



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

August 11, 2014

Kittery Town Council  
Regular Meeting Agenda  
7:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes - 7/28/14
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
  - a. The Kittery Town Council moves to adopt the resolution entitled "Resolution Authorizing Issuance of Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$4,403,500 to Fund Sewer Infrastructure Capital Improvement Projects."
  - b. The Kittery Town Council moves to adopt the resolution entitled, "Resolution Authorizing Issuance of Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$7,586,525 to Fund Sewer Extension Project."
  - c. The Kittery Town Council, pursuant to the Sewer Infrastructure Capital Improvement and Sewer Extension Projects Resolutions adopted at this meeting, moves to approve the plan of financing presented by the Town's financial advisor, and authorizes town officials and the financial advisor to proceed with the issuance of Bond Anticipation Notes for those Projects in the aggregate principal amount of not more than \$9,000,000.

**Bond Counsel Bill Stockmeyer from Drummond Woodsum and financial advisor Joe Cuetara from Moors and Cabot will be present for the meeting to answer any questions on these items. These resolutions are strongly recommended by Bond Counsel to**

confirm and provide consistency with the Council's prior action – in a similar manner to Council's action at its November 13, 2013 meeting on the Kittery Land Trust bond. Although the resolutions authorize the entire amounts as approved by the voters, we are only borrowing a portion of the funding (\$9,000,000 in total) at this time – and will return before Council prior to any additional borrowing.

Proposed motions are included at the top of each resolution.

The entire Council should sign each resolution where indicated and the Clerk should attest to it.

10. PUBLIC HEARING

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition
- b. (080214-1) The Kittery Town Council moves to approve the disbursement warrants.
- c. (080214-2) The Kittery Town Council moves to appoint Jean Treacy to the Shellfish Conservation Committee, as a regular member, until April 1, 2015.
- d. (080214-3) The Kittery Town Council moves to sign Release Deed, releasing the tax liens to 63 English Range Rd., LLC for property located at 9 Old Cutts Road, Kittery, Maine, identified as Assessor's Tax Map 60, Lot 20-A. **Taxes have been paid in full on this property. Enclosed is a copy of the release deed to be signed.**
- e. (080214-4) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Barry Bush for his re-appointment to that board until 8/31/19. **Councilor Brake is next in line to perform this interview.**

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION:

17. ADJOURNMENT

Posted: August 7, 2014

**MATERIAL LIST FOR**  
**AUGUST 11, 2014**  
**COUNCIL AGENDA PACKETS**

1. Copy of Agenda for the Special Council Meeting at 6 pm on August 11, 2014 and the August 11<sup>th</sup> Agenda for the Regular Council meeting.
2. Copy of Town Manager's report to Council.
3. Copy of minutes from the July 28<sup>th</sup>, 2014 Regular Council Meeting.
4. Copy of Resolution Authorizing Issuance of Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$4,403,500 to Fund Sewer Infrastructure Capital Improvement Projects.
5. Copy of Resolution Authorizing Issuance of Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$7,586,525 to Fund Sewer Extension Project
6. Copy of BAN Calendar and 2014 Cash Flow information from Joseph Cuetara of Moors & Cabot.
7. Copy of Draft of 2014 \$9,000,000 General Obligation Bond Anticipation Notes for Sewer Infrastructure & Expansion projects.
8. Copy of Municipal Release Deed to 63 ENGLISH RANGE RD LLC for property located at 9 Old Cutts Road, Tax Map 60, Lot 20-A
9. Copy of application for re-appointment to the Port Authority from Barry Bush.





# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

[ncolbertpuff@kitteryme.org](mailto:ncolbertpuff@kitteryme.org)

Nancy Colbert Puff  
Town Manager

## Town Manager's Report to the Town Council August 11, 2014

1. **Sewer Infrastructure Contract Award** – Last week we awarded the Sewer Infrastructure project to Penta Corporation of Moultonboro, New Hampshire. The total contract award is \$2,864,500. The contract time for substantial completion is 300 days – as a result, the work is scheduled to be done by the start of next summer.
2. **Backhoe/Loader Bid Results** – Only July 24<sup>th</sup> we opened bids for a new backhoe/loader. We received 5 bids for the equipment with trade-in values, plus 2 separate bids solely for the purchase of our used backhoe. Bids ranged from \$99,900 to \$105,750 for the new machine, and from \$32,000 to \$25,000 for the value of our used machine. We awarded the bid to Southworth-Milton, Inc. for the new loader (\$103,000) and to Dean Jordan (\$32,001) for purchase of the used one.
3. **Route 1 Bypass Bridge Construction Traffic** – For the remainder of the project there will be a Kittery police officer working from 10 am to 3 pm on Saturdays to help with traffic flow. (This went into effect last Saturday, August 2<sup>nd</sup>.)
4. **Seacoast Energy Initiative (SEI) Grant to Kittery Community Center (KCC)** – On July 31<sup>st</sup> the Town of South Berwick opened bids for all SEI projects, including the boiler conversion for the KCC annex. Two bids were received, which were \$63,800 and \$67,411. The bid was awarded to low bidder, W.H. Demmons. Unfortunately, the bid came in higher than expected, and the grant funds will cover approximately 58% of the project, and a large portion of the 2015 CIP appropriation will be needed to fully fund this work.
5. **Roger Road Commercial Vehicle Restrictions:** At our request, a representative from Maine Department of Transportation came to Kittery to review our concerns regarding truck traffic using Rogers Road as an alternative to the preferred route (Route 1 to Walker) to access the Naval Shipyard. I have attached a copy of this correspondence, which outlines DOT's opinion that commercial vehicles do not "pose a significant safety risk" under normal circumstances. Police Chief Ted Short has forwarded this information to Mr. McDonough, the resident who raised this issue.

6. **Maine Municipal Association (MMA) Dividends** – Due in part to our good loss experience and loss prevention programs, we have received a dividend check of \$12,951 from MMA. Please see the attached notice for more details.
7. **Rice Public Library (RPL):** Director Lee Perkins will provide me with more detail on the adopted change to the RPL's meeting room policy later in the month, when the minutes to the meeting have been approved.
8. **Maine Town, City and County Management Association (MTCMA)** – I will be attending the MCTMA annual conference next Wednesday and Thursday, August 13-14.

If you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,



Nancy Colbert Puff



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
REGION 1  
P.O. BOX 358  
SCARBOROUGH, MAINE 04070-0358

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

July 28, 2014

Mr. Theodor G. Short  
Chief of Police  
PO Box 808  
Kittery, Maine 03904

RE: Commercial Vehicle Restrictions  
Kittery, Maine

Dear Theodor:

This letter is in response to your question regarding the potential restriction of commercial vehicles on Rogers Road in Kittery. State Rule 17-229, Chapter 104 does allow for time-of-day restrictions on commercial vehicles in very narrow circumstances, as long as there is substantial agreement between all affected parties. However, as a general rule the MaineDOT does not want to place restrictions on State roads because we recognize that there is an affirmative right for all individuals and entities, public or private, domestic or commercial, to travel on all State or State Aid highways in Maine. It is also important to remember that a reasonable alternate route must exist that won't in kind create a safety or congestion issue elsewhere.

After an informal review of the area at your request, I do not believe Rogers Road in Kittery warrants any restrictions on commercial vehicles based on safety. Rogers Road is a typical small town road with a mix of residential and small commercial buildings. There appears to be two 11-foot lanes, except in areas where the road widens to accommodate on-street parking, with a raised sidewalk the entire length of Rogers Road. I did not notice any areas of Rogers Road where a commercial vehicle would pose a significant safety risk under normal circumstances.

If you have any additional questions feel free to contact me. Phone: 207-885-7041.

Sincerely,

Timothy Soucie, PE  
Region 1 Traffic Engineer

C: Steve Landry, State Traffic Engineer  
File



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## MAINE MUNICIPAL ASSOCIATION

### **Risk Management Services**

60 Community Drive  
P.O. Box 9109  
Augusta, Maine 04332-9109

### **Telephone No.**

(207) 626-5583  
(800) 590-5583 Maine Only  
Fax No. (207) 626-0513

DATE: August 4, 2014

TO: Members of the Workers Compensation Fund and the Property & Casualty Pool

FROM: Patricia Kablitz, CPCU, ARM  
Director, Risk Management Services

RE: Dividend Payments

We are pleased to announce that the Board of Trustees of the **MMA Workers Compensation Fund** voted at its May 22, 2014 meeting to allow a dividend to the members of the Fund who meet the established criteria. Continuing members whose contributions are greater than \$25,000 annually, whose 2013 loss ratio is less than 40% and whose three-year loss ratio is less than 75% will receive a 7.5% dividend. Continuing members whose contributions are less than \$25,000 annually and whose loss ratio is less than 50% for the three years ending December 31, 2013, will also receive a 7.5% dividend. All losses are valued as of June 30, 2014.

The Board of Directors of the **MMA Property & Casualty Pool** voted at its May 22, 2014 meeting to allow a dividend to current members of the Pool who meet the established criteria. To earn a dividend, a member must have a loss ratio of 50% or less for the qualifying year of July 1, 2012 to June 30, 2013, calculated and valued as of June 30, 2014. Continuing members whose participation began on July 1, 2008 or prior will earn a 5.39% dividend and members who joined after July 1, 2008 will receive a 4.39% dividend.

Cost savings are realized in providing services to members who participate in both the Property & Casualty Pool and the Workers Compensation Fund. In recognition of the savings, both boards voted to add 1% to the dividends for each program for members who qualify and earn a dividend. You are among the members who participate in both the Workers Compensation Fund and the Property & Casualty Pool. Therefore, if you earned a dividend for either or both programs, the additional 1% has been included in the calculation.

Dividends are being paid in the Workers Compensation Fund and Property & Casualty Pool totaling \$1,199,223. Both governing boards are very pleased with the results of their respective programs and thank you for your support and continued participation. Good management practices and sound loss prevention measures on the part of all of the members have contributed to the success of these programs. Your entity is a big part of this success.

Your check is enclosed with this letter. We have also enclosed a press release that may be used to announce the result of your successful risk management activities and good loss experience to your community. If you have any questions about the dividends or any of the Risk Management Services programs, please call me at 800-590-5583. Additional copies of this letter are included for your elected officials.

**PRESS RELEASE**  
**For Immediate Release**

Municipal officials are pleased to announce that the **Town of Kittery** has received a **\$12,951** dividend check from the Maine Municipal Association as a result of its good loss experience and loss prevention programs.

The Maine Municipal Association offers three self-funded pools for municipal and quasi-public entities in Maine: the Workers Compensation Fund formed in 1978, the Property & Casualty Pool formed in 1987 and the Unemployment Compensation Fund formed in 1978.

The programs are overseen by governing boards of elected and appointed municipal officials. Each year the boards review the programs' loss experience to determine if dividends may be paid. Patricia Kablitz, Director of Risk Management Services for MMA, said more than 78 percent of program participants received a dividend this year for their good risk management practices and loss experience.

This year the Workers Compensation Fund has distributed almost **\$650,000** in dividends to participants and the Property and Casualty Pool has paid dividends of nearly **\$550,000**, for total payments of over \$1.1 million provided directly to MMA members.

Since 1997, the three programs have returned over to **\$16 million** in dividends to participating members. For more information about any of the MMA Risk Management Services programs, including online training programs and other services, check the offerings on their website at [www.memun.org](http://www.memun.org) and click on the Risk Management Services link, or call 1-800-590-5583.



UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

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July 28, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager’s Report –

Town Manager Puff stated that the bids for the Traip floats came in over what they had originally anticipated. She continued that the state was willing to pay half of the cost of the overage and that the KPA had the money in its budget for the other half.

Town Manager Puff indicated that they were working with the KPA to update the job description and advertise the harbormaster position.

Town Manager Puff noted that she had visited Wood Island to observe the temporary repair work and that work was now complete.

Town Manager Puff stated that the CIP Committee had met the previous Wednesday to discuss its charge to recommend to Council a potential bond issue in the fall.

Town Manager Puff reported that the Rice Public Library was having some of its gables repainted and having some of the woodwork restored, beginning that week. She continued that the RPL Board had met and voted to amend its police to exclude political and religious meetings and events on the property. Chairperson Thomson stated that he was concerned about the amendment and that he was worried about censorship. Town Manager Puff responded that she would look at the changes and report back to Council.

UNAPPROVED MINUTES

30 7. Acceptance of Previous Minutes

31 The minutes of 7/14/14 were accepted as presented.

32 8. Interviews for the Board of Appeals – None

33 9. All items involving the town attorney, town engineers, town employees or other town  
34 consultants or requested officials –

35 (070214-1) The Kittery Town Council moves to authorize the submission of the Phase  
36 IV Grant application for the Spruce Creek Watershed Restoration Project with a town match of  
37 \$65,000 (\$45,000 in-kind services and \$20,000 to fund annual water quality sampling for two  
38 years).

39 Forrest Bell of FB Environmental came to the podium and indicated they were now  
40 looking to apply for the Phase 4 DEP grant. He continued that to date, a Phase 4 grant had not  
41 been funded, so Kittery would be doing something unique. Mr. Bell indicated that they were  
42 looking for a town match and that they had great success with the project so far.

43 **COUNCILOR WHITE MOVED TO AUTHORIZE THE SUBMISSION OF THE**  
44 **PHASE IV GRANT APPLICATION FOR THE SPRUCE CREEK WATERSHED**  
45 **RESTORATION PROJECT WITH A TOWN MATCH OF \$65,000, SECONDED BY**  
46 **CHAIRPERSON THOMSON.**

47 Councilor Denault asked what they had accomplished over the last four years. Phyllis  
48 Ford of the Spruce Creek Association gave a handout to Council which outlined the success they  
49 had over the different phases as well as what they were trying to accomplish during Phase 4.  
50 Councilor Dennett asked if this project was going to go on forever. Mr. Bell responded that it  
51 would be ongoing until they were able to reopen the clam beds and get Spruce Creek off the  
52 impaired water bodies list.

53 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**  
54 **OPPOSED. MOTION PASSES 4/1.**

55 10. PUBLIC HEARINGS -

56 a. (070214-2) The Kittery Town Council moves to hold a public hearing on an  
57 application from Jarrod Spangler, 31 Hill Street, Dover, NH for a Victualer's License for Maine  
58 Meat (Meat), 7 Wallingford Square, #104, Kittery.

59 Chairperson Thomson indicated that this public hearing was advertised in the local,  
60 printed media on July 18<sup>th</sup>. Chairperson Thomson then opened the public hearing, and no  
61 response being heard, closed the public hearing.

UNAPPROVED MINUTES

62           **COUNCILOR BRAKE MOVED TO APPROVE THE APPLICATION FROM**  
63 **JARROD SPANGLER, 31 HILL STREET, DOVER, NH FOR A VICTUALER'S**  
64 **LICENSE FOR MAINE MEAT (MEAT), 7 WALLINGFORD SQUARE, #104, KITTEERY,**  
65 **SECONDED BY COUNCILOR WHITE.**

66           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
67 **5/0.**

68           b. (070214-3) The Kittery Town Council moves to hold a public hearing on an  
69 application from The Cajun Lobster LLC, 90 Pepperrell Road, Kittery Point, for a Victualer's  
70 License for The Cajun Lobster, 90 Pepperrell Road, Kittery Point.

71           Chairperson Thomson indicated that this public hearing was advertised in the local,  
72 printed media on July 18<sup>th</sup>. Chairperson Thomson then opened the public hearing, and no  
73 response being heard, closed the public hearing.

74           **COUNCILOR WHITE MOVED TO APPROVE THE APPLICATION FROM**  
75 **THE CAJUN LOBSTER LLC, 90 PEPPERRELL ROAD, KITTEERY POINT, FOR A**  
76 **VICTUALER'S LICENSE FOR THE CAJUN LOBSTER, 90 PEPPERRELL ROAD,**  
77 **KITTEERY POINT, SECONDED BY COUNCILOR BRAKE.**

78           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
79 **5/0.**

80           c. (070214-4) The Kittery Town Council moves to hold a public hearing on an  
81 application from The Cajun Lobster LLC, 90 Pepperrell Road, Kittery Point, for a Special  
82 Activity/Amusement Permit for The Cajun Lobster, 90 Pepperrell Road, Kittery Point.

83           Chairperson Thomson indicated that this public hearing was advertised in the local,  
84 printed media on July 18<sup>th</sup>. Chairperson Thomson then opened the public hearing, and no  
85 response being heard, closed the public hearing.

86           **COUNCILOR BRAKE MOVED TO APPROVE THE APPLICATION FROM**  
87 **THE CAJUN LOBSTER LLC, 90 PEPPERRELL ROAD, KITTEERY POINT FOR A**  
88 **SPECIAL ACTIVITY/AMUSEMENT PERMIT FOR THE CAJUN LOBSTER, 90**  
89 **PEPPERRELL ROAD, KITTEERY POINT, SECONDED BY COUNCILOR WHITE.**

90           Chairperson Thomson indicated that the application was for Monday through Sunday  
91 from 11 a.m. to 2 a.m. The head chef, Andre, from the restaurant came to the podium and stated  
92 that could be amended to 11 a.m. to 12 a.m. and that the entertainment would most likely be  
93 done by 10 p.m.

UNAPPROVED MINUTES

94           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
95   **5/0.**

96           d. (070214-5) The Kittery Town Council moves to hold a public hearing on an  
97 application from Tributary Brewing Co., LLC, 5 Winding Brooke Lane, South Berwick, Maine  
98 for a Special Activity/Amusement Permit for Tributary Brewing Company, 10 Shapleigh Road,  
99 Suite A, Kittery.

100           Chairperson Thomson indicated that this public hearing was advertised in the local,  
101 printed media on July 18<sup>th</sup>. Chairperson Thomson then opened the public hearing, and no  
102 response being heard, closed the public hearing.

103           **COUNCILOR WHITE MOVED TO APPROVE THE APPLICATION FROM**  
104 **TRIBUTARY BREWING CO., LLC, 5 WINDING BROOKE LANE, SOUTH BERWICK,**  
105 **MAINE FOR A SPECIAL ACTIVITY/AMUSEMENT PERMIT FOR TRIBUTARY**  
106 **BREWING COMPANY, 10 SHAPLEIGH ROAD, SUITE A, KITTERY, SECONDED BY**  
107 **COUNCILOR BRAKE.**

108           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
109 **5/0.**

110   11.   DISCUSSION

111           a. Discussion by members of the public (three minutes per person) –

112           Bob Harris came to the podium and indicated that he thought they should hold another  
113 workshop on the tax assessments as there were many unanswered questions.

114           Bob Harris noted relative to Spruce Creek that there was a major leak in the Village that  
115 was never fixed and didn't think they should move ahead with other projects until that was fixed.

116           Bob Harris indicated that there were dead trees on Cutts Road and that someone should  
117 get them down before someone is injured.

118           Andre from The Cajun Lobster stated that there was a light on the building at 90  
119 Pepperrell Road which illuminates the town pier. He continued they were currently receiving the  
120 bill for the light which was fine but wanted to make sure that it was okay with Council to keep  
121 the light on. Chairperson Thomson indicated that the DPW Commissioner would go down and  
122 assess the situation.

123           Milton Hall stated that light had been under the KPA jurisdiction for years.

124           Milton Hall indicated that he thought they would get to a point where Spruce Creek could  
125 not be improved anymore and they would be wasting their money.

UNAPPROVED MINUTES

126 Milton Hall noted that the harbormaster position had nothing to do with the town  
127 manager because the KPA is a state authority and that the KPA should oversee the position.

128 b. Chairperson's response to public –

129 Chairperson Thomson responded to Mr. Harris stating that he had asked that people  
130 submit their additional questions and that they would probably hold another informational  
131 session.

132 Chairperson Thomson asked that Council receive a report on the leak in the Village.

133 12. UNFINISHED BUSINESS – None

134 13. NEW BUSINESS

135 a. Donations/gifts received for Council disposition - None

136 b. (070214-6) The Kittery Town Council moves to approve the application from The  
137 Cajun Lobster, 90 Pepperrell Cove Road, Kittery Point, for a Malt, Spirituous and Vinous Liquor  
138 License for The Cajun Lobster, 90 Pepperrell Road, Kittery Point.

139 **COUNCILOR WHITE MOVED TO APPROVE THE APPLICATION FROM**  
140 **THE CAJUN LOBSTER, 90 PEPPERRELL ROAD, KITTERY POINT, FOR A MALT,**  
141 **SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE CAJUN LOBSTER, 90**  
142 **PEPPERRELL ROAD, KITTERY POINT, SECONDED BY COUNCILOR BRAKE.**

143 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
144 **5/0.**

145 c. (070214-7) The Kittery Town Council moves to approve the request of the Kittery  
146 Youth Football League to hold a Tag Day fundraiser at the Resource Recovery Facility on  
147 Saturday, August 16<sup>th</sup> between the hours of 9:00 a.m. and 2:00 p.m.

148 **COUNCILOR BRAKE MOVED TO APPROVE THE REQUEST OF THE**  
149 **KITTERY YOUTH FOOTBALL LEAGUE TO HOLD A TAG DAY FUNDRAISER AT**  
150 **THE RESOURCE RECOVERY FACILITY ON SATURDAY, AUGUST 16<sup>TH</sup> BETWEEN**  
151 **THE HOURS OF 9:00 A.M. AND 2:00 P.M., SECONDED BY COUNCILOR WHITE.**

152 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
153 **5/0.**

154 d. (070214-8) The Kittery Town Council moves to accept the resignation from Jenny  
155 Wall from the Parks Commission.

UNAPPROVED MINUTES

156           **COUNCILOR WHITE MOVED TO ACCEPT THE RESIGNATION FROM**  
157 **JENNY WALL FROM THE PARKS COMMISSION, SECONDED BY COUNCILOR**  
158 **DENAULT.**

159           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
160 **5/0.**

161           e. (070214-9) The Kittery Town Council moves to approve the slate of officers for the  
162 2015 Vice President and members of the Maine Municipal Association Executive Committee.

163           **COUNCILOR WHITE MOVED TO APPROVE THE SLATE OF OFFICERS**  
164 **FOR THE 2015 VICE PRESIDENT AND MEMBERS OF THE MAINE MUNICIPAL**  
165 **ASSOCIATION EXECUTIVE COMMITTEE, SECONDED BY COUNCILOR BRAKE.**

166           **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT AND**  
167 **COUNCILOR DENAULT OPPOSED. MOTION DOES NOT CARRY 3/2.**

168           f. (070214-10) The Kittery Town Council moves to approve the disbursement warrants.

169           **COUNCILOR WHITE MOVED TO APPROVE THE DISBURSEMENT**  
170 **WARRANTS, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**  
171 **MOTION PASSES 5/0.**

172           g. (070214-11) The Kittery Town Council moves to authorize the release of funds to  
173 supplement the \$20,000 grant received from the Small Harbor Improvement Program for the  
174 Traip Float.

175           Councilor Dennett indicated that he would suggest that they authorize not to exceed a  
176 definite amount.

177           **CHAIRPERSON THOMSON MOVED TO AUTHORIZE THE RELEASE OF**  
178 **FUNDS TO SUPPLEMENT THE \$20,000 GRANT RECEIVED FROM THE SMALL**  
179 **HARBOR IMPROVEMENT PROGRAM FOR THE TRAIPI FLOAT FOR AN AMOUNT**  
180 **NOT TO EXCEED \$5505.00, SECONDED BY COUNCILOR BRAKE.**

181           **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**  
182 **OPPOSED. MOTION PASSES 4/1.**

183           h. (070214-12) The Kittery Town Council moves to accept the resignation from Vern J.  
184 Gardner, Jr. from the Comprehensive Plan Update Committee and the Board of Appeals.

185           **COUNCILOR DENAULT MOVED TO ACCEPT THE RESIGNATION FROM**  
186 **VERN J. GARDNER, JR., FROM THE COMPREHENSIVE PLAN UPDATE**

UNAPPROVED MINUTES

187 **COMMITTEE AND THE BOARD OF APPEALS, SECONDED BY COUNCILOR**  
188 **WHITE.**

189 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
190 **5/0.**

191 i. (070214-13) The Kittery Town Council moves to appoint Karen Saltus to the Kittery  
192 Conservation Commission, as a regular member until May 31, 2015.

193 **CHAIRPERSON THOMSON MOVE TO APPOINT KAREN SALTUS TO THE**  
194 **KITTERY CONSERVATION COMMISSION, AS A REGULAR MEMBER UNTIL MAY**  
195 **31, 2015, SECONDED BY COUNCILOR BRAKE.**

196 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
197 **5/0.**

198 j. (070214-14) The Kittery Town Council moves to discuss a proposed charter  
199 amendment relating to the qualifications for municipal office.

200 Councilor Dennett indicated that anyone who is elected or appointed to a position cannot  
201 serve unless they are a Maine resident. He continued that there have been a few instances where  
202 people could not advance positions because they live in NH. Councilor Dennett stated that he  
203 thought it would benefit the town to be able to have employees who live out of state become  
204 municipal officers. He continued this could be done by recommending to amend the charter and  
205 bring it to the voters and that he had drafted proposed wording. Chairperson Thomson stated  
206 that he agreed with Councilor Dennett and asked that this issue be put on the August 25<sup>th</sup> agenda  
207 for a public hearing.

208 k. (070214-15) The Kittery Town Council moves to sign a Release Deed, releasing the  
209 tax liens to J. Michael Correia and Denise Correia of South Berwick, Maine for property located  
210 at 9-11 Whipple Road, Kittery, Maine, identified as Assessor's Tax Map 9, Lot 135.

211 **COUNCILOR WHITE MOVED TO SIGN A RELEASE DEED, RELEASING**  
212 **THE TAX LIENS TO J. MICHAEL CORREIA AND DENISE CORREIA OF SOUTH**  
213 **BERWICK, MAINE FOR PROPERTY LOCATED AT 9-11 WHIPPLE ROAD,**  
214 **KITTERY, MAINE IDENTIFIED AS ASSESSOR'S TAX MAP 9, LOT 135, SECONDED**  
215 **BY COUNCILOR BRAKE.**

216 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
217 **5/0.**

218 14. **COUNCILOR ISSUE OR COMMENT**

## UNAPPROVED MINUTES

219 Councilor Dennett asked that Council review his proposed charter amendment and  
220 suggest any corrections that may be needed.

221 Councilor Denault stated that he had measured the sign at the KCC which was 20 feet  
222 and state law required that it be 33 feet. He continued that he thought this was a matter of public  
223 safety and that it should be addressed.

224 Councilor Denault asked what the status was on possibly sharing a CEO with the Town  
225 of Eliot. Chairperson Thomson responded that Eliot decided that it wanted its own CEO.

226 Councilor Denault asked if anyone had given any thought to the sewer expansion project  
227 in terms of making it generate some revenue. Town Manager Puff responded that some  
228 communities were trying to extend natural gas into their towns and had asked the DPW to get in  
229 touch with Unutil to discuss trying to do so at the business park.

230 Councilor Denault indicated that the Town Charter needed to be reviewed every ten years  
231 and that it was two years overdue. He then asked what the review entailed. Chairperson  
232 Thomson responded that he did not think that a formal review was needed every ten years and  
233 that past amendments and future amendments could be considered a review. He continued they  
234 could the town attorney for a legal opinion on the matter. Councilor Denault indicated they  
235 could hold the issue for now.

236 Councilor Brake noted that there were traffic issues and backups near the Navy Yard and  
237 that if there was an emergency, police and fire vehicles would not be able to get through.  
238 Chairperson Thomson stated that he thought the police chief and fire chief should meet and  
239 discuss setting up patrols in the area.

### 240 15. COMMITTEE AND OTHER REPORTS

#### 241 a. Communications from the Chairperson --

242 Chairperson Thomson indicated that he had sent Council an email outlining where they  
243 were going over the next few weeks and went over the workshops and executive sessions that  
244 were scheduled.

245 Chairperson Thomson asked that Shaw Brothers be contacted to address the litter at the  
246 Walker and Government Street intersection now that they were back working in town.

247 Chairperson Thomson stated that Friday from 5 – 8 the KCC would be holding Kittery  
248 Fest.

#### 249 b. Committee Reports --

UNAPPROVED MINUTES

250 Councilor White noted relative to the Comprehensive Plan Update Committee, that they  
251 had lost Vern Gardner and wanted to thank him for his leadership over the years. He continued  
252 they had held a good meeting the previous week and were moving ahead. Councilor White  
253 noted that they hoped the end was in sight.

254 16. EXECUTIVE SESSION – None

255 17. ADJOURNMENT

256 **COUNCILOR WHITE MOVED TO ADJOURN, SECONDED BY COUNCILOR**  
257 **BRAKE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:32 P.M.**

258

259

260



August 11, 2014 – Sewer Infrastructure Project

Motion to be Made, Seconded and Voted: I move that the Council adopt the resolution entitled, “Resolution Authorizing Issuance of Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$4,403,500 to Fund Sewer Infrastructure Capital Improvement Projects.”

**RESOLUTION AUTHORIZING ISSUANCE OF BONDS, AND TEMPORARY NOTES  
IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$4,403,500 TO  
FUND SEWER INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECTS**

The Town Council of the Town of Kittery (the “Council”) hereby resolves as follows:

That pursuant to the “Ordinance Authorizing Town of Kittery \$4,403,500 Bond Issue to Fund Sewer Infrastructure Capital Improvement Projects,” (the “Ordinance”) which Ordinance was the subject of a public hearing held by the Council on March 25, 2013, and approved by the Town’s voters at a referendum election held on June 11, 2013, the Town is authorized to issue bonds, and temporary notes in anticipation of the bonds (hereinafter, respectively, the “Bonds” and the “Temporary Notes”) in a principal amount not to exceed \$4,403,500.00;

That on behalf of the Town and in accordance with the terms of the Ordinance, the Bonds and the Temporary Notes be executed and issued by Treasurer and countersigned by the Chair of the Council, and that the Treasurer, Chair of the Council, Clerk and other proper officials of the Town are authorized to do or cause to be done all such acts and things, not inconsistent with the Ordinance, as may be necessary or desirable to effect the issuance, sale, execution and delivery of the Bonds and the Temporary Notes, and all such acts and things previously done by them are ratified in all respects; and

That an attested copy of this Resolution and the Ordinance be included with the minutes of this meeting.

Dated August 11, 2014, by a majority of the members of the Town Council:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A true copy, attest: \_\_\_\_\_  
Maryann Place, Town Clerk



August 11, 2014 – Sewer Extension Project

Motion to be Made, Seconded and Voted: I move that the Council adopt the resolution entitled, “Resolution Authorizing Issuance of Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$7,586,525 to Fund Sewer Extension Project.”

**RESOLUTION AUTHORIZING ISSUANCE OF BONDS, AND TEMPORARY NOTES  
IN ANTICIPATION OF BONDS, IN THE PRINCIPAL AMOUNT OF \$7,586,525 TO  
FUND SEWER EXTENSION PROJECT**

The Town Council of the Town of Kittery (the “Council”) hereby resolves as follows:

That pursuant to the “Ordinance Authorizing Town of Kittery \$7,586,525 Bond Issue to Fund Sewer Extension Project,” (the “Ordinance”) which Ordinance was the subject of a public hearing held by the Council on March 25, 2013, and approved by the Town’s voters at a referendum election held on June 11, 2013, the Town is authorized to issue bonds, and temporary notes in anticipation of the bonds (hereinafter, respectively, the “Bonds” and the “Temporary Notes”) in a principal amount not to exceed \$7,586,525.00;

That on behalf of the Town and in accordance with the terms of the Ordinance, the Bonds and the Temporary Notes be executed and issued by Treasurer and countersigned by the Chair of the Council, and that the Treasurer, Chair of the Council, Clerk and other proper officials of the Town are authorized to do or cause to be done all such acts and things, not inconsistent with the Ordinance, as may be necessary or desirable to effect the issuance, sale, execution and delivery of the Bonds and the Temporary Notes, and all such acts and things previously done by them are ratified in all respects; and

That an attested copy of this Resolution and the Ordinance be included with the minutes of this meeting.

Dated August 11, 2014, by a majority of the members of the Town Council:

_____	_____
_____	_____
_____	_____
_____	_____

A true copy, attest: \_\_\_\_\_  
Maryann Place, Town Clerk



July 2014						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	<b>31</b>		

August 2014						
S	M	T	W	T	F	S
					1	2
3	4	<b>5</b>	6	7	8	9
10	<b>11</b>	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	<b>27</b>	28	29	31
31						

September 2014						
S	M	T	W	T	F	S
	<b>1</b>	2	3	4	5	6
7	8	9	10	<b>11</b>	12	13
14	<b>15</b>	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**Town of Kittery, Maine**

(Sewer Infrastructure & Expansion Projects)

\$6,500,000 2013 General Obligation Bond Anticipation Notes

\$9,000,000 2014 General Obligation Bond Anticipation Notes

\$11,990,000 2015 General Obligation Bond Anticipation Notes

Tax ID# 01-6000224; Base CUSIP: 498206

<u>2013</u>	<u>\$6,500,000 2013 BANs</u>
Jun 11	Referendum election.
Aug 26	Council approves BANs.
<b>Sep 11</b>	<b>BAN sale.</b>
Sep 19	Settlement and closing with Issuer/purchaser.
Sep 15, 2014	2013 BANs mature.
<u>2014</u>	<u>\$9,000,000 2014 BANs</u>
Jul 4	Independence day (Market closed).
Jul 16	Meet with Town for financing plan.
Aug 1	Receive final construction cash flow from Klinefelder.
Aug 4	Prepare BAN Notice of Sale.
Aug 4	Information to S&P for rating.
Aug 5	Send BAN authorization in Council packets.
Aug 11	Council approves 2014 BANs.
Aug 12	Final sizing of the BAN.
Aug 12	Finalize BAN Notice of Sale.
Aug 14	Mail BAN Notice of Sale.
Aug 22	BAN rating assigned.
<b>Aug 27</b>	<b>BAN sale.</b>
Aug 27	Notify Bond Counsel; purchaser.
Sep 1	Labor Day (Market closed).
Sep 8	FA receives/sends Notes & Opinion to paying Agent.
Sep 11	Settlement and closing with Issuer/purchaser.
Sep 15, 2015	2014 BANs mature.
<u>2015</u>	<u>\$11,990,000 2015 BANs</u>
Aug __	Council authorizes BANs.
<b>Aug 26</b>	<b>BAN sale.</b>
Sep 10	Settlement and closing with Issuer/purchaser.
Jun __, 2016	MMBB CWSRF Bond closing.
Sep 15, 2016	2015 BANs mature.



Town of Kittery, Maine  
2014 BANS Cash Flow

2015  
Pay 2014  
BANS

2014  
BANS

Pay 2013  
BANS

Monthly  
Unspent

2013  
BANS

Cumulative  
Draw

BAN  
Interest

Total  
Projects

Total  
Extension

Total  
Infrastructure

	2015 Pay 2014 BANS	2014 BANS	Pay 2013 BANS	Monthly Unspent	2013 BANS	Cumulative Draw	BAN Interest	Total Projects	Total Extension	Total Infrastructure
8/1/2013						(119,500)		(119,500)	(47,500)	(72,000)
9/1/2013				6,261,000	6,500,000	(239,000)		(119,500)	(47,500)	(72,000)
10/1/2013				6,141,387		(368,613)		(119,613)	(47,946)	(71,667)
11/1/2013				6,021,774		(478,226)		(119,613)	(47,946)	(71,667)
12/1/2013				5,902,162		(597,838)		(119,613)	(47,946)	(71,667)
1/1/2014				5,830,549		(669,451)		(71,613)	(47,946)	(23,667)
2/1/2014				5,758,936		(741,064)		(71,613)	(47,946)	(23,667)
3/1/2014				5,687,323		(812,677)		(71,613)	(47,946)	(23,667)
4/1/2014				5,516,426		(983,574)		(170,897)	(47,946)	(122,951)
5/1/2014				5,345,529		(1,154,471)		(170,897)	(47,946)	(122,951)
6/1/2014				5,174,633		(1,325,367)		(170,897)	(47,946)	(122,951)
7/1/2014				5,034,012		(1,465,988)		(140,621)	(27,414)	(113,207)
8/1/2014				4,893,391		(1,606,609)		(140,621)	(27,414)	(113,207)
9/1/2014				4,752,770		(1,811,508)	(64,278)	(140,621)	(27,414)	(113,207)
10/1/2014				4,384,464		(2,179,814)		(368,305)	(27,414)	(340,891)
11/1/2014				4,016,159		(2,548,119)		(368,305)	(27,414)	(340,891)
12/1/2014				3,647,853		(2,916,425)		(368,305)	(27,414)	(340,891)
1/1/2015				2,892,554		(3,671,724)		(755,300)	(381,574)	(373,726)
2/1/2015				2,137,254		(4,427,024)		(755,300)	(381,574)	(373,726)
3/1/2015				1,381,954		(5,182,323)		(755,300)	(381,574)	(373,726)
4/1/2015				626,655		(5,937,623)		(755,300)	(381,574)	(373,726)
5/1/2015				(128,645)		(6,692,923)		(755,300)	(381,574)	(373,726)
6/1/2015				(883,944)		(7,448,222)		(755,300)	(381,574)	(373,726)
7/1/2015				(1,265,519)		(7,829,796)		(381,574)	(381,574)	(373,726)
8/1/2015				(1,647,093)		(8,211,370)		(381,574)	(381,574)	(373,726)
9/1/2015				(2,028,667)		(8,592,944)		(381,574)	(381,574)	(373,726)
10/1/2015						(8,974,519)		(381,574)	(381,574)	(373,726)
11/1/2015						(9,356,093)		(381,574)	(381,574)	(373,726)
12/1/2015						(9,737,667)		(381,574)	(381,574)	(373,726)
1/1/2016						(10,208,567)		(470,900)	(470,900)	(470,900)
2/1/2016						(10,679,467)		(470,900)	(470,900)	(470,900)
3/1/2016						(11,150,367)		(470,900)	(470,900)	(470,900)
4/1/2016						(11,451,679)		(301,312)	(301,312)	(301,312)
5/1/2016						(11,752,991)		(301,312)	(301,312)	(301,312)
6/1/2016						(12,054,303)		(301,312)	(301,312)	(301,312)
								<u>(11,990,025)</u>	<u>(7,586,525)</u>	<u>(4,403,500)</u>

(6,500,000) 9,000,000  
2,500,000  
new money

(9,000,000) 11,990,025  
2,990,025  
new money

MMBB CWSRF  
Takeout



**TOWN OF KITTERY, MAINE  
\$9,000,000  
2014 GENERAL OBLIGATION BOND ANTICIPATION NOTES**

SEALED PROPOSALS will be received by the Town of Kittery, Maine (the "Town") at the office of Moors & Cabot, Inc., 111 Devonshire Street, 2nd Floor, Boston, Massachusetts until:

**11:00 O'CLOCK A.M. (E.S.D.T.)  
WEDNESDAY, AUGUST 27, 2014**

at which time and place all such proposals will be publicly opened and announced for the sale of \$9,000,000 2014 General Obligation Bond Anticipation Notes (the "Notes") of the Town. The Notes will be dated September 11, 2014 and will be payable on September 15, 2015, without option of prior redemption, and will bear interest calculated on the basis of 30 day months in a 360 day year (*30/360 basis; 364 days; 9,100,000 bond years*), at such rate per annum as is determined upon their sale in accordance with this Notice of Sale. Interest will be payable at the stated date of maturity on September 15, 2015. It is expected that the Notes, in definitive form, will be available for delivery on or about September 11, 2014.

*Authorization and Purpose*

The Town commissioned a study to evaluate the future infrastructure needs for the collection, treatment and disposal of its wastewater facilities. In addition to various pump station, treatment facility and sewer system improvements (the "Infrastructure Projects"), the study identified a sewer system expansion project in the Business Park west of US Interstate 95; Dana Avenue and Martin Road areas (the last two being the "Route 236 Sewer Extensions") (collectively, the "Sewer Projects"). The Sewer Projects would potentially be constructed in three phases: Phase 1 at \$3,433,925; Phase 2 at \$2,119,500; Phase 3 at \$2,033,100, for a consolidated \$7,586,525. The Infrastructure Projects and Sewer Projects are, collectively, the "Projects"

The Notes and Bonds will be issued pursuant to Title 30-A §5772 of the Maine Revised Statutes, as amended, Town Council approval on March 25, 2013 and ratification at Town referendum election held on June 11, 2013 by the voters of the Town. The Town intends to finance the Sewer Projects through the State Revolving Loan Fund Program (the "SRF") administered jointly by the Maine Municipal Bond Bank (the "MMBB") and the State of Maine, acting by and through its Department of Environmental Protection once the Projects are "placed in service", in calendar year 2016. While the bonds, if issued, will be general obligations of the Town, the Town expects that associated debt service will be paid from a combination of sewer impact fees and/or user fees.

*Form of Notes*

The Notes will be issued by means of The Depository Trust Company's Book-Entry-Only System with no physical distribution of certificates made to the public. One certificate for each interest rate will be issued to The Depository Trust Company ("DTC") and immobilized in their custody. The Book-Entry Only System will be employed, evidencing ownership of the Notes *in minimum principal amounts of \$100,000 or any \$5,000 multiple in excess thereof*, with transfers of ownership effected on the records of DTC and its Participants pursuant to rules and procedures established by DTC and its Participants. The winning bidder (the "purchaser"), as a condition to delivery of the Notes, shall be required to deposit the certificates with DTC, registered in the name of Cede & Co. Principal of and interest on the Notes will be payable in Federal Reserve Funds to DTC or its nominee as registered owner of the Notes. Transfer of

principal and interest payments to participants of DTC will be the responsibility of DTC. Transfer of principal and interest payments to Beneficial Owners will be the responsibility of such Participants and other nominees of Beneficial Owners. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its Participants or persons acting through such Participants. The Note certificates, to be immobilized at DTC, will be prepared under the supervision of and authenticated by U.S. Bank National Association, Boston, Massachusetts, Paying Agent, and their legality approved by Drummond Woodsum & MacMahon of Portland, Maine, Bond Counsel, whose opinion will be furnished to the purchaser without charge.

The legal opinion of Bond Counsel will be provided to the original purchaser and will indicate that the Notes are valid general obligations of the Town and, unless paid from other sources, are payable as to both principal and interest from ad valorem taxes that are subject to limitation unless certain procedural requirements under Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, are met, in which case such ad valorem taxes may then be levied without limit as to rate or amount upon all the property within the territorial limits of the Town and taxable by it, except to the extent that the Town may enter into an agreement under Title 30-A, Chapter 223, Subchapter V of the Maine Revised Statutes, as amended, to share its assessed valuation with another municipality and except to the extent that the Town establishes or has established development districts as either tax increment financing districts or affordable housing development districts pursuant to Title 30-A, Chapter 206 and former (now repealed) Chapter 207 of the Maine Revised Statutes, as amended, the captured tax increment of which may not be available for payment of debt service on the Note. The Treasurer has certified that no agreements under Chapter 223, Subchapter V, to share assessed valuation with another municipality, now exist. The opinion will indicate that the enforceability of the obligations of the Town, including the Notes, may be limited by bankruptcy, insolvency, moratorium and other laws affecting the rights and remedies of creditors generally, and are subject to general principles of equity. The opinion will be dated and given on and will speak as of the date of original delivery of the Notes to the original purchasers.

*The Town will designate the Notes as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.*

There is no litigation, threatened or pending, affecting the validity of the Notes, the corporate existence or the boundaries of the Town, or the title of the present officers to their respective offices, and the purchaser or purchasers will be furnished with a certificate to this effect.

Bids must specify the amount bid for the Note and:

- Bids must specify a rate of interest in a multiple of one-hundredth (1/100) of one percent (1%) per annum per portion of the par value of Notes being bid;
- Only split bids greater than or equal to a minimum of \$1,000,000 and any \$5,000 multiple in excess thereof of the par value of the Notes will be considered;
- If any of the Notes are awarded in a principal amount less than the total amount of the bid, any premium offered in connection therewith shall be prorated accordingly;
- The original purchaser must also pay an amount equal to the interest on the Notes accrued to the date of delivery, if any; and
- *A "Good Faith" deposit is not required.*

As between proposals which comply with this Notice, the Notes will be awarded to the bidder whose proposal offers to purchase the Notes at the lowest Net Interest Cost ("NIC"), such cost under each proposal to be determined by computing the total amount of interest payable on the Notes, from their date until their maturity date and deducting there from the premium, if any, offered in such proposal progressively until all of the Notes are bid. If there be more than one proposal making said offer at the

same lowest NIC, the Notes will be sold to the bidder whose proposal is selected by the Town by lot from among all such proposals. Bids must be submitted:

- (a) In a sealed envelope marked "Proposal for Notes" and addressed to the Town, c/o Moors & Cabot, Inc. – Banking & Advisory Group, 111 Devonshire Street, Boston, MA 02109-5483; OR
- (b) Although telephone bids will not be accepted by the Town, the Financial Advisor will prepare sealed bids as agent for the bidder, per telephone instructions received at (617) 314-0258 *prior to the sale time on Wednesday, August 27, 2014*. The Financial Advisor shall not be responsible for any errors or omissions in connection with bids submitted as agent on behalf of issuers <sup>(1)</sup>; OR
- (c) Via FACSIMILE copy to the Financial Advisor at (617) 451-0288 *received not later than the sale time on Wednesday, August 27, 2014*; OR
- (d) Electronically via i-Deal<sup>SM</sup> *PARITY*<sup>®</sup> in accordance with this Notice of Sale, until 11:00 A.M. E.S.D.T., but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in *PARITY*<sup>®</sup> conflict with this Notice of Sale, the terms of this Notice of Sale shall control. Each bidder submitting an electronic bid understands and agrees by doing so that it is solely responsible for all arrangements with *PARITY*<sup>®</sup>, that the Town neither endorses nor encourages the use of *PARITY*<sup>®</sup>, and that *PARITY*<sup>®</sup> is not acting as an agent of the Town. Instructions and forms for submitting electronic bids must be obtained directly from *PARITY*<sup>®</sup>. For further information about *PARITY*<sup>®</sup>, potential bidders should contact Dalcomp at 1359 Broadway, 2nd Floor, New York, New York 10018, telephone (212) 849-5021<sup>(\*)</sup>.

**NOTE:** The Financial Advisor may be contacted as follows:

Joseph P. Cuetara, Senior Vice President  
Moors & Cabot, Inc. – Banking & Advisory Group  
111 Devonshire Street  
Boston, MA 02109-5483  
TEL: (617) 314-0258; FAX: (617) 451-0288  
[jcuetara@moorscabot.com](mailto:jcuetara@moorscabot.com)

**(\*) NOTE:** The Town assumes no responsibility for ensuring or verifying bidder compliance with *PARITY*<sup>®</sup> procedures. The Town shall be entitled to assume that any bid received via *PARITY*<sup>®</sup> has been made by a duly authorized agent of the bidder. The Town, the Financial Advisor and Bond Counsel assume no responsibility for any malfunction of the *PARITY*<sup>®</sup> system, any failure of a bid to be received at the official time, or any error contained in any bid submitted electronically. The official time for receipt of bids will be determined by the Town at the place of bid opening, and the Town shall not be required to accept the time kept by *PARITY*<sup>®</sup> as the official time. In the event of a malfunction of the *PARITY*<sup>®</sup> system, bidders should submit their bids as discussed in the above (a), (b) or (c) manner on the PROPOSED FORM OF BID LETTER attached hereto.

The Financial Advisor shall not be responsible for any errors or omissions in connection with bids submitted on behalf of issuers.

The right is reserved to reject any or all proposals and to reject any proposal not complying with this Notice of Sale, and, so far as permitted by law, to waive any irregularity or informality with respect to any proposal. A final decision as to the award of the bid rests with and is subject to confirmation by the Treasurer of the Town of Kittery, Maine. When the successful bidder has been ascertained, the Financial Advisor will notify such bidder.

At the pleasure of the winning bidder(s), CUSIP identification numbers may be printed on the Notes. All expenses in relation to the printing of CUSIP numbers onto the Notes will be paid for by the Town, provided, however, that the Town assumes no responsibility for any CUSIP Service Bureau charge or other charges that may be imposed for the assignment of such numbers.

### *Disclosure*

No Official Statement is being delivered by the Town in connection with the sale of the Notes. The offering of the Notes is intended to be exempt from the operation of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, which permits exemption from the Rule in cases where the securities are issued in authorized denominations of \$100,000 or more. However, to assist prospective bidders in their analysis of the Town's credit and market access the following items are electronically available to bidders on its web site at [http://www.kittery.org/Pages/KitteryME\\_WebDocs/docs](http://www.kittery.org/Pages/KitteryME_WebDocs/docs).

- Kittery Town Charter.
  - Standard & Poor's Rating Report of the Town, dated March 7, 2014.
  - Moody's Investors Services' Rating Report of the Town's 2013 General Obligation Refunding Bonds, dated March 22, 2013.
  - The Town's final Official Statement for the Town's 2013 General Obligation Refunding Bonds, dated March 26, 2013.
  - Audited Financial Statements for the fiscal years ended:
    - Budgets for:
- |               |                  |
|---------------|------------------|
| June 30, 2013 | Fiscal Year 2013 |
| June 30, 2012 | Fiscal Year 2013 |
| June 30, 2011 | Fiscal Year 2012 |
| June 30, 2010 | Fiscal Year 2011 |
| June 30, 2009 | Fiscal Year 2010 |

On or prior to the date of delivery of the Notes, the successful bidder shall furnish to the Town a certificate acceptable to Bond Counsel generally to the effect that (i) as of August 27, 2014, (the "Sale Date"), the Original Purchaser had offered or reasonably expected to offer all of the Notes to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers) in a bona fide public offering at the prices set forth in such certificate, plus accrued interest, if any, (ii) such prices represent fair market prices of the Notes as of the Sale Date, and (iii) as of the date of such certificate, all of the Notes have been offered to the general public in a bona fide offering at the prices set forth in such certificate, and at least 10% of the Notes actually has been sold to the general public at such prices. To the extent the certifications described in the preceding sentence are not factually accurate with respect to the reoffering of the Notes, Bond Counsel should be consulted by the bidder as to alternative certifications that will be suitable to establish the "issue price" of the Notes for federal tax law purposes.

Moors & Cabot, Inc., as Financial Advisor to the Town, will assist the Town in the bidding process, the evaluation of the bids and the delivery of the Notes pursuant to Municipal Securities Rulemaking Board Rule G-23. Moors & Cabot, Inc. does not intend to submit its bid or participate in an underwriting syndicate for the public bidding of the Notes.

It is expected that the Notes, in definitive form, will be available for delivery on or about September 11, 2014 against payment of the purchase price in Federal Reserve Funds payable to the order of the "Town of Kittery, Maine", and will be delivered to The Depository Trust Company, New York, New York.

TOWN OF KITTERY, MAINE

By: Nancy Colbert Puff  
Treasurer

**FORM OF BID**

**TOWN OF KITTERY, MAINE  
\$9,000,000  
2014 GENERAL OBLIGATION BOND ANTICIPATION NOTES**

August 27, 2014

Nancy Colbert Puff, Treasurer  
Town of Kittery  
c/o Moors & Cabot, Inc.  
Banking & Advisory Group  
111 Devonshire Street  
Boston, MA 02109-5483

Dear Treasurer:

For the above captioned Notes, dated September 11, 2014 and maturing September 15, 2015 as described in the Notice of Sale dated August 14, 2014 and hereby made a part of this proposal, we hereby offer to purchase Notes in the respective principal amounts and bearing interest, calculated on the basis of 30 day months in a 360 day year<sup>(1)</sup>, at the respective rates per annum and to pay you therefore par and accrued interest to date of delivery plus the premiums, if any, in Federal Reserve Funds as follows:

<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Interest Expense</u>	<u>(Less Premium)</u>	<u>Net Interest Expense</u>	<u>NIC</u>
_____	%	\$	\$	\$	%
_____	%	\$	\$	\$	%
_____	%	\$	\$	\$	%
_____	%	\$	\$	\$	%

NOTE: <sup>(1)</sup> Notes - 30/360 basis; 364 days; 9,100,000 bond years.

Respectfully submitted,

\_\_\_\_\_  
(Company) (DTC)

\_\_\_\_\_  
(By)

\_\_\_\_\_  
(Address)

( ) \_\_\_\_\_  
(Telephone)

**Moors & Cabot, Inc. of Boston, Massachusetts will assist in the submitting of bids on this issue. Please mail your signed bid form in advance and telephone or send via facsimile final figures approximately 15 minutes before sale time. Telephone: (617) 314-0258; Facsimile: (617) 451-0288.**

**TERMS**

**TOWN OF KITTERY, MAINE**

**\$9,000,000**

**2014 GENERAL OBLIGATION BOND ANTICIPATION NOTES  
(Sewer Infrastructure & Expansion Projects Loan - MMBB Takeout)**

**ISSUER:** Town of Kittery, Maine  
**TAX ID** 01-6000224  
**ISSUE:** 2014 General Obligation Bond Anticipation Notes  
**PRINCIPAL AMOUNT:** \$9,000,000  
**SALE DATE** Wednesday, August 27, 2014  
**BOND RATINGS** Aa2/AA+  
**NOTE RATINGS:** S&P Applied for  
**INTEREST RATE:** \_\_\_%  
**BID:** Premium: (\_\_\_\_\_) = NIC: \_\_\_\_\_ (100.\_\_\_\_)  
**REOFFERING:** \_\_\_ yield; (100.\_\_\_\_)  
**DATED DATE:** September 11, 2014  
**DUE DATE:** September 15, 2015  
**CALL FEATURES:** The Notes are not subject to redemption prior to maturity  
**INTEREST DUE:** At maturity  
**BASIS:** 30 day months/360 day year  
**DAYS:** 364 days  
**BOND YEARS:** 9,100.000 bond years  
**FUNDS:** Federal Funds (Same Day Funds)  
**TAX STATUS:** Federal and State of Maine tax exempt, not subject to AMT  
**Q&D STATUS:** The Notes *will be* designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code  
**PURCHASER(S):**  
**CUSIP(S):** 498206\_\_\_\_  
**NOTE FORM:** DTC - BEO  
**DENOMINATIONS:** Pieces by \$100,000 and \$5,000 thereafter.  
**CLOSING DATE:** On or about September 11, 2014  
**PAYING AGENT:** US Bank National Association  
**LEGAL OPINION:** Drummond Woodsum & MacMahon, Portland, Maine  
**FINANCIAL ADVISOR** Moors & Cabot, Inc., Boston, Massachusetts

# MUNICIPAL RELEASE DEED

The Inhabitants of the Municipality of Kittery, a body corporate and politic, located at 200 Rogers Road in Kittery, York County, State of Maine, for consideration paid, release to 63 ENGLISH RANGE RD LLC in Kittery, York County, State of Maine, a certain lot or parcel of land with improvements thereon, located in Kittery, York County Maine and described as follows:

**LOCATION: 9 OLD CUTTS ROAD**

**BOOK/PAGE: 14722/928**

**MAP/LOT: 60-20A**

Meaning and intending to convey any interest the Town of Kittery may have acquired in the above-referenced parcel as a result of the following tax lien(s) recorded in York County Registry of Deeds.

**BOOK/PAGE 16693/658, BOOK/PAGE 16434/103, BOOK/PAGE 16167/100 and  
BOOK/PAGE 15509/121**

The said Inhabitants of the Municipality of Kittery have caused this instrument to be signed by its municipal officers:

JEFFREY D. THOMSON, FRANK L. DENNETT, JUDITH SPILLER, JEFFERY BRAKE, JEFFREY PELLETIER, RUSSELL WHITE, CHARLES H. DENAULT, JR. its Councilors duly authorized this 11<sup>th</sup> day August, 2014.

Signed, Sealed and Delivered in presence of TOWN COUNCIL:

\_\_\_\_\_  
JEFFREY D. THOMSON

\_\_\_\_\_  
JEFFERY BRAKE

\_\_\_\_\_  
FRANK L. DENNETT

\_\_\_\_\_  
JEFFREY PELLETIER

\_\_\_\_\_  
JUDITH SPILLER

\_\_\_\_\_  
RUSSELL WHITE

\_\_\_\_\_  
CHARLES H. DENAULT, JR.

State of Maine  
County of York

Then personally appeared the above named: JEFFREY D. THOMSON, FRANK L. DENNETT, JUDITH SPILLER, JEFFREY PELLETIER, JEFFERY BRAKE, RUSSELL WHITE, and CHARLES H.DENAULT, JR. and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of the municipality of Kittery.

Before me, \_\_\_\_\_

Maryann Place

Notary Public - Comm. Expires - 4/11/2015



OFFICE OF THE TOWN CLERK  
TOWN OF KITTERY, MAINE

200 Rogers Road  
Kittery, ME 03904  
Telephone: (207) 439-0452  
Fax: (207) 439-6806

RECEIVED  
JUL 30 2014

BY: 3:10 pm

PLEASE CHECK APPROPRIATE SQUARE:

- APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS
- APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

NAME: Barry Busht

RESIDENCE: 7 Island Ave

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: Barry@PePlove.com

TELEPHONE NUMBERS: (HOME) 207 252 5197 (WORK) \_\_\_\_\_

PRESENT POSITION: Vice Chair Port Authority

PLEASE CHECK APPROPRIATE SQUARE:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Board of Appeals           | <input checked="" type="checkbox"/> Port Authority | <input type="checkbox"/> Mary Safford Wildes Trust    |
| <input type="checkbox"/> Conservation Commission    | <input type="checkbox"/> Planning Board            | <input type="checkbox"/> Shellfish Conservation Comm. |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks Commission          | <input type="checkbox"/> Other                        |

COMMENTS: \_\_\_\_\_

Barry Busht  
SIGNATURE OF APPLICANT

23 July 2014  
DATE