,000
	\$ 17,050	\$ 36,147

# Proposed Public Information Timeframe

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# Proposed Construction Timeframe

**IF Referendum: November 2023**



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graph TD; A[IF Referendum: November 2023] --> B[Permitting and Building Design: October 2023 – May 2024.]; B --> C[Bidding Project (Design-Bid-Build Procurement) June – July 2024]; C --> D[Project Construction: August 2024 – December, 2025];
```

**Permitting and Building Design: October 2023 – May 2024.**

**Bidding Project (Design-Bid-Build Procurement)  
June – July 2024**

**Project Construction: August 2024 – December, 2025**

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# **AGENDA ITEM DIVIDER**

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# TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

## Memorandum

To: Laurie Smith, Town Manager  
 Fr: Michael Claus, Project Coordinator  
 Re: Cape Porpoise Pier Funding Gap and Updated Cost Estimate  
 Dt: August 17, 2023

Our engineer for the Cape Porpoise Pier Reconstruction Project has developed an updated cost estimate for the Cape Porpoise Pier project. Our Construction Estimate included with our EDA grant award in March of 2021 was for a total project cost of \$2,704,359. Our current Cost Estimate (attached) based on completed contract documents with review by our engineering consultants (civil, structural, mechanical and electrical), a marine contractor estimator, and the MaineDOT SHIP program team in 2024 dollars is \$4,501,039. Note that this cost estimate includes a 15% contingency of \$566,875. Our cost estimate is conservative due to the uncertain maritime construction marketplace with high variability in the pricing of recently bid MaineDOT maritime projects.

In reviewing the project with our engineer and the MaineDOT SHIP program team, we developed a list of items that could be bid as an Add Alternate to a base construction cost that could ensure the completion of the project and support the project goals for the Cape Porpoise Pier commercial fishing fleet. The Add Alternated items include the South Gangway and Floats, Solar Panels on the bait shed roof, and a New Hoist (like the hoist provided for the Government Wharf project). The cost estimate for a Base Bid without the Add Alternate Items is \$4,107,234 (Add Alternate Items cost estimate is \$393,805, including 15% contingency). The MaineDOT Ship Program told us they would be supportive of a separate future project for the Add Alternate items if the Town was unable to fund these items within the current project.

Currently our available funding is:

EDA Grant:	\$2,163,482
MaineDOT SHIP Grant	\$ 500,000
Town Funding	<u>\$ 737,000</u>
Available Funds	\$3,400,482

To complete the project, our current funding gap is \$1,100,557. If the Add Alternate Items are removed from the current project for completion at a later date, the funding gap is reduced to \$706,752.

We expect bids to be received for the Cape Porpoise Pier Project by the end of February 2024. Typically, a construction contract would be signed within 4 to 6 weeks of receiving bids. Given the funding gaps shown in our current cost estimates, the Town would be unable to sign a construction contract without Special Town Meeting approval to fund the estimated project costs, with or without the Add Alternate. Waiting for the next June Town Meeting would require putting the project off until November 2025.

We recommend the Board of Selectmen consider a November ballot question requesting additional funding to buffer potential bid prices that exceed our currently available funds.

BID ITEMS-Total Project								
Bid Item	Description	Sheet Reference	Quantity	Unit	For Estimate		Unit Cost	Total
					Quantity	Unit		
<b>1. GENERAL ITEMS</b>								
1.1	MOBILIZATION & DEMOBILIZATION	-	1	LS	1	LS	\$ 340,000	\$ 340,000
1.2	MAINTENANCE OF PIER ACCESS	G-2	1	LS	5	Month	\$ 4,500	\$ 22,500
1.3	EROSION CONTROL	G-2	1	LS	1	LS	\$ 5,000	\$ 5,000
1.4	SITE TRAILER AND SIGNAGE	G-2	1	LS	8	Month	\$ 500	\$ 4,000
<b>2. SITE WORK</b>								
2.1	PAVING	C-2	150	Tons	210	Tons	\$ 300	\$ 63,000
2.2	FUEL SYSTEM	C-4	1	LS	1	LS	\$ 193,821	\$ 193,821
2.3	SANITARY SYSTEM	C-5	1	LS	1	LS	\$ 40,000	\$ 40,000
2.4	WATER SERVICE	C-5	1	LS	1	LS	\$ 10,000	\$ 10,000
2.5	STORMWATER DRAINAGE	C-5	1	LS	1	LS	\$ 14,530	\$ 14,530
2.6	LEDGE REMOVAL	-	120	CY	110	CY	\$ 250	\$ 27,500
<b>3. RECONSTRUCTED UPLAND PIER ELEMENTS</b>								
3.1	SHEET PILE CELL BULKHEAD	S-2	1	LS	208	LF	\$ 2,067	\$ 430,000
3.2	EXISTING MASONRY REPAIRS	-	200	SF	200	SF	\$ 100	\$ 20,000
3.3	COASTAL EMBANKMENT REMOVAL & REPLACEMENT	S-3	1	LS	1	CY	\$ 43,000	\$ 43,000
<b>4. REINFORCED CONCRETE</b>								
4.1	SHEET PILE RC CAP	S-4	210	LF	45	CY	\$ 2,870	\$ 129,150
4.2	BUILDING RC FOUNDATION WALLS AND FOOTING	B SERIES	71	CY	71	CY	\$ 750	\$ 53,194
4.3	BUILDING SLAB	B-8	54	CY	54	CY	\$ 500	\$ 26,991
4.4	EXTERIOR SLABS	S-1	32	CY	32	CY	\$ 500	\$ 16,247
4.5	PEDESTRIAN RC WALKWAY	S-10	74	CY	74	CY	\$ 750	\$ 55,556
<b>5. TIMBER PIER RECONSTRUCTION</b>								
5.1	MAIN PIER DEMOLITION AND RECONSTRUCTION	C-0	1	LS	1	LS	\$ 210,000	\$ 210,000
5.3	SOUTH PIER REDECKING AND BRACING	S-1	1	LS	1	LS	\$ 50,000	\$ 50,000
5.4	NEW VERTICAL PILES	S-2	35	EA	53	EA	\$ 3,163	\$ 110,699
5.5	NEW FENDER PILES	S-2	33	EA	33	EA	\$ 4,105	\$ 135,471
<b>6. PIER/SITE AMENITIES</b>								
6.1	WALKWAY HANDRAIL	S-10	120	LF	120	LF	\$ 150	\$ 18,000
6.2	PIER HANDRAIL	S-10	190	LF	190	LF	\$ 80	\$ 15,200
6.3	PIER LADDERS	S-8	7	EA	7	EA	\$ 3,697	\$ 25,878
6.4	FACE SHEATHING PANELS	S-2	2	LS	2	LS	\$ 15,280	\$ 30,560
6.5	HOIST H-1 & H-2 (REFURBISH + SHED ROOFS)	S-1	2	LS	2	LS	\$ 14,600	\$ 29,200
6.6	HOIST H-4 (REFURBISH)	S-1	1	LS	1	LS	\$ 7,500	\$ 7,500
<b>7. NORTH GANGWAYS AND FLOATS</b>								
7.1	G-2 NORTH GANGWAY 40-FT	F-1	1	EA	1	EA	\$ 11,471	\$ 11,471
7.2	12 X 20 N4 FLOAT	F-2	1	EA	1	EA	\$ 16,622	\$ 16,622
7.3	10 X 20 N1, N2 OR N3 FLOATS	F-3	3	LS	3	LS	\$ 13,133	\$ 39,400
7.4	12 X 20 N5 FLOAT	F-5	2	EA	2	EA	\$ 9,333	\$ 18,665
7.5	TIMBER GUIDE PILES- NORTH FLOATS	S-2	6	EA	6	EA	\$ 3,132	\$ 18,790
<b>8. BAIT SHED</b>								
8.1	BUILDING ABOVE RC FOUNDATION	B-1 - B-6	1	LS	1	LS	\$ 463,000	\$ 463,000
8.2	DOORS AND WINDOWS	B-15	1	LS	1	LS	\$ 50,000	\$ 50,000
8.3	METAL ROOFING	B-2	1	LS	1	LS	\$ 90,000	\$ 90,000
8.4	CABINTRY	B-2	1	LS	1	LS	\$ 15,000	\$ 15,000
8.5	BUILDING TRENCH DRAIN	B-4, B-6	74	LF	74	LF	\$ 225	\$ 16,650
<b>9. MECHANICAL SYSTEMS</b>								
9.1	MECHANICAL SYSTEMS	M-1 - M-4	1	LS	1	LS	\$ 115,000	\$ 115,000
9.2	PLUMBING	P-1 - P3	1	LS	1	LS	\$ 23,000	\$ 23,000
9.3	SALT WATER WASHDOWN	P-1	1	LS	1	LS	\$ 5,000	\$ 5,000
<b>10. ELECTRICAL SYSTEMS</b>								
10.1	SITE ELECTRICAL SERVICE, LIGHTING, POWER, FUEL AND EQUIPMENT FEEDS	E1-0/ES-1	1	LS	1	LS	\$ 89,700	\$ 89,700
10.2	BAIT SHED ELECTRICAL & LIGHTING	E1-0/ES-0	1	LS	1	LS	\$ 117,300	\$ 117,300
10.3	LIGHTING FIXTURE ALLOWANCE	E-2	ALLOWANCE		1	LS	\$ 48,300	\$ 48,300
10.4	RADIO AND CAMERA EQUIPMENT ALLOWANCE	G-1	ALLOWANCE		1	LS	\$ 3,000	\$ 3,000
<b>11. TIMBER PIER WIDENING</b>								
11.1	PIER WIDENING	S-1	1	LS	1	LS	\$ 111,900	\$ 111,900
11.2	P/ER WIDENING PILES	S-2	18	EA	18	EA	\$ 3,163	\$ 56,931
<b>12. EQUIPMENT</b>								
12.1	SOLAR PANELS	B-2	1	LS	1	LS	\$ 40,250	\$ 40,250
12.2	HOIST H-3 (NEW)	S-1	1	LS	1	LS	\$ 46,000	\$ 46,000
<b>13. SOUTH GANGWAYS AND FLOATS</b>								
13.1	G-1 SOUTH GANGWAY 80-FT	F-1	1	EA	1	EA	\$ 37,160	\$ 37,160
13.2	12 X 20 S1 FLOAT	F-4	1	EA	1	EA	\$ 20,060	\$ 20,060
13.3	12 X 20 S2,S3,S6 FLOATS	F-5	3	EA	3	EA	\$ 16,162	\$ 48,485
13.4	12 X 20 S4,S5 FLOATS	F-6	2	EA	2	EA	\$ 17,860	\$ 35,720
13.5	STEEL GUIDE PILES- SOUTH FLOATS	S-2	7	EA	7	EA	\$ 6,395	\$ 44,764

<b>BID ITEMS-Total Project</b>								
Bid Item	Description	Sheet Reference	Quantity	Unit	For Estimate		Unit Cost	Total
					Quantity	Unit		
13.6	STEEL PILE SOCKETS	S-2, S-8	7	EA	7	EA	\$ 10,000	\$ 70,000

TOTAL Bid Item Estimate \$ 3,779,164  
 15% Contingency \$ 566,875

Total Construction Cost \$ 4,346,039  
 Administrative & Legal Expenses \$ 30,000  
 Construction Engineering \$ 120,000  
 Materials Testing \$ 5,000  
**Construction Budget \$ 4,501,039**

<b>Project Funding</b>	EDA Grant	\$ 2,163,482
	Maine SHIP Grant	\$ 500,000
	Town Funding Available	\$ 737,000
	<b>Town Funding Deficit</b>	<b>\$ 1,100,557</b>

BASE BID -2024 CONSTRUCTION START					For Estimate			
Bid Item	Description (See Measurement & Payment Specification)	Sheet Reference	Quantity	UNIT	QTY	UNIT	Unit Cost	Total
<b>1. GENERAL ITEMS</b>								
1.1	MOBILIZATION & DEMOBILIZATION	-	1	LS	1	LS	\$ 340,000	\$ 340,000
1.2	MAINTENANCE OF PIER ACCESS	G-2	1	LS	5	Month	\$ 4,500	\$ 22,500
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2.1	PAVING	C-2	2100	Tons	210	Tons	\$ 300	\$ 63,000
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<b>3. RECONSTRUCTED UPLAND PIER ELEMENTS</b>								
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3.2	EXISTING SEAWALL REPAIRS	-	200	SF	200	SF	\$ 100	\$ 20,000
3.3	EMBANKMENT REMOVAL & RECONSTRUCTION	S-3	1	LS	1	LS	\$ 43,000	\$ 43,000
<b>4. REINFORCED CONCRETE</b>								
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<b>5. TIMBER PIER RECONSTRUCTION</b>								
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5.3	SOUTH PIER REDECKING AND BRACING	S-1	1	LS	1	LS	\$ 50,000	\$ 50,000
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<b>9. MECHANICAL SYSTEMS</b>								
9.1	MECHANICAL SYSTEMS	M-1 - M-4	1	LS	1	LS	\$ 115,000	\$ 115,000
9.2	PLUMBING	P-1 - P3	1	LS	1	LS	\$ 23,000	\$ 23,000
9.3	SALT WATER WASHDOWN	P-1	1	LS	1	LS	\$ 5,000	\$ 5,000
<b>10. ELECTRICAL SYSTEMS</b>								
10.1	SITE ELECTRICAL SERVICE, LIGHTING, POWER, FUEL AND EQUIPMENT FEEDS	E1-0/ES-1	1	LS	1	LS	\$ 89,700	\$ 89,700
10.2	BAIT SHED ELECTRICAL & LIGHTING	E1-0/ES-0	1	LS	1	LS	\$ 117,300	\$ 117,300
10.3	LIGHTING FIXTURE ALLOWANCE	E-2	1	LS	1	LS	\$ 48,300	\$ 48,300
10.4	RADIO AND CAMERA EQUIPMENT ALLOWANCE	G-1	ALLOWANCE		1	LS	\$ 3,000	\$ 3,000
<b>11. TIMBER PIER WIDENING</b>								
11.1	PIER WIDENING	S-1	1	LS	1	LS	\$ 111,900	\$ 111,900
11.2	PIER WIDENING PILES	S-2	53	EA	18	EA	\$ 3,163	\$ 56,931

<b>TOTAL BASE BID</b>	\$	3,436,725
15% Contingency	\$	515,509
<b>BASE BID with CONTINGENCY</b>	\$	3,952,234
Administrative & Legal Expenses	\$	30,000
Construction Engineering	\$	120,000
Materials Testing	\$	5,000
<b>Base Bid Construction Budget</b>	\$	<b>4,107,234</b>

BASE BID -2024 CONSTRUCTION START					For Estimate			
Bid Item	Description (See Measurement & Payment Specification)	Sheet Reference	Quantity	UNIT	QTY	UNIT	Unit Cost	Total

<b>Project Funding</b>	EDA Grant	\$	2,163,482
	Maine SHIP Grant	\$	500,000
	Town Funding Available	\$	737,000
	<b>Town Funding Deficit</b>	\$	<b>706,752</b>

<b>Full Project</b>	Add Alternates (See Below)	\$	393,805
<b>Total Base Bid + Alternates Shortfall</b>		\$	<b>1,100,557</b>

ADD ALTERNATES- Equipment and South Floats								
Bid Item	Description (See Measurement & Payment Specification)	Sheet Reference	Quantity	UNIT	For Estimate		Unit Cost	Total
<b>12. EQUIPMENT</b>								
12.1	SOLAR PANELS	B-2	1	LS	1	LS	\$ 40,250	\$ 40,250
12.2	HOIST H-3 (NEW)	S-1	1	LS	1	LS	\$ 46,000	\$ 46,000
<b>13. SOUTH FLOAT SYSTEM</b>								
13.1	G-1 SOUTH GANGWAY 80-FT	F-1	1	EA	1	EA	\$ 37,160	\$ 37,160
13.2	12 X 20 S1 FLOAT	F-4	1	EA	1	EA	\$ 20,060	\$ 20,060
13.3	12 X 20 S2,S3,S6 FLOATS	F-5	3	EA	3	EA	\$ 16,162	\$ 48,485
13.4	12 X 20 S4,S5 FLOATS	F-6	2	EA	2	EA	\$ 17,860	\$ 35,720
13.5	STEEL GUIDE PILES- SOUTH FLOATS	S-2	7	EA	7	EA	\$ 6,395	\$ 44,764
13.6	STEEL PILE SOCKETS	S-2, S-8	7	EA	7	EA	\$ 10,000	\$ 70,000

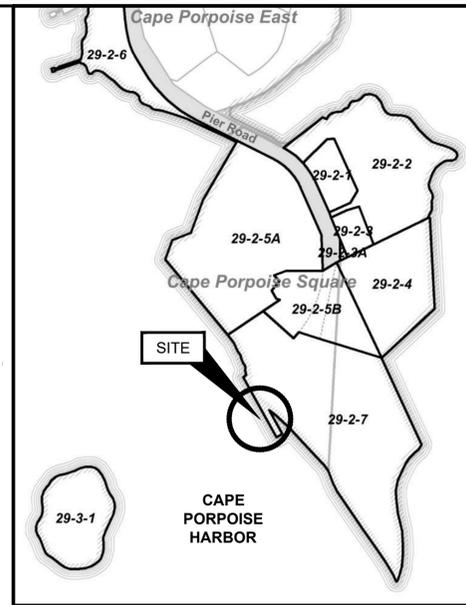
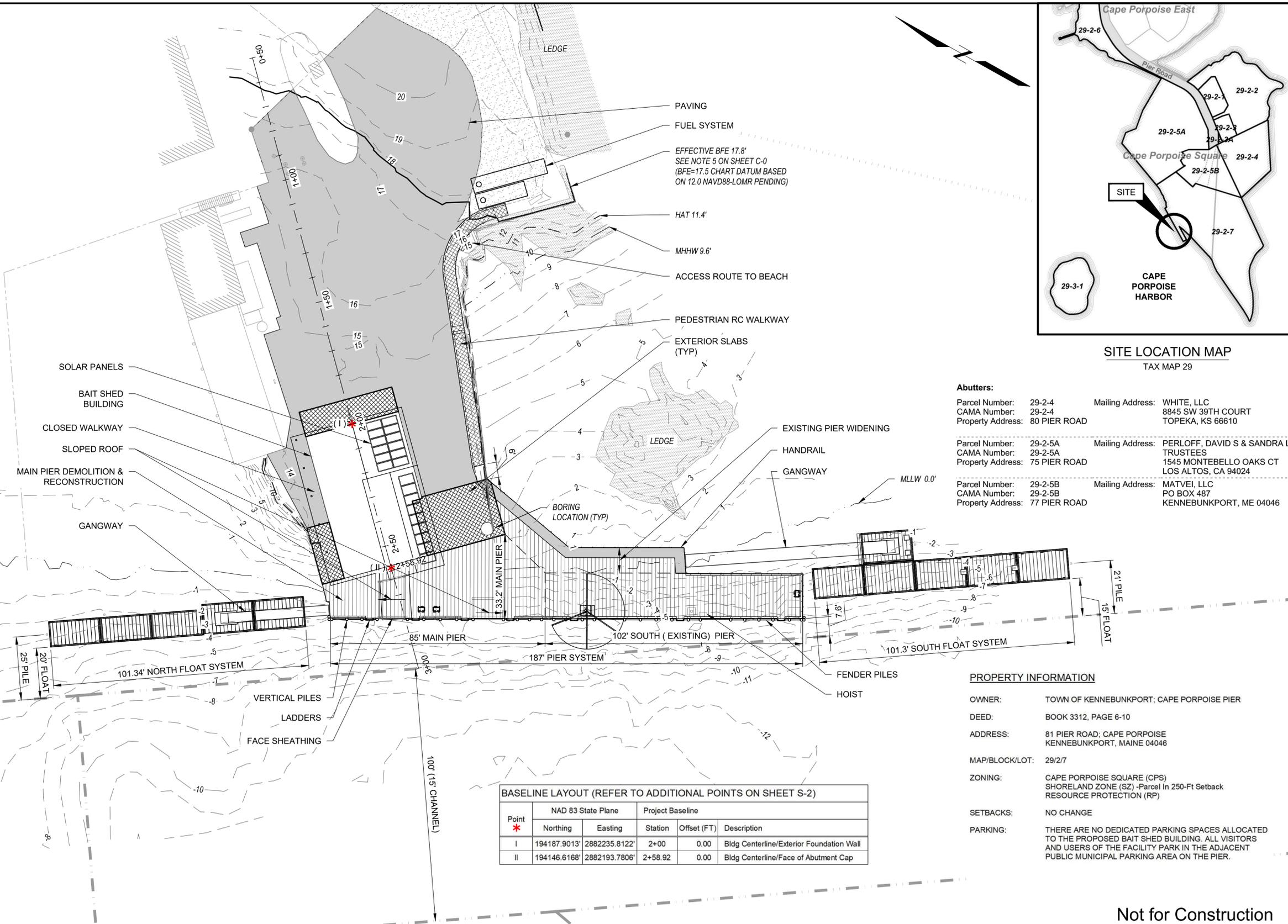
<b>TOTAL ADD ALTERNATES</b>		\$	<b>342,439</b>
	15% Contingency	\$	51,366
<b>Alternates Construction Budget</b>		\$	<b>393,805</b>

**LEGEND**

- DRILL HOLE FOUND
- PIPE OR ROD FOUND
- - - PROPERTY LINE
- - - EASEMENT OR RIGHT OF WAY
- ▨ BUILDING
- ▨ LEDGE
- ▨ EXISTING PAVEMENT
- ▨ GRAVEL AREA
- ▨ EXISTING CONCRETE
- UTILITY POLE AND ANCHOR
- SHUTOFF VALVE
- - - CONTOURS - MAJOR
- - - CONTOURS - MINOR
- - - LIMITS OF CHANNEL
- - - CABLE AREA
- \* BASE LINE COORDINATES (SEE SHEET S-4)

NOTE: POINT ELEVATIONS ADJUSTED TO MLLW FROM NAVD88 USING CORRECTION OF -5.45 FEET TAKEN FROM USACOE CAPE PORPOISE HARBOR CONDITION SURVEY DATED JULY 22, 2013.

DEVELOPMENT SUMMARY	UNIT	EXISTING SITE PLAN	PROPOSED SITE PLAN	CHANGE
<b>CAPE PORPOISE PIER STRUCTURES</b>				
BAIT SHED BUILDING	SF	2318	2668	350
MAIN PIER	SF	1450	1450	0
SOUTH PIER	SF	2491	3428	937
NORTH FLOATS	SF	975	1101	126
SOUTH FLOATS	SF	0	1469	1469
<b>TOTAL</b>		<b>4916</b>	<b>7448</b>	<b>2532 52%</b>
<b>FACE DOCKAGE</b>				
MAIN PIER	LF	62	62	0
SOUTH PIER	LF	125	125	0
NORTH FLOATS	LF	114	101	-13
SOUTH FLOATS	LF	0	101	101
<b>TOTAL</b>		<b>301</b>	<b>389</b>	<b>88 29%</b>



**SITE LOCATION MAP**  
TAX MAP 29

**Abutters:**

Parcel Number: 29-2-4	Mailing Address: WHITE, LLC
CAMA Number: 29-2-4	8845 SW 39TH COURT
Property Address: 80 PIER ROAD	TOPEKA, KS 66610
Parcel Number: 29-2-5A	Mailing Address: PERLOFF, DAVID S & SANDRA L TRUSTEES
CAMA Number: 29-2-5A	1545 MONTEBELLO OAKS CT
Property Address: 75 PIER ROAD	LOS ALTOS, CA 94024
Parcel Number: 29-2-5B	Mailing Address: MATVEI, LLC
CAMA Number: 29-2-5B	PO BOX 487
Property Address: 77 PIER ROAD	KENNEBUNKPORT, ME 04046

**PROPERTY INFORMATION**

OWNER: TOWN OF KENNEBUNKPORT; CAPE PORPOISE PIER

DEED: BOOK 3312, PAGE 6-10

ADDRESS: 81 PIER ROAD; CAPE PORPOISE KENNEBUNKPORT, MAINE 04046

MAP/BLOCK/LOT: 29/2/7

ZONING: CAPE PORPOISE SQUARE (CPS) SHORELAND ZONE (SZ) -Parcel In 250-Ft Setback RESOURCE PROTECTION (RP)

SETBACKS: NO CHANGE

PARKING: THERE ARE NO DEDICATED PARKING SPACES ALLOCATED TO THE PROPOSED BAIT SHED BUILDING. ALL VISITORS AND USERS OF THE FACILITY PARK IN THE ADJACENT PUBLIC MUNICIPAL PARKING AREA ON THE PIER.

**BASELINE LAYOUT (REFER TO ADDITIONAL POINTS ON SHEET S-2)**

Point	NAD 83 State Plane		Project Baseline		
	Northing	Easting	Station	Offset (FT)	Description
I	194187.9013'	2882235.8122'	2+00	0.00	Bldg Centerline/Exterior Foundation Wall
II	194146.6168'	2882193.7806'	2+58.92	0.00	Bldg Centerline/Face of Abutment Cap

Not for Construction

Attention:

SCALE, FEET

If this scale bar does not measure 1" then drawing is not original scale.

STATE OF MAINE  
BARNEY J. BAKER  
No. 5737  
LICENSED PROFESSIONAL ENGINEER

Designed: BJB  
Drawn: JLD  
Checked: BJB  
Approved: BJB  
P.E. No: ME-5737  
GEI Project: 2104738

5 MILK STREET  
PORTLAND, ME 04101  
(207)797-8901

TOWN OF KENNEBUNKPORT  
KENNEBUNKPORT, MAINE

**CAPE PORPOISE PIER REHABILITATION**

KENNEBUNKPORT, MAINE

NO	DATE	ISSUE/REVISION	APP
C	7/31/2023	EDA & MDOT REVISION SET	BJB
B	7/28/2023	PS & E TOWN REVISION SET	BJB
A	6/7/2023	PS & E REVIEW SET	BJB
NO		ISSUE/REVISION	APP

SHEET NAME	SHEET NO.
<b>PROPOSED SITE PLAN</b>	<b>C-2</b>

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# **AGENDA ITEM DIVIDER**

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**Memorandum**

To: Selectboard  
Fr: Laurie Smith, Town Manager  
Re: Proposed Easement Agreement between the Town of Kennebunkport and Green Marine Corporation  
Dt: August 18, 2023

In July, the Town took ownership of the former Mooney property on Langsford Road for the purpose of providing a Town boat launch. When the Town originally entered negotiations with the Mooneys, staff were told that the property did not include the marine railway located next to the Green Marine Corporation, as that was owned by John Green. As a part of the purchase and sale process, the Town ordered a survey of the Mooney property from Lower Village Survey. Lower Village has reported to the Town that the property purchased actually does include the majority of the land that the marine railway sits upon. Staff met with both the Mooneys and John Green to inquire as to whether there were additional deeds never registered at the deed office, or other information to consider. It was determined that the Town had all the paperwork relative to the property.

Because the marine railways have been located on the Mooney property for decades and Mr. Green has operated the railway during that time, Mr. Green has a legal argument for rights under adverse possession. We have discussed this matter at length with our Town Counsel and real estate attorney and believe that the best solution is to grant Mr. Green an easement so that he can maintain the railway and operations for the use of commercial fishermen and the Town can secure its rights in the property. Currently, the Town attorney is negotiating with Mr. Green's attorney an easement to bring before the voters. Staff recommends that the Selectboard consider a ballot question in November authorizing the Selectboard to enter into an easement agreement with Green Marine Corporation.

**Term Sheet for Easement Agreement between The Inhabitants of the Town of  
Kennebunkport and Green Marine Corporation – 08/18/23**

Background:

The Town owns property located off Langsford Road (Tax Map 29, Lot 1-3) which it recently purchased from Harold Otis Mooney and Louise Jane Mooney by Deed dated July 18, 2023, and recorded in the York County Registry of Deeds in Book 19278, Page 785 (the “Town Property”). Green Marine Corporation (“Green”) owns certain property adjacent to the Town Property described in a Deed dated March 28, 1997, and recorded in York County Registry of Deeds in Book 8216, Page 271 (the “Green Property”). The Town plans to use the Town Property for a public boat launch facility. At the time of the acquisition of the Town Property, it was determined that a marine railway and related boat rack (the “Marine Railway”), and an anchor and connected towline (the “Towline”) (the Marine Railway and Towline being collectively referred to as the “Improvements”), were located almost entirely on the Town Property, although operated by Green. The parties are willing to enter into an Easement Agreement to allow Green to continue to use the Improvements as Green has historically done so.

Essential Terms:

The essential terms of the Easement Agreement between the Town and Green, as proposed by Green, are as follows.

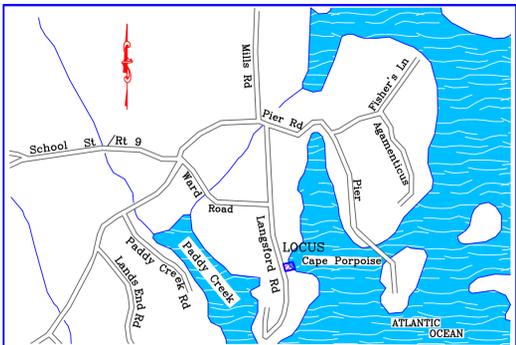
- The Town will grant an exclusive easement to Green to use the Improvements located on the Town Property (the “Town Property Easement”).
- Green will have the right to use, maintain and repair the Improvements for the hauling, launching, maintenance, repair, and storage of boats, in the same manner as the Improvements are currently being used, and for no other purposes. The Improvements will remain in their present location and condition, subject to normal wear and tear, and will not be expanded or altered in any material way.
- Green will be responsible for all maintenance and repair of the Improvements at its sole cost and expense.
- Green will release to the Town all rights or interests Green may have in and to the Town Property or the Improvements, derived from any source whatsoever including, without limitation, any rights or claims based upon claims of adverse possession, prescription, or reformation.
- The Town Property Easement will terminate automatically upon: (a) Green, its successors or assigns, ceasing to use the Improvements for three (3) consecutive years; (b) the Town recording written evidence of such nonuse and termination in the York County Registry of Deeds; and (c) the Town mailing a copy of such written evidence to the owner of the Green property as shown by the tax records of the Town, provided however, that Green, its successors or assigns, shall have three (3) months from the date of mailing of such written evidence to

contest the termination of the Easement Agreement as to the Town Property by filing a notice of such contest in said Registry.

- The Easement Agreement will benefit and burden the Green Property, and any future owner thereof, and benefit and burden the Town Property.
- Green will grant the Town an exclusive easement in gross (the “Green Property Easement”) to enter upon the Green Property as reasonably necessary to use that portion of the Marine Railway located on the Green Property, provided, however, that such easement shall not be exercised by the Town unless and until the Town Property Easement has been terminated and notice of the Town’s intention to exercise such easement rights has been included with the written evidence of nonuse of the Town Property Easement described above. The Green Property Easement will be personal to the Town and will terminate automatically at such time as the Town no longer owns the Town Property.

Final Easement Agreement:

The final Easement Agreement containing such other terms and provisions as are acceptable to the parties remains to be negotiated.

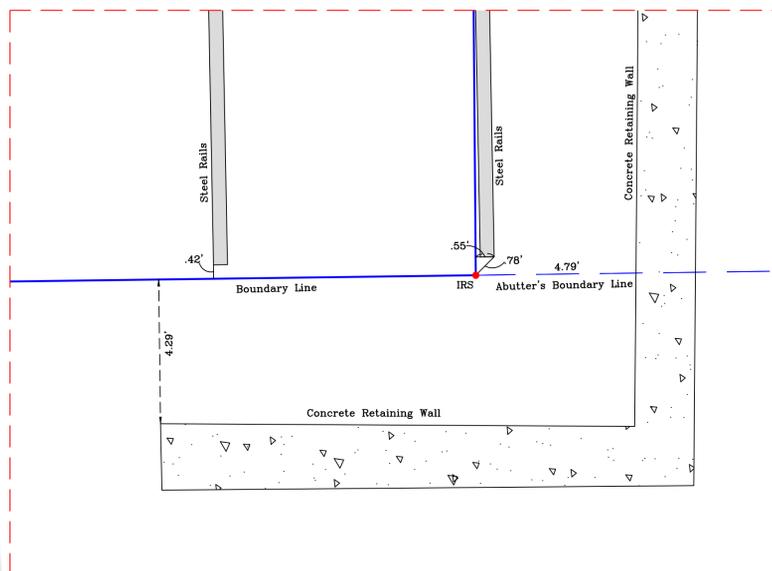


LOCATION MAP (Not to Scale)

ATLANTIC OCEAN  
CAPE PORPOISE HARBOR



DETAIL: (Not to Scale)



LOCUS DEED REFERENCE:

Owners of Record: Harold Otis Mooney & Louise Jane Mooney  
Deed Book 18956, Page 187

PLAN REFERENCES:

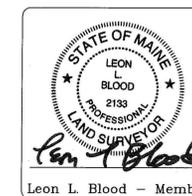
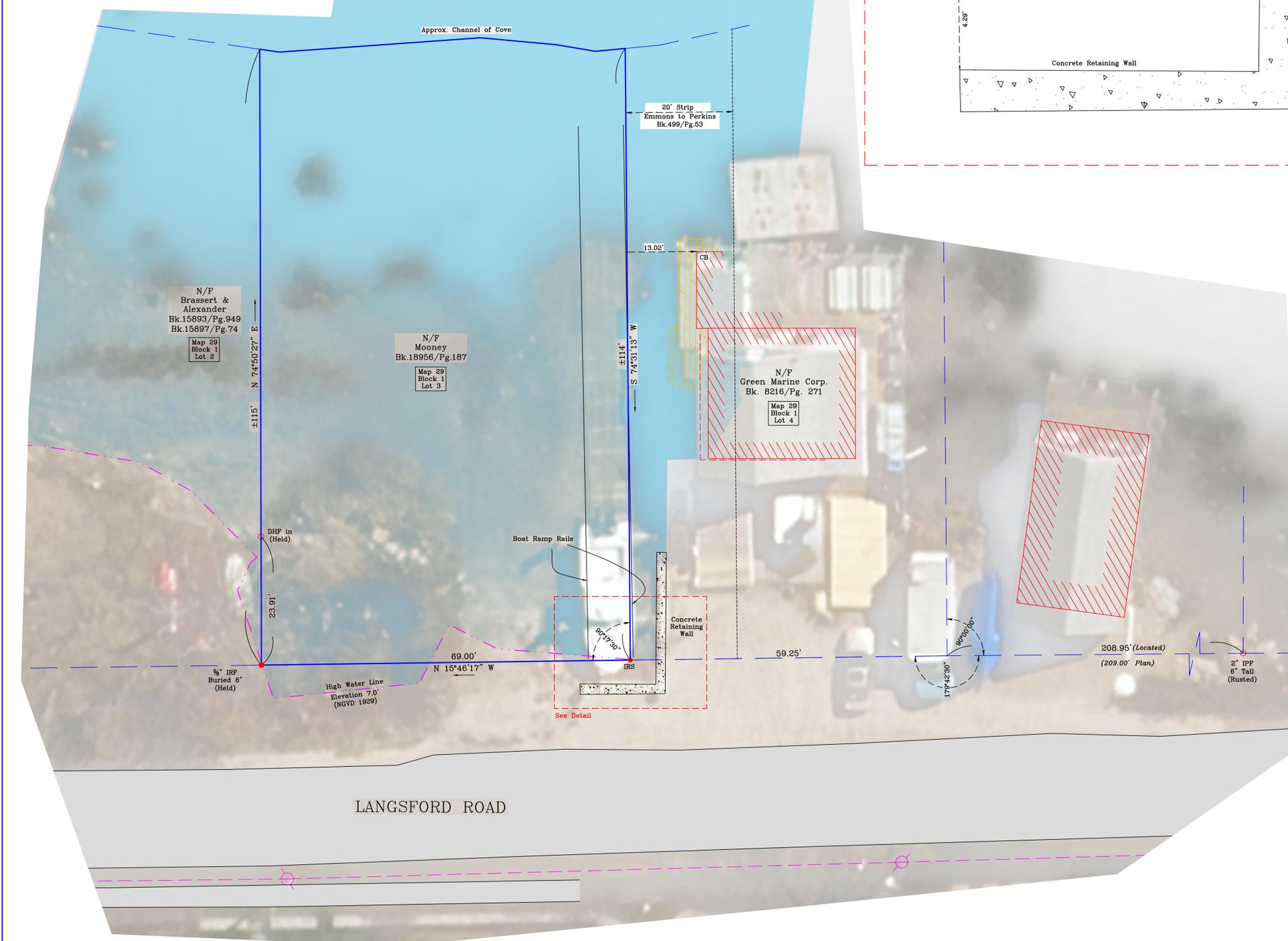
- 1 - "Plan Showing a Standard Boundary Survey For Joseph R. Sherwood- Cape Porpoise- Kennebunkport- Maine", dated January 5, 1987 by Dow & Coulombe, Inc.
- 2 - "Standard Boundary Survey- 38 Langford Road- Kennebunkport- Maine Owned By Kate E. Brassert and Claire C. Alexander" dated July 21, 2022 by Lower Village Survey Co.

NOTES:

- 1 - The locus parcel is identified on the Town of Kennebunkport Tax Assessors Map 29, Block 1, as Lot 3. The parcel is located in the Cape Porpoise West Zone, and entirely in the Shoreland Zone. Space and bulk standards in the Cape Porpoise West Zone are as follows:  
 Minimum Lot Size = 40,000 s.f. (Shoreland Zone)  
 Minimum Lot Width = 100 feet  
 Minimum Shore Frontage = 150 feet  
 Minimum Building Setbacks  
 Front Yard = 20 feet  
 Side & Rear Yard = 15 feet  
 Maximum Lot Coverage = 20%  
 Maximum Building Hgt. = 30 feet
- 2 - Elevations shown are based on USGS disk benchmark "Tidal 1 STA 87" PID: 0C0272, located in a boulder near the southerly end of Pier Road in Cape Porpoise, Kennebunkport, Maine (Elevation 17.86' NGVD 1929).
- 3 - The locus parcel as shown contains a total lot area of 7893 s.f. (0.18 ac.) to the channel of the Cove. The upland portion of said parcel contains 87 s.f. as measured to the high water line (Elev. 7.0' NGVD 1929 Elev. Datum).
- 4 - The entire parcel shown is located within 75' of the high water line.
- 5 - The boundary of the locus parcel along Langford Road is based on monumentation found and Plan Ref. #1.
- 6 - Ownership of property extends to the low water line subject to the rights of the public for fishing, fowling, and navigation in the zone between high and low water.
- 7 - The location of nearby property lines are shown as dashed lines. These lines are intended to show the approximate relationship to the locus parcel only.
- 8 - Prior to any construction activities the location of setback lines shown should be verified by the local code enforcement officer to determine compliance with all applicable building requirements.
- 9 - This plan has been prepared according to the Standards of Practice adopted by the State of Maine Board of Licensure for Professional Land Surveyors with the following exceptions:  
 - No written report prepared  
 - No new deed description prepared

LEGEND :

- IRS ● — Capped Iron Rod W/ Survey Cap #2133 to be Set
- IPF ○ — Iron Pipe Found
- IRF ● — Iron Rod Found
- DHF ○ — Drill Hole Found
- — Property Line
- - - — Abutter Apprx. Property Line
- — Utility Pole
- N/F — Now or Formerly
- Bk./Pg. — Deed Book & Page
- CB — Corner Board of Building



**LOWER VILLAGE SURVEY CO.**  
 13 Western Avenue Kennebunk Maine  
Mailing Address: P.O. Box 2825, Kennebunkport, ME 04046  
 Phone: 207-987-3545 e-mail: info@lowervillagesurveyco.com

STANDARD BOUNDARY SURVEY OF PROPERTY ON  
 LANGSFORD ROAD  
 KENNEBUNKPORT, MAINE  
 OWNED BY  
**HAROLD OTIS MOONEY & LOUISE JANE MOONEY**  
 FOR  
**TOWN OF KENNEBUNKPORT**

DATE: June 16, 2023    38 LANGSFORD ROAD    FILE #123-16    ROTATION 75° LEFT    FIELD BK 498-25  
**LAND SURVEYORS \* \* FORESTERS \* \* WETLAND DELINEATORS**

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# **AGENDA ITEM DIVIDER**

---

MEMORANDUM

To: Board of Selectmen and Laurie Smith, Town Manager  
Fr: John Everett, Fire Chief  
Re: Discuss Proposed Sale of Cape Porpoise Station to the Town of  
Kennebunkport  
Dt: August 17, 2023

In July of this year, the Atlantic Volunteer Engine Company (AVEC) requested to meet with the Town Manager and Fire Chief to discuss the possibility of selling the building and land to the Town.

On July 13, 2023, the meeting was held in the TM's office. Laurie Smith, Joe Frank, AVEC President, Steve Slarsky, AVEC Vice President, and John Everett attended the meeting. The single agenda item was to see if the Town would be interested in buying the building and land. The answer was 'Yes.'

The information was brought back to an AVEC monthly meeting. The agenda item to sell the station and land to the Town was approved at their August 10, 2023, meeting. The sale price of the building and land is one dollar (\$1.00).

Since this is the last opportunity to get this item on the November ballot, I am seeking approval to move forward. Presently, AVEC and the Town are working through the financials of ownership annual costs.

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# **AGENDA ITEM DIVIDER**

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**TOWN OF KENNEBUNKPORT**

**WARRANT  
SPECIAL TOWN MEETING  
NOVEMBER 7, 2023**

State of Maine

County of York, SS

To: Rebecca Nolette, Constable of the Town of Kennebunkport, in the County of York, State of Maine.

**GREETINGS:**

You are hereby required in the name of the State of Maine to notify and warn the voters of the Town of Kennebunkport in said County of the Town Meeting described in this warrant.

To the voters of Kennebunkport: You are hereby notified that a Special Town Meeting of this municipality will be held at the Village Fire Station, 32 North Street on Tuesday, November 7, 2023, at 8:00 a.m. for the purpose of acting on Articles numbered one (1) and one a (1a) as set out below. The polls for voting on Article 1 shall be opened immediately after the election of the Moderator at 8:00 a.m. on November 7, 2023, and shall close at 8:00 p.m. While the polls are open, the Registrar of Voters will hold office hours to accept the registration of any person eligible to vote, to accept new enrollments, and to make any necessary corrections or changes to any names or addresses on the voting list.

**ARTICLE 1a.** To choose a Moderator to preside at said meeting.

**ARTICLE 1.** To vote on the following referendum questions:

**QUESTION 1**

**ACCEPTANCE OF THE KENNEBUNKPORT 2030 COMPREHENSIVE PLAN**

Shall the “2023 Amendments to the Comprehensive Plan for the Town of Kennebunkport, Maine regarding Chapter 7, Natural Resources and Appendix A, Goals, Policies & Strategies” as submitted by the Town of Kennebunkport’s Growth Planning Committee be adopted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This amendment would amend Chapter 7 and Appendix A regarding the Natural Resources Chapter and the Goals, Policies, and Strategies Appendix of the Comprehensive Plan adopted by the Town in 1996 and amended in 2006, 2007, 2008, 2009, 2010, 2011 & 2022.]

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**QUESTION 2**  
**AMENDMENT TO THE STREET OPENING ORDINANCE**

Shall an ordinance entitled “November 7, 2023, Amendment to the Street Opening Ordinance” be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: \_\_\_\_\_.]

**QUESTION 3**  
**TOWN HALL**

To see if the Town will vote to authorize the Board of Selectmen to:

- (i) to construct and equip a new Town Hall at [address (Map#/Lot#)] (the “Project”) with a Project cost not to exceed \$8,800,000;
- (ii) to sell the following Town-owned properties at such prices and on such terms as the Board of Selectmen deem to be in the best interest of the Town and expend the net sale proceeds on the Project:
  - a) the current Town Hall property at 6 Elm Street (Map#/Lot#);
  - b) [description] [address] (Map#/Lot#); and
  - c) [description] [address] (Map#/Lot#);
- (iii) to expend up to \$800,000 from the Town Capital Reserve Fund for the Project; and
- (iv) to issue general obligation bonds or notes in the name of the Town of Kennebunkport in a principal amount not to exceed \$8,000,000 [for a term not to exceed \_\_\_ years], which bonds or notes may be made callable, to fund the balance of Project costs that are not covered by the sale of the above-listed properties, the Capital Reserve funds, and fundraising for the Project?

[Note of Explanation: \_\_\_\_\_.]

**QUESTION 4**  
**CAPE PORPOISE PIER FUNDING**

To see if the Town will vote to authorize the Board of Selectmen or its agent to transfer an amount not to exceed \$ \_\_\_\_\_ from the Town's capital reserve fund balance account to the Pier Capital Reserve Account for the purpose of \_\_\_\_\_.

[Note of Explanation: \_\_\_\_\_.]

**QUESTION 5**  
**EASEMENT AGREEMENT WITH GREEN MARINE CORPORATION**

Shall the Town vote to authorize the Select Board to enter into an Easement Agreement with Green Marine Corporation regarding the Corporation's use of a marine railway, and related anchor and attached towline used in connection therewith, owned by Green Marine Corporation and located on property owned by the Town situated on Langsford Road (Tax Map 29, Lot 1-3) and described in a Deed from Harold Otis Mooney and Louise Jane Mooney to the Town dated July 18, 2023, and recorded in the York County Registry of Deeds in Book 19278, Page 785, on such terms and conditions as shall be in the best interest of the Town. (A true copy of the Easement Agreement is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: \_\_\_\_\_.]

**QUESTION 6**  
**ACCEPTANCE OF CAPE PORPOISE FIRE STATION**

Shall the Town vote to authorize the Select Board to accept ownership of the Cape Porpoise Fire Station for \$1.00.

[Note of Explanation: The Cape Porpoise Fire station currently belongs to the Atlantic Engine Fire Company. The Town pays a lease amount to each fire company annually to store our equipment in the stations. The Atlantic Fire Company has come forward and asked the Town if they would accept the Cape Porpoise station for \$1.00. The Town would then be responsible for utilities and maintenance but would no longer need a lease for the building.]

**HEREOF FAIL NOT TO MAKE DUE SERVICE** of this Warrant and a return of your doing thereon, at a time and place of said meeting.

**GIVEN UNDER OUR HANDS** this 14<sup>th</sup> day of September 2023, Kennebunkport, Maine.

\_\_\_\_\_  
D. Michael Weston

\_\_\_\_\_  
Allen A. Daggett

\_\_\_\_\_  
Sheila W. Matthews-Bull

\_\_\_\_\_  
Jon Dykstra

\_\_\_\_\_  
Marybeth Gilbert

*A majority of the Selectmen of the Town of Kennebunkport, Maine*

A true attested copy of the warrant attest:

\_\_\_\_\_  
Tracey O’Roak, Town Clerk

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# **AGENDA ITEM DIVIDER**

---

**MEMORANDUM**

To: Laurie Smith, Town Manager, Town of Kennebunkport  
Fr: Frank Orr, Harbormaster / Pier Manager  
Re: Cape Porpoise Pier Parking Ordinance Amendment  
Dt: August 17, 2023

The Cape Porpoise Pier Advisory Committee met on Tuesday, August 15, to discuss the Parking Ordinance and Pier Rules changes passed by the Board of Selectmen on May 11, 2023. The new regulations stated that from May 15 – October 15, from 4:00 am to 10:00 am, permit parking at the Pier would be limited to one permit per Pier Member.

The Pier Advisory Committee recognizes that parking in Cape Porpoise is a challenging situation through the summer months but feels that limiting commercial fishermen to one parking permit per commercial fishing boat is too restrictive. They voted 5-0 to recommend that the Board of Selectmen amend the ordinance and pier rules as follows, applicable from Memorial Day to Labor Day (Previously May 15 – October 15):

1. Pier Members who are recreational boaters or solo commercial fishermen (without crew) will be issued one (1) parking permit.
2. Pier Members engaged in commercial fishing with the crew will be issued two (2) parking permits. Both permits will be issued to the vessel captain, who will assign the second permit to the crew vehicle.
3. Pier Members engaged in commercial fishing with large crews (defined as a captain and 2 or more sternmen) may be considered for a third parking permit on a case-by-case basis at the discretion of the Harbor Master.
4. The first outbound parking space on Pier Road (near the tree at the corner of the parking lot across from 77 Pier Road) will be marked and posted as a Tow Away Zone to prevent the obstruction of outbound traffic. (Tow Away Zone designation recommended by Police Chief Sanford to ensure improperly parked vehicles can be immediately removed from the space.)

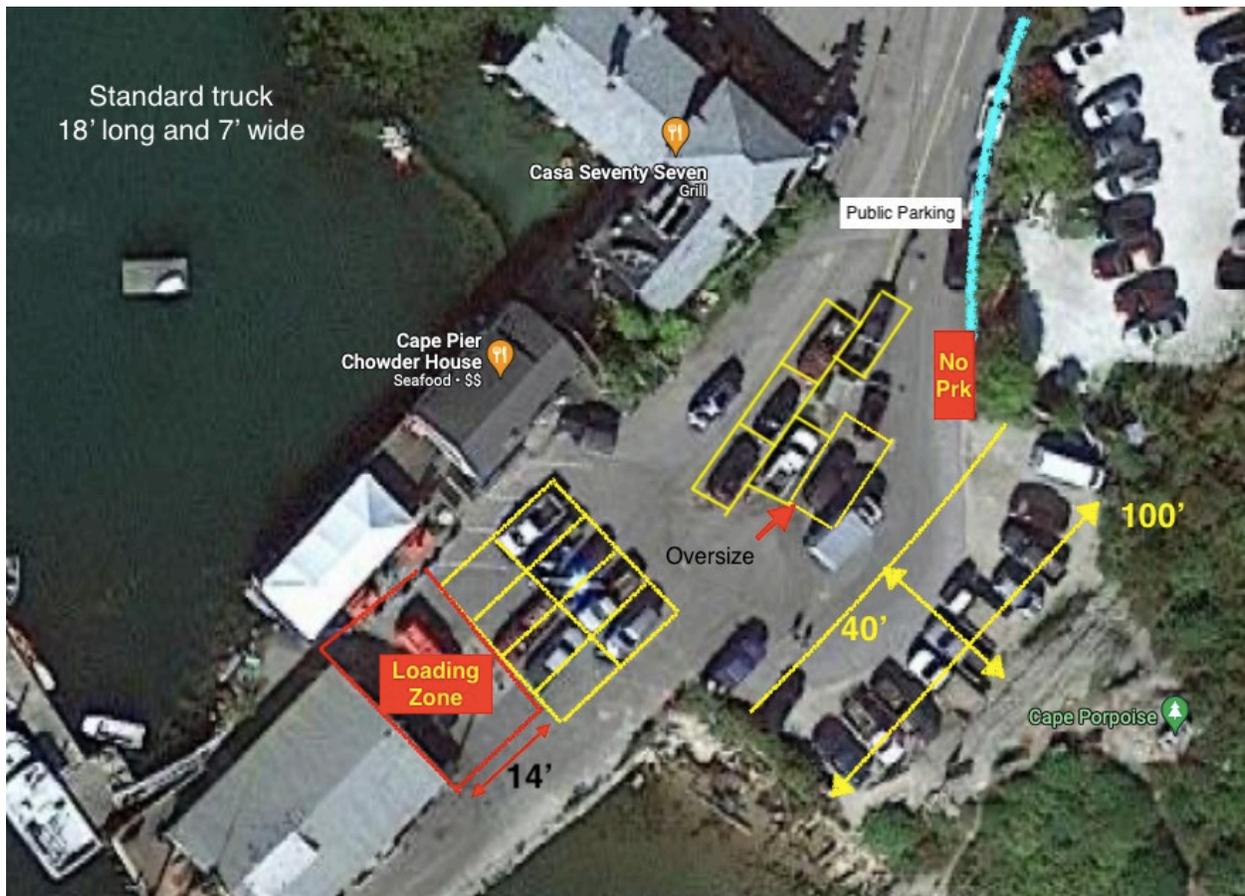
All Pier Members issued parking permits agree to abide by the following parking strategy. Refer also to the diagram in Appendix 1.

1. Pier Members who are issued two parking permits for a single fishing vessel will double park both vehicles along the top of the hill facing the flagpole/monuments. Captains and crew will park both vehicles in the same parking lane, parked nose to tail. This provides 10-11 parking lanes with sufficient space for up to 22 double-parked vehicles.
2. Solo captains, recreational boaters, and vehicles parking under a third parking permit for a large boat will park in the spaces near the Parking Attendant Shelter or in the spaces adjacent to the Loading Zone at the east end of the Bait Shed.
3. Pier Member Vehicles will no longer park in the spaces perpendicular to the parking lanes at the west end of the double-parking zone.
4. The portion of the parking lot within 14 feet of the eastern wall of the Bait Shed and restaurant dumpsters is designated as the Loading Zone. This zone will not be used for parking Pier Member vehicles while fishing. Vehicles may only park in this zone while loading/unloading, waiting for access to the Pier/Hoists, delivering fuel, or while

conducting other work on Pier premises. The vehicle operator must be present on-site at all times and available to relocate the vehicle if necessary.

5. The red rectangle designated “No Park” in Figure 1 marks the proposed Tow Away Zone.
6. Overflow parking is available at Cape Porpoise Fireman’s Park (a.k.a. the baseball field parking lot). This parking lot can be used as a carpool lot for vehicles without permits.
7. Enforcement and Towing: Any unpermitted vehicle that is left overnight in the permitted parking zone will be towed prior to 4:00 am. If unpermitted vehicles are not removed, they will disrupt the ability of commercial fishermen to double park their vehicles.

### Appendix 1 – Diagram of Cape Porpoise Pier Parking Strategy



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# **AGENDA ITEM DIVIDER**

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Select Board Committee Appointments

Committee	Notes	July 2022 - June 2023	July 2023 - June 2024
Cape Porpoise Pier Committee		Ed Hutchins	Allen Daggett
GRB Advisory		Jon Dykstra	Jon Dykstra
Government Wharf		Allen Daggett	Allen Daggett
Growth Planning Committee		Allen Daggett	VACANT
Graves Library Board		Mike Weston	Mike Weston
Investment Committee		Allen & Ed	Marybeth Gilbert
KPort Heritage Housing Trust		Jon Dykstra	Jon Dykstra
KEMS		Allen Daggett	Allen Daggett & Marybeth Gilbert
Long-Term Strategy			Mike Weston & Marybeth Gilbert
Planning Board		Sheila Matthews-Bull	Sheila Mathews-Bull
Shade Tree Committee		Sheila Matthews-Bull	Sheila Mathews-Bull
Southern Maine Regional Planning		Mike Weston	VACANT
Zoning Bord of Appeals		Sheila Matthews-Bull	Sheila Mathews-Bull
Climate Action Plan Task Force	Ad-hoc	Jon & Mike	Jon Dykstra & Mike Weston
Town Hall Building Committee	Ad-hoc	Jon & Mike	Jon Dykstra & Mike Weston
Village Parcel Update	Ad-hoc		Jon Dykstra & Mike Weston

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# **AGENDA ITEM DIVIDER**

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## KENNEBUNKPORT TOWN CLERK

**To:** Laurie Smith, Town Manager  
Board of Selectmen

**Fr:** Tracey O’Roak, Town Clerk

**Re:** Applications for Zoning Board of Appeals

**Dt:** August 17, 2023

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Attached, please find three applications for the Zoning Board of Appeals:

- Kate Bauer Burke
- Allan Evelyn
- Mark Messer

There are currently two open positions on the Board. Both positions will be three-year terms with expiration in June 2026.

Mark Messer has also applied for the Board of Assessment Review. There are two openings for alternates on that Board. Please consider appointing him to this Board as well with expiration in June 2026.

Thank you for your consideration.

## Tracey O'Roak

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**From:** Kathleen Bauer Burke via Town of Kennebunkport, ME <cmsmailer@civicplus.com>  
**Sent:** Wednesday, August 9, 2023 8:19 PM  
**To:** Tracey O'Roak  
**Subject:** Form submission from: Online Application for Boards/Committees

Submitted on Wednesday, August 9, 2023 - 8:19pm

Submitted values are:

Choose from the following: **Zoning Board of Appeals**

==Please provide the following information:==

Full Name: Kathleen Bauer Burke

Email: [kbauerburke@aol.com](mailto:kbauerburke@aol.com)

Residential Address: 7 Summer Breeze Lane, Kennebunkport

Residential Phone: 978-621-0220

Business Address:

Business Phone:

Mailing Address (if different):

Are you registered to vote in Kennebunkport? Yes

Please list Membership in community organizations, dates involved, and activities performed:

Goose Rocks Beach Advisory Committee - 2016-2022 -- Secretary 2016-2021 -- Chair 2021-2022

Newcomers & Neighbors of the Kennebunks - 2015-present - Vice President 2016-2017,

President 2017-2018 and 2022-2023 - Program Committee 2018-present

Library Trustee, Carlisle MA 1993-1996

Do you have any skills, experience, or training you would like to mention? Retired attorney. Practiced in financial and real estate law.

What is your reason for wanting to serve on this board or committee? I like to be actively involved in my town. Now that I am no longer a member of the BAC, I would like to give my time to another Town board or committee. And the Zoning Board of Appeals would allow me to contribute and utilize some of my skills developed as a practicing attorney.

List the top 3 choices that you would like to serve on( 1. 2. 3. in desired order)? Zoning Board of Appeals

The results of this submission may be viewed at:

<https://www.kennebunkportme.gov/node/2661/submission/19936>

## Tracey O'Roak

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**From:** Allan J Evelyn via Town of Kennebunkport, ME <cmsmailer@civicplus.com>  
**Sent:** Monday, August 14, 2023 5:24 PM  
**To:** Tracey O'Roak  
**Subject:** Form submission from: Online Application for Boards/Committees

Submitted on Monday, August 14, 2023 - 5:24pm

Submitted values are:

Choose from the following: **Zoning Board of Appeals**

==Please provide the following information:==

Full Name: Allan J Evelyn

Email: [aevelyn@doverhills.com](mailto:aevelyn@doverhills.com)

Residential Address: 1 Brookside Drive

Residential Phone: 6178991502

Business Address:

Business Phone:

Mailing Address (if different):

Are you registered to vote in Kennebunkport? Yes

Please list Membership in community organizations, dates involved, and activities performed:

Budget Board since 2020, now in 2nd term.

Do you have any skills, experience, or training you would like to mention?

BOD Member, Eagleson Institute, Sanford, ME 1991-2023 (current)

Founder, Board Member ClearView Audio, Wellesley, MA 2005 - 2016

President of Boston Acoustics, Peabody MA 2001-2003

General Manager Bose Corporation, Framingham, MA 1991-2001

(Responsible for all business operations, contracts and legal determinations, marketing, managing global operations for multi-billion \$ operations.

What is your reason for wanting to serve on this board or committee?

I would like to serve the community in this capacity in order for the town to successfully navigate issues involving our zoning ordinance(s) and insure fair outcomes.

List the top 3 choices that you would like to serve on( 1. 2. 3. in desired order)? (Assuming that the choices are Town Boards)In addition to the Budget Board, I am willing to serve on the Zoning Board of Appeals.

The results of this submission may be viewed at:

<https://www.kennebunkportme.gov/node/2661/submission/20006>

**TOWN OF KENNEBUNKPORT**  
**Application for Boards, Committees & Commissions**

**To the Town Manager:**

**I hereby request to be considered for membership to the following board(s) and/or committee(s): (If more than one, please indicate your preference: 1,2,3...)**

- |  |   |
|--|---|
| <input type="checkbox"/> Administrative Code Committee         | <input type="checkbox"/> Planning Board                     |
| <input checked="" type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Shade Tree Committee               |
| <input type="checkbox"/> Budget Board                          | <input type="checkbox"/> Shellfish Conservation Committee   |
| <input type="checkbox"/> Cape Porpoise Pier Advisory Committee | <input type="checkbox"/> Solid Waste Committee              |
| <input type="checkbox"/> Cemetery Committee                    | <input checked="" type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Conservation Commission               | <input type="checkbox"/> Wastewater Advisory Committee      |
| <input type="checkbox"/> Government Wharf Committee            |   |
| <input type="checkbox"/> Growth Planning Committee             |   |
| <input type="checkbox"/> Kennebunk River Committee             |   |
| <input type="checkbox"/> Lighting Committee                    |   |

Mark Messer

Signature of Applicant

8-2-23

Date

**Preliminary Information**

Name (Print):

Mark Messer

Residence Address:

96 Beachwood Ave. Phone: 284-3492

Business Address:

Phone: \_\_\_\_\_

Mailing Address:

(if different)

E-mail Address:

markwmesser@gmail.com

**Membership in community organizations:**

Organization	Dates	Activities
Zoning Board	11 years total	Chairman, 10 years
Planning Board	10 years total	
Board of Assessment	3 years total	

Do you have any skills, experience, or training you would like to mention?

No

What is your reason for wanting to serve on this board or committee?

Retired, desire to serve the community

Are you registered to vote in Kennebunkport? Please check one:  Yes  No

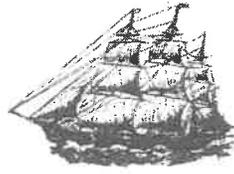
Please return the completed application to: Town Manager, 6 Elm St., P.O. Box 566, Kennebunkport, ME 04046. You will be contacted upon receipt.

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# **AGENDA ITEM DIVIDER**

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Kennebunkport Public Health

—INCORPORATED 1653

**Kennebunkport Public Health**

August 14, 2023

ATN: Kennebunkport Board of Selectmen, Laurie Smith-Kennebunkport Town Manager

Please accept this generous gift of \$50.00 from the Health Council in honor of Marty Forbes to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health nurses to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN  
Kennebunkport Public Health

KENNEBUNKPORT HEALTH COUNCIL

c/o Chris Ryan  
1058 Kings Hwy, K'Port 04046

August  
7 July 2023

2320

52-145/112  
47

CHECK ARMOR

Town of Kennebunkport Nurses Fund \$ 50.00  
Fifty and no more

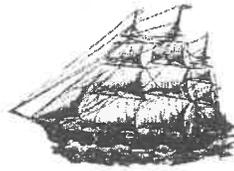
Camden  
NATIONAL BANK

Nurses Fund in memory of Marty <sup>Forbes</sup> Linda B Hanna

7 Aug '23

The enclosed check is for the  
Nurses' Fund in memory of  
Marty Forbes. Please forward  
information to Alison.

Linda Hanna



Kennebunkport Public Health

- INCORPORATED 1653 -

**Kennebunkport Public Health**

August 14, 2023

ATN: Kennebunkport Board of Selectmen, Laurie Smith-Kennebunkport Town Manager

Please accept this generous gift of \$50.00 from anonymous donor to the Nurses account (08-01-39). This money was granted to Kennebunkport Public Health nurses to assist us with supplies, equipment, training, or any needs we see fit.

Thank you!

Alison Kenneway RN, BSN  
Kennebunkport Public Health

10-4 8110 129  
220

DATE 8-14-23

PAY TO THE ORDER OF Town of KPT \$ 50.00

Fifty and no/100 DOLLARS

M&T Bank for KPT Nurses MyChoice Premium

MEMO Thank you!