

MATERIAL LIST FOR
MAY 12, 2014
COUNCIL AGENDA PACKETS

1. Copy of Agenda for the May 12th, 2014 Regular Council meeting.
2. Copy of Town Manager's report to Council.
3. Copies of minutes from the April 28th Regular Council Meeting and April 28th Special Meeting.
4. Copy of Notice of Amounts Adopted at Town Council Meeting for Voters at the School Budget Validation Referendum.
5. Copy of Memo from Jen Hall, Business Manager, along with copy of:
 - Ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2014-15." (original and revised)
 - Ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2014-15." (original and revised)
 - Copy of Ordinance entitled "Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts" (original and revised)
6. Copy of donation check from John and Ann D'Aquila for the KCC.
7. Copy of application from Danielle Avery for her appointment to the Kittery Community Center Board of Directors.
8. Copy of report from Councilor Denault and Councilor Spiller to Council regarding the Expanding the Scope and Making a Formal Charge and Composition of the Shared Services Committee.
9. Copy of memo from Town Clerk regarding the appointment of Warden and Deputy Warden and the opening and closing of the polls for the June 10, 2014 Municipal Election.
10. Copy of the Warrant for the June 10, 2014 School Budget Validation Referendum Election.
11. Copy of the Warrant for the June 10, 2014 Annual Town Meeting/Secret Ballot Vote.
12. Copy of Sec. 16.8.10.9 Signs Allowed With A Sign Permit, (D) Public Notices and Community Signs.
13. Copy of the letter received April 30th from Debbie Driscoll requesting:
 - *Council sponsor the Kittery Community Market as a town event to be held on Wednesdays from 2 pm to 6 pm May 28th – Oct. 8th 2014 at Post Office Square;*
 - *request to authorize Kittery Community Market to hang a banner across Rogers Road from May 29th to October 8th 2014 in front of the Community Center;*
 - *to authorize Kittery Community Market to hang two banners at Post Office Square from May 29th to October 8th 2014 and*
 - *to place directions signs at limited locations around town to direct people to the Kittery Community Market on Wednesdays only from May 28th to October 8th 2014.*
14. Copy of repair bill for Rec. Dept. 2010 Chevy bus.



TOWN OF KITTELY

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

WORKSHOP 6:00 p.m.

The Kittery Town Council will hold a workshop with the Town Manager and the Parks Commission to review the Fort Foster Management Plan.

May 12, 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 - 4/28/14 Regular and Special Meetings
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.

The Kittery Town Council moves to hear a presentation from Richard Swietek on the new website for the Economic Development Committee.

10. PUBLIC HEARINGS

- a. (050114-1) The Kittery Town Council moves to hold a public hearing to approve the Notice of Amounts for the School Budget Validation Referendum.
- b. (0050114-2) The Kittery Town Council moves to hold a public hearing to approve and ordain an ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2014-2015."
- c. (050114-3) The Kittery Council moves to hold a public hearing to approve and ordain an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2014-2015."
- d. (050114-4) The Kittery Town Council moves to hold a public hearing to approve and ordain an ordinance entitled "Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts."

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

(050114-5) The Kittery Town Council moves to accept a donation for the Kittery Community Center in the amount of \$30.00 from John and Ann D'Aquila to be deposited in account. # 2063-43600, Kittery Community Center.

b. (050114-6) The Kittery Town Council moves to appoint Jenny O. Wall to the Parks Commission as an associate member until March 28, 2017.

- c. (050114-7) The Kittery Town Council moves to approve the disbursement warrants.

d. (050114-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Kittery Community Center Board of Directors to interview Danielle Avery for her appointment to that board as a Recreation representative until 5/30/17 (replacing Tess Schneier who did not re-apply).

e. (050114-9) The Kittery Town Council moves to make formal, the Shared Services Committee charge and membership, such that the Committee, at the direction of the Town Manager, work with the Town Manager and appropriate Town Staff and others as the Town Manager designates: (1) to identify and develop opportunities and review agreements for implementation of activities to achieve greater efficiency in delivering Town services while containing costs and (2) to keep the Town Council informed of those activities. Membership shall include two Town Councilors appointed by the Council each year at the first meeting following the November Election, the Town Manager, Town staff identified by the Town Manager as appropriate and others dependent on the matter under consideration.

f. (050114-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 a.m. and closing at 8:00 p.m. for the June 10, 2014 Primary and School Budget Validation Referendum Election as recommended by the Town Clerk.

g. (050114-11) The Kittery Town Council moves to sign the warrant for the June 10, 2014, School Budget Validation Referendum Election.

h. (050114-12) The Kittery Town Council moves to sign the warrant for the June 10, 2014, Annual Town Meeting/Secret Ballot Vote.

i. (050114-13) The Kittery Town Council moves to approve the request of the Kittery Community Market Advisory Board to continue sponsoring the Kittery Community Market as a town event to be held on Wednesdays from 2:00 p.m. until 6:00 p.m., May 28, 2014 to October 8, 2014 at Post Office Square in Kittery Center Village.

j. (050114-14) The Kittery Town Council moves to approve the request to authorize the Kittery Community Market to hang a banner across Rogers Road in front of the Community Center from May 29th to October 8th, 2014.

k. (050114-15) The Kittery Town Council moves to approve the request to authorize the Kittery Community Market to hang two banners at Post Office Square from May 29th to October 8th 2014.

l. (050114-16) The Kittery Town Council moves to authorize the Kittery Community Market to place directional signs at limited locations around Kittery and Kittery Point to direct people to the Community Market, on Wednesdays only from May 28th to October 8th, 2014.

m. (050114-17) The Kittery Town Council moves to authorize the release of funds in the amount of \$472.50 from unassigned surplus, and to deposit said funds into Account #101740-68427 Expense Self-Insurance Claims Coverage, to cover the cost of repairs for the Recreation Department's 2010 Chevy bus that was damaged due to an accident and the repairs were below the deductible amount.

14. COUNCILOR ISSUES OR COMMENT
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION
17. ADJOURNMENT

Posted: May 8, 2014



TOWN OF KITTEERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council May 12, 2014

1. **FEMA Flood Insurance Rate Map (FIRM) Changes**– We sent letters to all affected property owners as to their willingness to participate in cost-sharing for a Town-led appeal. As of this report, we have received 11 positive responses totaling \$5,150 in pledged commitments.

On May 6th we hosted a meeting of York and Cumberland County officials and staff from our Senate delegation to discuss our experiences in confronting this issue to date. Of those attending, Kennebunkport, Wells, Saco, Old Orchard, and Scarborough are poised to appeal the maps, with each community spending on the order of \$20-30,000 for consulting assistance.

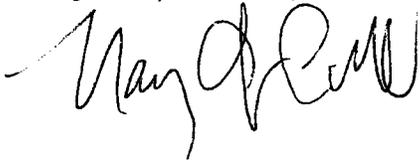
2. **Channel 22** – Regular meetings of the Port Authority (1st Thursday of the month at 6 pm) are now being broadcast live on Channel 22.
3. **Tenant User Liability Program (TULIP) event insurance** – At the request of Councilor White, I spoke with representative from Maine Municipal Association who confirmed that the TULIP program is designed to provide an option for those seeking to use Town facilities to obtain insurance. The Town currently requires all users to provide a copy of their insurance coverage prior to using Town facilities. This practice will continue, but TULIP gives groups an option for cost-effective quotes that will automatically name the Town as an additional insured, and provide us a copy of the insurance certificate. TULIP quotes offer \$1,000,000 of coverage.
4. **Sewer Department – York Tie In:** Councilor Dennett had several suggestions for the proposed contract with Sea Coast Holdings. Attached is a revised agreement.
5. **Disposal of 1983 Mack Fire Truck:** On April 30th we held a bid opening for disposal of the aforementioned vehicle. We received three bids: \$4,567.89, \$6,666.66, and \$7,289.89. We have sold the truck to the highest bidder, Paul N. Romano of Sanbornville, NH.
6. **Shared Services with Eliot** –We hope to meet with Eliot in the near term, to discuss the possibility of expanding our police services through sharing of a Lieutenant position. We are due to conduct an existing review of our current Chief-sharing arrangement in June, and I

recommend we proceed forward with that review as we work through the details of how this prospect might work. I expect to be engaging the assistance of the Shared Services Committee on this item over the next several weeks.

7. **Business in Focus magazine (<http://www.businessinfocusmagazine.com/>)** – The Economic Development Committee is working to feature Kittery in the July edition of the aforementioned publication. The magazine will be reaching out to a number of Kittery businesses to offer advertising opportunities for this issue, and once published, the Town will receive a copy of the article, appropriate for reproduction and use as a marketing tool.

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

SEWER USE AGREEMENT

This Agreement is made on this _____ day of May, 2014, by and between the **Town of Kittery**, a municipal corporation and political subdivision of the State of Maine (the "Town"), and **Sea Coast Properties Holdings LLC** ("Sea Coast"), a Delaware corporation with a place of business at York Colonial Center, 4 U.S. Route 1, York, Maine.

WHEREAS, Sea Coast has obtained approval from the Town of York Planning Board to construct a mixed-use real estate development project known as York Colonial Center, located at 4 U.S. Route 1, York, Maine to be constructed in two phases in accordance with approvals by the Town of York, Phase I to include two apartment units and Phase II to include approximately 22 apartments (the "Project"); and

WHEREAS, Sea Coast holds title to the Project real estate under a deed dated February 24, 2012 and recorded in the York County Registry of Deeds at Book 16273, Page 461; and

WHEREAS, the Town has agreed, subject to this Sewer Use Agreement, to accept wastewater into its municipal sewer system from the residential units within the Project and from third party users that may be connected to the Kittery sewer system by forced main sewer service lines presently constructed, installed, and to be maintained by Sea Coast at no cost or expense to the Town; and

WHEREAS, the Town has also agreed to accept the wastewater from the restaurant known as the Three Buoy's Restaurant (the "Restaurant") located on an adjacent parcel at the corner of U.S. Route 1 and Parson's Lane. The Restaurant is intended to be connected to the Town's sewer system, at Sea Coast's option, as part of the development of Phase II of the Project, through one of the forced main sewer service line currently constructed and installed by Sea Coast and maintained in good condition and repair by Sea Coast at no cost to the Town.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Sea Coast has installed the three force main sewer service lines in accordance with the professional design and construction specifications and standards acceptable to the Town and provides one gate/shut-off valve and one sewer clean-out for each line. Sea Coast at all times must comply with all applicable laws, regulations and Town Codes and Ordinances regarding the construction, installation, and operation and maintenance of the sewer service lines referenced in this Agreement.
2. Sea Coast must at all times indemnify and hold harmless the Town of Kittery, its officers, officials, servants, agents and employees from any and all claims, suits and liabilities of every kind or nature arising from the acts or omissions of Sea Coast, its agents, contractors, subcontractors, and employees and agents or anyone else for whom Sea Coast is legally responsible, in constructing, installing, maintaining or repairing the sewer service lines contemplated by this Agreement.
3. Sea Coast is responsible for the cost and expense of the construction of the sewer service line and appurtenances and of maintaining and repairing the sewer service lines and appurtenances including the

gated shutoff valve and sewer clean-out and any other appurtenances connected to the Town's sewer system from the Project, the Three Buoy's Restaurant property and from any other third party users as permitted by this Agreement.

4. Sea Coast, through the execution of this Sewer Use Agreement, hereby transfers and conveys to the Town, free of any cost to the Town, all its title and interest in and to the three constructed force main sewer service lines with gate/shut-off valve and sewer clean-out and any appurtenances thereto. This transfer of title is to be effective and accepted by the Town with respect to each sewer line and its appurtenances upon the completion of installation and the delivery of wastewater to the Town's sewer system from the line. This conveyance is made subject to Sea Coast's retained rights of flow rate allocation and pro-rata cost reimbursement from third parties as set forth in this Agreement. Sea Coast's reserved rights and its maintenance and repair obligations are not assignable to non-owners of the Project real estate and must run with the land and be binding on and benefit Sea Coast's grantees and successors of the Project real estate. Sea Coast must expressly include its obligations to the Town as contained in the Agreement in any Deed of conveyance of the Project and the real estate requiring all such grantees and successors to assume Sea Coast's obligations to the Town as provided herein subject to the Town's Sewer Superintendent.
5. Non-residential property shall not be connected to the sewer lines without Sea Coast's prior written consent. Sea Coast and all third party units, both residential and non-residential, MUST pay to the Town a sewer impact fee of \$2,000 (or such higher fee as the Town's ordinance may require at the time of tie-in) and a special entrance fee of \$2,500 per unit (or such higher fee as the Town's ordinance may require) at the time the non-residential units are connected to the sewer lines. A Kittery sewer permit allocation form must be filled out for each residential and non-residential unit to determine in the case of non-residential units how many fixtures are in each unit. All fixtures in each non-residential unit above five (5) fixtures shall pay an additional \$400 per fixture in each non-residential unit (or such higher amount as the Town's Ordinance may require at the time of tie-in to the Town's system). Each unit serviced by the Town's sewer

system will be billed and assessed the same as property users located in Kittery, that is, by the usage of water. Every quarter, each unit's water meter will be read by the Kittery Water Department and the results will be sent to the Kittery Sewer Department for assessment. The current rates, which are subject to change in future years, are as follows: Usage of 1000 cubic feet per quarter is \$75.00, every 100 cubic feet of water used over the 1000 cubic feet will be charged \$5.00.

6. The Town represents that it has obtained all permits, authorizations and approvals from the Maine Department of Transportation and any other governmental authorities as were necessary to authorize Sea Coast to construct and install the three forced main sewer service lines and appurtenances within the U.S. Route 1 right-of-way and to connect the sewer service lines to the Town's sewer system when approved by the Town.
7. At Sea Coast's sole cost and expense, the manhole where the three force main sewer services discharge must be built by Sea Coast to the Town's specifications and the frame and cover must be set in Portland cement mortar to existing grade of its surroundings as well as the Invert must be built to accept the three force main sewer services out of Waterstruck bricks and #2 Portland cement mortar to the Town's Sewer Superintendent's satisfaction.
8. For purposes of Sea Coast determining pro-rata allocation of costs among third party users of the Town's system as permitted by this Agreement, upon completion of the installation of the three sewer service lines, Sea Coast must submit to the Town its accounting of all costs it incurred in connection with the construction and installation of the three sewer service lines. One-third of the total cost to Sea Coast represents the Total Line Cost for each line.
9. All Sea Coast residential units covered by this Agreement including third party residential units permitted by this Agreement have a 300-gallon per day flow allotment. The Town's Sewer Superintendent may negotiate a higher per day allotment with any such user if in the Superintendent's judgment the circumstances so warrant. The per day flow allotment for all nonresidential units must be negotiated with the Town's

Sewer Superintendent before such flow is allowed to enter the Town's sewer system.

10. Sea Coast retains all sewerage allocation flow rates with respect to each of the sewer service lines it has constructed for a period of fifteen (15) years (any third-party connections allowed by Sea Coast shall be subject to approval by the Town's Sewer Superintendent), commencing from the date that the respective sewer service line is connected and becomes operable, and the Town agrees that no other property owner is allowed to connect to the three sewer service lines constructed by Sea Coast during the fifteen-year period, or to use any facilities installed by Sea Coast to access the Town's sewer system without the prior written approval of Sea Coast. Sea Coast may, at its option, and upon the approval of the Town's Sewer Superintendent, allow third-parties to be connected to its constructed sewer service lines without exceeding the Total Flow Rate Capacity. Sea Coast retains the right to collect a pro-rata cost reimbursement payment from third party users calculated in accordance with this Agreement. The purpose of this provision is to allow Sea Coast to recoup a portion of its construction and maintenance costs from third party users who seek to use the services lines constructed by Sea Coast.
11. All additional third-part users must submit a sewer permit application to the Town to obtain a permit to discharge into the Town's sewer system. No such wastewater will be accepted into the Town's system until such permit is obtained and all Town charges and fees are paid to the satisfaction of the Town's Sewer Superintendent.
12. The flow rate allocated to the Restaurant property for flow through the sewer service line is to be based on the actual use of the property on the date of this Agreement and is subject to approval by the Town Sewer Superintendent. During the 15-year period referenced in this Agreement the Town's Sewer Superintendent may increase the flow rate for the restaurant based upon considerations such as the overall municipal sewer system condition and capacity and the best interest of the Town as well as both actual and potential uses of the restaurant.
13. After the termination of the 15-year period, Sea Coast will have the right, subject to the municipal sewer

system's overall condition and capacity, to continue the flow rates then allocated to the Project and Sea Coast will have the right to collect pro-rata cost reimbursement payments whenever any third party connection is made to one of the sewer service lines. The payment shall be a fraction of the total Line Cost determined by dividing the third party's allocated flow rate by the Total Flow Rate Capacity for that line. The right to collect a pro-rata cost reimbursement from third party connectors to the sewer service line for Sea Coast's initial installation costs terminates when Sea Coast is fully reimbursed for its initial cost and expense of constructing the sewer service line. Sea Coast's right to collect reimbursement for any ongoing maintenance expenses for each line continue so long as Sea Coast has an obligation to maintain the lines.

14. Payment of the pro-rata cost reimbursement by a third party to Sea Coast or its successor, and the third party's binding commitment to pay a pro-rata share of all maintenance and repair costs, shall be a required condition of connecting the third party to the line. This condition applies to any third-party connection, during or after the 15-year period. In no event, however, is Sea Coast or its successor or grantees relieved from its primary duty and obligation to maintain and repair the sewer service lines covered by this Agreement at no cost or expense to the Town, except that Sea Coast shall be relieved of such duty and obligation upon conveyance of its title interest in the Project to a successor, provided the deed of the conveyance sets forth this obligation to the grantee. This duty and responsibility of Sea Coast to the Town is not assignable to any third party user, except a successor in title interest to the Project.
15. All privileges, rights, obligations and authorities conveyed or granted to, retained by, or enjoyed by Sea Coast under this Sewer Use Agreement are intended to benefit and be appurtenant to the York Colonial Center property (York County Registry of Deeds, Book 16273, Page 461) as specifically set out in this Agreement.
16. This Agreement shall not confer any rights or remedies upon any person or entity other than the Town and Sea Coast, its grantees and successors.
17. Entire Agreement. This Agreement is to be considered to be the only Agreement between the parties hereto pertaining to

the subject matter contained herein. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements or understandings, written or oral, if any, between the parties hereto with respect to the subject matter thereof, and none shall be used to interpret or construe this Agreement. All negotiations and oral agreements acceptable to the parties hereto have been merged into and are included in this Agreement.

18. Severability. If any part of this Agreement is found to be unenforceable, all remaining provisions continue to be binding and valid, and those unenforceable provisions or portions thereof are to be interpreted to best reflect the intention of the parties hereto.
19. Governing Law. This Agreement shall be, in all respects, governed by and construed and enforced in accordance with the laws of the State of Maine. Jurisdiction and venue, for purposes of any action to enforce or interpret the terms of this Agreement, is deemed valid and appropriate in York County, Maine.
20. The undersigned Kittery Town Manager and John Gattuso, Manager of Sea Coast, each represents that they are authorized to execute this Agreement on behalf of the Town and Sea Coast, respectively.
21. This Agreement is to be recorded by Sea Coast in the York County Registry of Deeds within ten (10) days of its execution.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of May, 2014.

The Town of Kittery

Witness

By: _____
Nancy Colbert Puff, Town Manager

Sea Coast Properties Holdings LLC

Witness

By: _____
John Gattuso, Its Manager

STATE OF MAINE
York, ss:

May , 2014

Then personally appeared before me Nancy Colbert Puff in her said capacity as Kittery Town Manager and acknowledged the foregoing to be her free act and deed in her stated capacity.

Before me,

Notary Public/Attorney-at-Law

Name Typed or Printed
My Commission Expires:

STATE OF MAINE
York, ss:

May , 2014

Then personally appeared before me the John Gattuso in his said capacity as Manager of Sea Coast Properties Holdings LLC and acknowledged the foregoing to be his free act and deed in his stated capacity.

Before me,

Notary Public/Attorney-at-Law

Name Typed or Printed
My Commission Expires:

UNAPPROVED MINUTES

April 28, 2014

Kittery Town Council
Special Meeting Agenda
Requested by Jeffrey Thomson, Chair

Council Chambers

1. Call to Order: The meeting was called to order at 5:45 p.m. by Chairperson Thomson.

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 Councilors Frank Dennett, Charles Denault, Russell White, Jeffery Brake and Chairperson Jeffrey Thomson.

Also present were Nancy Colbert Puff, Town Manager, Robert Melanson, Port Authority Chair, Michael Blake, Harbor Master and Duncan McEachem, Esq., Town Attorney.

5. Executive Session:

a. (040314-1) The Kittery Town Council moves to go into executive session, with the Town Manager, Robert Melanson, Port Authority Chair, Michael Blake, Harbor Master and Town Attorney, in accordance with 1 M.R.S. §405 (6) E, to discuss a legal matter.

IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR WHITE TO GO INTO EXECUTIVE SESSION AT 5:46 P.M. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR DENAULT TO COME OUT OF EXECUTIVE SESSION AT 6:04 P.M. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

6. Adjournment:

IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR WHITE TO ADJOURN THE MEETING AT 6:05 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 5-0.

/bb



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

April 28, 2014

Kittery Town Council
Special Meeting Agenda

Council Chambers

Requested by Jeffrey Thomson, Chair

5:45 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Executive Session

a. (040314-1) The Kittery Town Council moves to go into executive session, with the Town Manager, Robert Melanson, Port Authority Chair, Michael Blake, Harbor Master and Town Attorney, in accordance with 1 M.R.S. §405 (6) E, to discuss a legal matter.

6. Adjournment

Posted: April 24, 2014

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

April 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, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report

Town Manager Puff stated relative to the new FEMA flood maps, that they had sent out letters to approximately 40 properties they had determined would have a good shot at successfully appealing. She continued that they had put out three proposals for bid on those appeals and Ransom Engineering came back with the lowest cost. Town Manager Puff indicated they had received 12 responses from those properties so far, with 10 who were interested in cost sharing and had pledged \$4,700. She said that Wells had recently met with FEMA and they were looking to possibly join with other towns in similar situations to join in on the appeal.

Town Manager Puff indicated that they were going to be hosting a dinner for the Japanese exchange students the following evening at Susan Tuveson's home.

Town Manager Puff stated that the Rice Public Library was going to have local lawyers present for individuals to consult with on May 1st in honor of Law Day.

Town Manager Puff indicated that she was working with the assessor to develop a presentation on the property assessments and would be looking to schedule a workshop in the near future.

UNAPPROVED MINUTES

29 Town Manager Puff indicated that the Economic Development Committee had an active
30 new website at www.kitteryme.biz.

31 Town Manager Puff stated that at the next meeting they would be discussing considering
32 extending the outdoor seating pilot program in Wallingford Square.

33 Town Manager Puff indicated that she had spoken with Mr. Sowerby relative to the
34 condemned property on Route 1, who had indicated that the fence had been put up around the
35 property but due to financial difficulties, he was having difficulty raising the structure.

36 7. Acceptance of Previous Minutes – 4/14/14

37 The minutes of 4/14/14 were accepted as amended.

38 8. Interviews for the Board of Appeals – None

39 9. All items involving the town attorney, town engineers, town employees or other town
40 consultants or requested officials – None

41 10. PUBLIC HEARINGS -

42 a. (040314-1) The Kittery Town Council moves to hold a public hearing and hereby
43 ordains an ordinance to authorize the execution of a multi-year contract, “Ambulance Service
44 Agreement” between the Towns of Eliot and Kittery, Maine and American Ambulance, Inc.

45 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
46 Herald on April 18, 2014.

47 Chief O’Brien went over all of the data they had collected over the past months for
48 response times and that both Kittery and Eliot had times that were much better than was required
49 by the contract. He continued that they now had two ALS wagons from Monday through Friday,
50 9-5. Chief O’Brien went over the important parts of the contract and indicated that it was
51 recommended that the extension be approved.

52 Chairperson Thomson opened the public hearing and no response being heard, closed the
53 public hearing.

54 **COUNCILOR WHITE MOVED TO ORDAIN AN ORDINANCE TO**
55 **AUTHORIZE THE EXECUTION OF A MULTI-YEAR CONTRACT, “AMBULANCE**
56 **SERVICE AGREEMENT” BETWEEN THE TOWNS OF ELIOT AND KITTERY,**
57 **MAINE AND AMERICAN AMBULANCE, INC. AS PRESENTED, SECONDED BY**
58 **COUNCILOR DENAULT.**

UNAPPROVED MINUTES

59 Councilor Dennett stated that this item needed to be introduced by a Councilor.
60 Chairperson Thomson indicated that he would introduce any item unless otherwise noted.
61 Councilor Dennett stated that he thought that should be in writing and told the Chief that he had
62 done an excellent job on the report. Councilor Dennett indicated that line 233 needed to be
63 changed to “notices” instead of “notice”, line 465 needed to be changed to take out the word
64 “interim”, lines 343 and 479 to change “Town Manager” to “Purchasing Agent”. The maker and
65 seconder of the motion agreed with those changes.

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

68 b. (040314-2) The Kittery Town Council moves to hold a public hearing and approve an
69 application from Diane Wyman, 21 Chauncey Creek Road, Kittery Point, Maine for a Victualer’s
70 License for Stella’s Sweet Café, One Government Street, #3, Kittery.

71 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
72 Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no
73 response being heard, closed the public hearing.

74 **COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM**
75 **DIANE WYMAN, 21 CHAUNCEY CREEK ROAD, KITTERY POINT, MAINE FOR A**
76 **VICTUALER’S LICENSE FOR STELLA’S SWEET CAFÉ, ONE GOVERNMENT**
77 **STREET, #3, KITTERY, SECONDED BY COUNCILOR DENAULT.**

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

80 c. (040314-3) The Kittery Town Council moves to hold a public hearing and approve an
81 application from Sonmat, Inc., 7 Wallingford Square, Kittery, Maine for a Victualer’s License
82 for Anju, 7 Wallingford Square, Unit 102, Kittery.

83 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
84 Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no
85 response being heard, closed the public hearing.

86 **COUNCILOR WHITE MOVED TO APPROVE AN APPLICATION FROM**
87 **SONMAT, INC., 7 WALLINGFORD SQUARE, KITTERY, MAINE FOR A**
88 **VICTUALER’S LICENSE FOR ANJU, 7 WALLINGFORD SQUARE, UNIT 102,**
89 **KITTERY, SECONDED BY COUNCILOR DENNETT.**

90 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
91 **5/0.**

UNAPPROVED MINUTES

92 d. (040314-4) The Kittery Town Council moves to hold a public hearing and approve an
93 application from Kittery Juicery, LLC, 7 Wallingford Square, Kittery, Maine for a Victualer's
94 License for Maine Squeeze Juice Café, 7 Wallingford Square, #204, Kittery.

95 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
96 Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no
97 response being heard, closed the public hearing.

98 **COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM**
99 **KITTERY JUICERY, LLC, 7 WALLINGFORD SQUARE, KITTERY, MAINE FOR A**
100 **VICTUALER'S LICENSE FOR MAINE SQUEEZE JUICE CAFÉ, 7 WALLINGFORD**
101 **SQUARE, #204, KITTERY, SECONDED BY COUNCILOR WHITE.**

102 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
103 **5/0.**

104 e. (040314-5) The Kittery Town Council moves to hold a public hearing and approve an
105 application from Bill's Grill, LLC, 15 Prebble Lane, York, Maine for a Victualer's License for
106 Mike's Dogs, 8 Dexter Lane, The Outlet Mall, Kittery.

107 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
108 Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no
109 response being heard, closed the public hearing.

110 **COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM**
111 **BILL'S GRILL, LLC, 15 PREBBLE LANE, YORK, MAINE FOR A VICTUALER'S**
112 **LICENSE FOR MIKE'S DOGS, 8 DEXTER LANE, THE OUTLET MALL, KITTERY,**
113 **SECONDED BY COUNCILOR WHITE.**

114 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
115 **5/0.**

116 f. (040314-6) The Kittery Town Council moves to hold a public hearing and approve an
117 application from Badger's Island Pizza, LLC, 30 Remicks Lane, Kittery, Maine for a Victualer's
118 License for Badger's Island Pizza, 3 Island Avenue, Kittery.

119 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
120 Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no
121 response being heard, closed the public hearing.

122 **COUNCILOR WHITE MOVED TO APPROVE AN APPLICATION FROM**
123 **BADGER'S ISLAND PIZZA, LLC, 30 REMICKS LANE, KITTERY, MAINE FOR A**

UNAPPROVED MINUTES

124 **VICTUALER'S LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND AVENUE,**
125 **KITTERY, SECONDED BY COUNCILOR DENAULT.**

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

128 g. (040314-7) The Kittery Town Council moves to hold a public hearing, in accordance
129 with Section 6.09 (4) of the Kittery Town Charter to authorize the Town Manager to transfer
130 \$14,000 from CIP Account #4054 Pepperrell Cove Wharf and \$20,185 from CIP Account #4055
131 Port Authority Equipment Reserve, for a total amount of \$34,185 to CIP Account #4053
132 Pepperrell Cove Paving, for the underground utilities project at Bellamy Lane.

133 Chairperson Thomson indicated that this public hearing was advertised in the Portsmouth
134 Herald on April 18, 2014. Chairperson Thomson then opened the public hearing and no
135 response being heard, closed the public hearing.

136 Town Manager Puff indicated that Council had approved this direction at the December
137 23rd meeting and was just looking for further confirmation.

138 **COUNCILOR DENNETT MOVED IN ACCORDANCE WITH SECTION 6.09(4)**
139 **OF THE KITTERY TOWN CHARTER TO AUTHORIZE THE TOWN MANAGER TO**
140 **TRANSFER \$14,000 FROM CIP ACCOUNT #4054 PEPPERRELL COVE WHARF AND**
141 **\$20,185 FROM CIP ACCOUNT #4055 PORT AUTHORITY EQUIPMENT RESERVE,**
142 **FOR A TOTAL AMOUNT OF \$34,185 TO CIP ACCOUNT #4053 PEPPERRELL COVE**
143 **PAVING, FOR THE UNDERGROUND UTILITIES PROJECT AT BELLAMY LANE,**
144 **SECONDED BY COUNCILOR BRAKE.**

145 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
146 **5/0.**

147 11. DISCUSSION

148 a. Discussion by members of the public (three minutes per person) – None

149 b. Chairperson's response to public – None

150 12. UNFINISHED BUSINESS –

151 (040214-7) The Kittery Town Council moves to approve a renewal application from
152 Badger's Island Pizzeria, Inc., for a Malt and Vinous Liquor License for Badger's Island
153 Pizzeria, 3 Island Avenue, Kittery.

154 Chairperson Thomson indicated that a motion was on the floor.

UNAPPROVED MINUTES

155 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
156 **5/0.**

157 13. NEW BUSINESS

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

159 b. (040314-8) The Kittery Town Council moves to read and sign a proclamation of
160 congratulations and acknowledgement of Kittery's oldest resident, Lillian H. True, as being
161 named the recipient of the Boston Post Cane.

162 Councilor Denault read the proclamation.

163 c. (040314-9) The Kittery Town Council moves to approve a request from Tom
164 Emerson for Odyssey of the Mind to hold a tag day fundraiser at the Recycling Resource Facility
165 on Saturday, May 10th, 2014 from 10 am to 2 pm.

166 **CHAIRPERSON THOMSON MOVED TO APPROVE A REQUEST FROM TOM**
167 **EMERSON FOR ODYSSEY OF THE MIND TO HOLD A TAG DAY FUNDRAISER AT**
168 **THE RECYCLING RESOURCE FACILITY ON SATURDAY, MAY 10TH, 2014 FROM**
169 **10 AM TO 2 PM, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.**

170 d. (040314-10) The Kittery Town Council moves to approve a renewal application from
171 John Kenneth Reed, 139 Cass St., Portsmouth, NH for a Malt, Spirituous and Vinous Liquor
172 License for The Corner Pub, 4 Wallingford Square, Kittery.

173 **COUNCILOR BRAKE MOVED TO APPROVE A RENEWAL APPLICATION**
174 **FROM JOHN KENNETH REED, 139 CASS ST., PORTSMOUTH, NH FOR A MALT,**
175 **SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE CORNER PUB, 4**
176 **WALLINGFORD SQUARE, KITTERY, SECONDED BY COUNCILOR WHITE.**

177 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
178 **5/0.**

179 e. (040314-11) The Kittery Town Council moves to approve a renewal application from
180 WLH Management Corp., 145 Mendums Landing, Barrington, NH for a Malt, Spirituous and
181 Vinous Liquor License for Warren's Lobster House, 11 Water Street, Kittery.

182 **COUNCILOR WHITE MOVED TO APPROVE A RENEWAL APPLICATION**
183 **FROM WLH MANAGEMENT CORP., 145 MENDUMS LANDING, BARRINGTON, NH**
184 **FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WARREN'S**
185 **LOBSTER HOUSE, 11 WATER STREET, KITTERY, SECONDED BY COUNCILOR**
186 **BRAKE.**

UNAPPROVED MINUTES

187 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
188 **5/0.**

189 f. (040314-12) The Kittery Town Council moves to approve a renewal application from
190 The Dance Hall, Walker Street, Kittery for a Malt and Vinous Liquor License for The Dance
191 Hall, 7 Walker Street, Kittery.

192 **COUNCILOR BRAKE MOVED TO APPROVE A RENEWAL APPLICATION**
193 **FROM THE DANCE HALL, WALKER STREET, KITTEY FOR A MALT AND**
194 **VINOUS LIQUOR LICENSE FOR THE DANCE HALL, 7 WALKER STREET,**
195 **KITTEY, SECONDED BY COUNCILOR WHITE.**

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

198 g. (040314-13) The Kittery Town Council moves to approve an application from
199 Badger's Island Pizza, LLC, 30 Remicks Lane, Kittery, Maine for a Malt and Vinous Liquor
200 License for Badger's Island Pizza, 3 Island Ave., Kittery.

201 **COUNCILOR DENAULT MOVED TO APPROVE AN APPLICATION FROM**
202 **BADGER'S ISLAND PIZZA, LLC, 30 REMICKS LANE, KITTEY, MAINE FOR A**
203 **MALT AND VINOUS LIQUOR LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND**
204 **AVE., KITTEY, SECONDED BY COUNCILOR WHITE.**

205 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
206 **5/0.**

207 h. (040314-14) The Kittery Town Council moves to approve an application from Diane
208 Wyman, 21 Chauncey Creek Road, Kittery Point, Maine for a Malt, Spirituous and Vinous
209 Liquor License for Stella's Sweet Café, One Government Street, #3, Kittery.

210 **COUNCILOR BRAKE MOVED TO APPROVE AN APPLICATION FROM**
211 **DIANE WYMAN, 21 CHAUNCEY CREEK ROAD, KITTEY POINT, MAINE FOR A**
212 **MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR STELLA'S SWEET**
213 **CAFÉ, ONE GOVERNMENT STREET, #3, KITTEY, SECONDED BY COUNCILOR**
214 **WHITE.**

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

217 i. (040314-15) The Kittery Town Council moves to approve an application from
218 Sonmat, Inc., 7 Wallingford Square, Unit 102, for a Malt and Vinous Liquor License for Anju, 7
219 Wallingford Square, Unit 102, Kittery.

UNAPPROVED MINUTES

220 **COUNCILOR DENAULT MOVED TO APPROVE AN APPLICATION FROM**
221 **SONMAT, INC., 7 WALLINGFORD SQUARE, UNIT 102, FOR A MALT AND VINOUS**
222 **LIQUOR LICENSE FOR ANJU, 7 WALLINGFORD SQUARE, UNIT 102, KITTEERY,**
223 **SECONDED BY COUNCILOR WHITE.**

224 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
225 **5/0.**

226 j. (040314-16) The Kittery Town Council moves to hear a presentation from the Town
227 Manager on the FY '14-'15 Municipal Budget.

228 Town Manager Puff stated that she wanted to thank all of the department heads for their
229 help on the budget. She then went over the projected budget and indicated that they were
230 projecting an increase in the tax rate by 2%. Town Manager Puff then went over the sources of
231 revenue, revenue sharing, and property taxes and how those compared to the surrounding towns.
232 Town Manager Puff went over all of the budget expenditures and the cost of employee benefits
233 as well as the town debt.

234 k. (040314-17) The Kittery Town Council moves to authorize the Rice Public Library to
235 use Fort Foster on Wednesday, August 27, 2014 from 8 pm to 10 pm to show an outdoor movie
236 for the culmination of their Summer Reading Program.

237 **COUNCILOR DENAULT MOVED TO AUTHORIZE THE RICE PUBLIC**
238 **LIBRARY TO USE FORT FOSTER ON WEDNESDAY, AUGUST 27, 2014 FROM 8 PM**
239 **TO 10 PM TO SHOW AN OUTDOOR MOVIE FOR THE CULMINATION OF THEIR**
240 **SUMMER READING PROGRAM, SECONDED BY COUNCILOR WHITE.**

241 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
242 **5/0.**

243 l. (040314-18) The Kittery Town Council moves to appoint Election Clerks for the
244 ensuing two years (May 2014-May 2016) as recommended by the Town Clerk.

245 **COUNCILOR DENNETT MOVED TO APPOINT ELECTION CLERKS FOR**
246 **THE ENSUING TWO YEARS (MAY 2014-MAY 2016) AS RECOMMENDED BY THE**
247 **TOWN CLERK, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

248 m. (040314-19) The Kittery Town Council moves to approve the disbursement warrants.

249 **COUNCILOR DENNETT MOVED TO APPROVE THE DISBURSEMENT**
250 **WARRANTS, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

UNAPPROVED MINUTES

251 n. (040314-20) The Kittery Town Council moves to appoint a representative to meet
252 with the Chair of the Parks Commission to interview Richard J. DeMarco, Jr. for his re-
253 appointment to that board until 5/3/17.

254 **COUNCILOR DENNETT MOVED TO WAIVE COUNCIL PROCEDURE AND**
255 **REAPPOINT RICHARD J. DEMARCO, JR., WITHOUT THE BENEFIT OF AN**
256 **INTERVIEW, TO THE PARKS COMMISSION FOR A TERM ENDING 5/3/17,**
257 **SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

258 o. (040314-21) The Kittery Town Council moves to appoint a representative to meet
259 with the Chair of the Community Center Board of Directors to interview Maureen D. Convery
260 for her re-appointment to that board until 5/30/17.

261 **CHAIRPERSON THOMSON MOVED TO WAIVE COUNCIL PROCEDURE**
262 **AND REAPPOINT MAUREEN D. CONVERY, WITHOUT THE BENEFIT OF AN**
263 **INTERVIEW, TO THE COMMUNITY CENTER BOARD OF DIRECTORS FOR A**
264 **TERM ENDING 5/30/17, SECONDED BY COUNCILOR BRAKE, WITH ALL IN**
265 **FAVOR.**

266 14. COUNCILOR ISSUE OR COMMENT

267 Councilor Denault asked if the municipal travel policy also applied to the school side,
268 and if not, could they make a generic policy. Chairperson Thomson stated they had discussed it
269 in the past years and asked the manager to inquire about it.

270 Councilor Denault stated that he was still receiving complaints on the response time from
271 the town on phone calls and emails. He stated that it had improved some, but that there was still
272 some delay.

273 Councilor Denault indicated that he had received some complaints that the Japanese flag
274 had been raised on the same pole as the American flag. He stated that he thought they should
275 have some policy on flags and when they can be raised and also that acquiring a portable flag
276 pole could be a good idea.

277 Councilor White stated that he had attended the welcoming dinner for the Japanese
278 students and that it was a great occasion.

279 Councilor White asked what was going on with the Fort Foster pier and that he hated not
280 to see it open to the public. Town Manager Puff responded that it was unfunded in the CIP
281 recommendations as it was too big to fund in one year. She continued that the Parks
282 Commission was looking for it to be funded this year. Councilor White asked how much it was
283 going to cost to fix. Town Manager Puff stated approximately \$300,000. Councilor White noted
284 they might want to look into doing some fundraising around town for the project.

UNAPPROVED MINUTES

285 15. COMMITTEE AND OTHER REPORTS

286 a. Communications from the Chairperson –

287 Chairperson Thomson indicated there was a meeting for the J1 Committee that
288 Wednesday at 6:30.

289 b. Committee Reports –None

290 16. EXECUTIVE SESSION – None

291 17. ADJOURNMENT

292 **COUNCILOR DENAULT MOVED TO ADJOURN, SECONDED BY**
293 **COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:28 P.M.**

294

295

296

**NOTICE OF AMOUNTS ADOPTED AT TOWN COUNCIL MEETING
FOR VOTERS AT SCHOOL BUDGET
VALIDATION REFERENDUM**

TO: Clerk of Town of Kittery, State of Maine

Pursuant to 20-A M.R.S.A. §1486 (2) and 2307 this Notice is to be displayed at all polling places for the school budget validation referendum to be held on June 10, 2014, to assist the voters in voting on whether to ratify the school budget approved at the May 12, 2014 Town Council Meeting.

Cost Center Summary Budget Category	Amount Recommended by School Committee
01-Regular Instruction	\$6,080,561.84
02-Special Instruction	\$2,608,295.35
03-Career & Technical Education	\$4,115.00
04-Other Instruction	\$281,786.20
05-Student & Staff Support	\$1,496,799.85
06-System Administration	\$533,379.39
07-School Administration	\$867,423.84
08-Transportation	\$494,008.64
09-Facilities Maintenance	\$1,417,272.41
10-Debt	\$1,113,542.50
11-All Other Expenditures	\$64,000.00
Summary of Total Authorized General Fund Expenditures	\$14,961,185.02
Amount Approved at the Town Council Meeting on May 12, 2014	

The amount approved for the school budget at the Town Council meeting includes locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

<i>Wendy B. Breda</i>	<i>[Signature]</i>
<i>Julie O. Dow</i>	<i>Allyson W. Hullett</i>
<i>[Signature]</i>	
<i>[Signature]</i>	

A majority of the School Committee

Completed and countersigned by: *Allyson W. Hullett* *9/18/2014*

A true copy of the Notice, attest: _____, Town Clerk of Kittery

memo

Town of Kittery – Kittery School Department

To: Kittery Town Council
From: Jennifer Hall, Business Manager
CC: Nancy Colbert-Puff, Allyn Hutton
Date: 5/5/2014
Re: Amendment to “Amounts Raised in Excess of State’s Essential Programs and Services Funding Model”

Comments: The “Amounts Raised in Excess of State’s Essential Programs and Services Funding Model” published in the newspaper were incorrect. The State revised the EPS calculations for administrative expenses because their “programmers found an issue in the way the FTE calculation was being done in all units, not just Kittery, and they updated the program for that.”

This did not affect the amount of State Subsidy we are to receive nor the amount required from the Town.

Attached are the original Ordinances that were provided to the Town Clerk on 03/19/14 (following the School Committee vote on 03/18/14) along with revised Ordinances. The amounts affected by the State’s revised calculation have been highlighted.

Original Amounts Submitted 03/19/14

Town of Kittery
Ordinance Approving Additional Local Funds for School Budget
for Fiscal Year 2014-2015

(Note: If State's EPS Funding model is exceeded, State law requires a separate, recorded vote with a majority of full council in favor)

The Town of Kittery hereby ordains in accordance with the separate approval requirement of Title 20-A, section 15671-A(5)(B) that \$2,101,180.46 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$1,847,492.53 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$2,101,180.46 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$1,847,492.53:

The \$1,847,492.53 is needed in order to sustain educational services and programs for all students K-12. These funds support teachers, staff development, guidance counselors, nurses, co-curricular activities, auxiliary personnel and administrators to maintain class sizes and quality of educational services as expected by the town. Additionally the school district actively pursues all available avenues to collaborate and consolidate services in order to offset the escalating costs of utilities, insurance and other fixed costs.

State Mandated Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

Original Amounts Submitted 03/19/14

Town of Kittery
Ordinance Approving School Budget
For Fiscal Year 2014-2015

The Town of Kittery hereby ordains pursuant to Title 20-A, sections 1485 and 15690, that:

1. The following school budget articles be adopted and approved for fiscal year 2014-2015:

For Regular Instruction	\$ <u>6,080,561.84</u> ;
For Special Education	\$ <u>2,608,295.35</u> ;
For Career and Technical Education	\$ <u>4,115.00</u> ;
For Other Instruction	\$ <u>281,786.20</u> ;
For Student and Staff Support	\$ <u>1,496,799.85</u> ;
For System Administration	\$ <u>533,379.39</u> ;
For School Administration	\$ <u>867,423.84</u> ;
For Transportation and Buses	\$ <u>494,008.64</u> ;
For Facilities Maintenance	\$ <u>1,417,272.41</u> ;
For Debt Service and Other Commitments	\$ <u>1,113,542.50</u> ; and
For All Other Expenditures	\$ <u>64,000.00</u> ;

2. The sum of \$ 11,686,971.96 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and the sum of \$ 10,956,787.83 be raised as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

State Mandated Explanation: The Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.

3. The sum of \$ 756,192.60 be raised and appropriated for the annual payments on debt service previously approved by the Town's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the Town's contribution to the total cost of funding public education from kindergarten to grade 12;

State Mandated Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

4. The School Committee be authorized to expend \$ 14,961,185.02 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the Town's contribution to the total cost of funding

Original Amounts Submitted 03/19/14

public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

5. The School Committee be authorized to expend State, Federal and other grants, aid, donations, gifts and other revenues for the fiscal year July 1, 2013 through June 30, 2014 in addition to the school's general fund operating budget.

Original Amounts Submitted 03/19/14

Town of Kittery
Ordinance approving transfer of year-end balances to
Dedicated Accounts

The Town of Kittery hereby ordains that \$ 329,247 be transferred from the ending balance of school's undesignated general funds for spending in the 2014-2015 fiscal year, as follows:

<u>\$ 150,000.00</u>	to the School Maintenance Dedicated Account
<u>\$ 150,000.00</u>	to the School Special Education Dedicated Account
<u>\$ 10,747.00</u>	to the School Unfunded Liabilities Dedicated Account
<u>\$ 3,500.00</u>	to the School Technology Dedicated Account
<u>\$ 15,000.00</u>	to the School Co/Extra Curricular Success Dedicated Account

REVISED

Town of Kittery
Ordinance Approving Additional Local Funds for School Budget
for Fiscal Year 2014-2015

(Note: If State's EPS Funding model is exceeded, State law requires a separate, recorded vote with a majority of full council in favor)

The Town of Kittery hereby ordains in accordance with the separate approval requirement of Title 20-A, section 15671-A(5)(B) that \$2,106,928.64 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$1,853,418.49 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$2,106,928.64 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$1,853,418.49:

The \$1,853,418.49 is needed in order to sustain educational services and programs for all students K-12. These funds support teachers, staff development, guidance counselors, nurses, co-curricular activities, auxiliary personnel and administrators to maintain class sizes and quality of educational services as expected by the town. Additionally the school district actively pursues all available avenues to collaborate and consolidate services in order to offset the escalating costs of utilities, insurance and other fixed costs.

State Mandated Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

REVISED

Town of Kittery
Ordinance Approving School Budget
For Fiscal Year 2014-2015

The Town of Kittery hereby ordains pursuant to Title 20-A, sections 1485 and 15690, that:

1. The following school budget articles be adopted and approved for fiscal year 2014-2015:

For Regular Instruction	\$ <u>6,080,561.84</u> ;
For Special Education	\$ <u>2,608,295.35</u> ;
For Career and Technical Education	\$ <u>4,115.00</u> ;
For Other Instruction	\$ <u>281,786.20</u> ;
For Student and Staff Support	\$ <u>1,496,799.85</u> ;
For System Administration	\$ <u>533,379.39</u> ;
For School Administration	\$ <u>867,423.84</u> ;
For Transportation and Buses	\$ <u>494,008.64</u> ;
For Facilities Maintenance	\$ <u>1,417,272.41</u> ;
For Debt Service and Other Commitments	\$ <u>1,113,542.50</u> ; and
For All Other Expenditures	\$ <u>64,000.00</u> ;

2. The sum of \$ 11,681,223.78 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and the sum of \$ 10,951,039.65 be raised as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

State Mandated Explanation: The Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.

3. The sum of \$ 756,192.60 be raised and appropriated for the annual payments on debt service previously approved by the Town's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the Town's contribution to the total cost of funding public education from kindergarten to grade 12;

State Mandated Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

4. The School Committee be authorized to expend \$ 14,961,185.02 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the Town's contribution to the total cost of funding

REVISED

public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

5. The School Committee be authorized to expend State, Federal and other grants, aid, donations, gifts and other revenues for the fiscal year July 1, 2013 through June 30, 2014 in addition to the school's general fund operating budget.

REVISED

Town of Kittery
Ordinance approving transfer of year-end balances to
Dedicated Accounts

The Town of Kittery hereby ordains that \$ 329,247 be transferred from the ending balance of school's undesignated general funds for spending in the 2014-2015 fiscal year, as follows:

<u>\$ 150,000.00</u>	to the School Maintenance Dedicated Account
<u>\$ 150,000.00</u>	to the School Special Education Dedicated Account
<u>\$ 10,747.00</u>	to the School Unfunded Liabilities Dedicated Account
<u>\$ 3,500.00</u>	to the School Technology Dedicated Account
<u>\$ 15,000.00</u>	to the School Co/Extra Curricular Success Dedicated Account

JOHN T. D'AQUILA
ANN B. D'AQUILA
70 DARCY RD.
YORK, ME 03909

52-7450/2112

2848

DATE 4/12/14

© DELUXE © 1998 COMPTON

PAY TO Kittery Comm Center \$ 30.00
THE ORDER OF
Thirty & 00/100 DOLLARS  Security Features
Included
Details on Back


Kennebunk Savings

MEMO Donation - June Radio John T. O'Connell MP

⑆211274502⑆ 23 215651⑈ 2848

SPECIALTY BLUE



OFFICE OF THE TOWN CLERK
TOWN OF KITTERY, MAINE

APR 03 2014
BY: 10:30 am

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0452 Fax: (207) 439-6806
website: www.kittery.org

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Danielle Avery

RESIDENCE: 61 manson RD Kittery ME 03904

MAILING (if different) _____

E-MAIL ADDRESS: dotdyr@yahoo.com PHONE #: (Home) 603-300-7360 (Work) _____

Please circle your choices and list in order of priority by marking 1,2,3, etc.:

- | | |
|---------------------------------------|-------------------------------------|
| Board of Appeals | Board of Assessment Review |
| Conservation Commission | Mary Safford Wildes Trust |
| Planning Board | Shellfish Conservation Committee |
| Recycling Scholarship Selection Comm. | Community Center Bd. Of Directors |
| Parks Commission | Open Space Committee |
| Port Authority | Other <u>KCC Board - Recreation</u> |

EDUCATION/TRAINING: _____

RELATED EXPERIENCE (Including other Boards and Commissions) I have coached
Basketball for KCC on and off since 2003. I also run the
Kittery Community market.

PRESENT EMPLOYMENT: stay at home mom

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY?: Yes No

ANY KNOWN CONFLICT OF INTEREST: none

REASON FOR APPLICATION TO THIS BOARD: want to see the KCC continue to grow
and benefit the whole community.

I HAVE / HAVE NOT ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

[Signature]
SIGNATURE OF APPLICANT

4/3/14
DATE

1 **Expand Scope and Make Formal Charge and Composition of Town Council's Shared Services**
2 **Committee**

3 **To: Kittery Town Council**
4 **From: Councilors Denault and Spiller**
5 **Monday, April 14, 2014**
6

7 **Executive summary**

8 We propose that the scope and charge of the Shared Services Committee be updated and that the
9 Committee be charged to work in coordination with the Town Manager to identify and assess and
10 develop opportunities and agreements to share services and/or personnel within the Town of Kittery
11 and between the Town of Kittery and surrounding communities. We also purpose that membership be
12 modified to include two Councilors, and the Town Manager and others identified by the Town Manager,
13 as appropriate to address the issue under consideration.
14

15 **Statement of need**

16 In recent years, the Town has sought efficiencies in the delivery of services that insure the community a
17 high level of service while also containing cost. As these efforts continue to expand, It would be helpful
18 to the Council and the Town Manager for a group to explore in a planned and systematic way
19 opportunities from the interdepartmental to the interlocal level and then advise the Council on actions
20 to implement, where Council involvement is required. As the Town moves ahead with sharing services
21 and positions, particularly with other communities, it is important that the full implications are explored
22 and any agreements address fully longer tem implications.
23

24 **Background**

25 The Town Council Shared Services Committee, consisting of first three Councilors and more recently two
26 Councilors and the Town Manager, the Superintendent of Schools and two School Committee
27 representatives was formed by the Council over six years ago to explore joint initiatives between the
28 Town municipal and the School Department services.^{1,2}
29
30

31
32 **1. From APPROVED MINUTES KITTERY TOWN COUNCIL April 28, 2008**

33
34 d. (040208-10) THE KITTERY TOWN COUNCIL MOVES TO APPOINT THREE COUNCILORS TO THE TOWN/SCHOOL AD HOC
35 COMMITTEE FOR SHARED SERVICES.
36

37 VICE CHAIR SPILLER MOVED TO APPOINT COUNCILOR BRAKE, COUNCILOR DOW AND HERSELF TO THE TOWN/SCHOOL AD HOC
38 COMMITTEE FOR SHARED SERVICES, SECONDED BY COUNCILOR SHWAERY.
39

40 A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0
41

42 **2. From APPROVED MINUTES KITTERY TOWN COUNCIL Minutes November 10, 2008**

43 The Vice Chair indicated that the Shared Services Committee had had a life expectancy of six
44 months and since they had reached that point, they needed to either extend that life expectancy or let it
45 set with the sun. Her suggestion was to continue it and if they did continue it, they needed to replace
46 Councilor Brake.
47

48 Councilor Grinnell noted that it would also be up to the School Board if they wanted to
49 continue it.
50

51 Chairman Thomson said that unless he heard an objection, he would ask the Manager to
52 convey to Supt. Littlefield that it was the desire of the Council for the Shared Services Committee to
53 continue for the indefinite future until either body decided it no longer needed to exist.
54

55 Councilor Grinnell recommended that Councilor Beers become part of that Committee,
56 replacing Councilor Brake, and Councilor Dow said he would like to continue on the Committee.
57

58 The committee was approved by Council¹, and then after six months. Its existed was re-affirmed by
59 consensus. No formal charge was ever drafted. Each year since the council has appointed councilors to
60 serve on the committee.

61

62 As initially conceived, the scope included Town infrastructure, financial services, and other areas as they
63 arose. Shared Services has played an important behind the scenes role in the expansions of Mitchell and
64 Shapleigh Schools which eventually resulted in repurposing of the Frisbee School into the Kittery
65 Community Center; updating the Town's financial software; and reorganizing municipal and school
66 financial services in a de facto Town financial center. More recently, the Town has successfully
67 negotiated with the Town of Eliot to share a police chief and is in the process of exploring other
68 opportunities to share joint staffing although Shared Services has not been involved in these efforts. As
69 Kittery and other surrounding communities see the value of sharing resources, we believe that there will
70 be a greater need for a committee like Shared Services to identify and vet potential agreements.

71

72 **Current situation**

73 The current Shared Services Committee has not been utilized in recent initiatives in this area. It last met
74 almost a year ago. The Superintendent of Schools and the School Committee support this change in
75 focus.

76

77 **Proposed solution**

78 Expand scope of the Shared Services Committee to work at the request of the Town Council and in
79 coordination with the Town Manager to identify and develop opportunities and review agreements for
80 implementation of activities to achieve greater efficiency in delivering Town services while containing
81 costs. Membership shall include two Town Councilors appointed by the Council, the Town Manager,
82 Town staff identified by the Town Manager as appropriate, and others dependent on the matter under
83 consideration.

84

85 **Cost**

86 There is not cost involved.

87

88 **Draft Motion**

89 The Kittery Town Council moves to make formal the Shared Services committee charge and membership
90 such that the Committee at the direction of the Town Manager work with the Town Manager and
91 appropriate Town Staff and others as the Town Manager designates 1. to identify and develop
92 opportunities and review agreements for implementation of activities to achieve greater efficiency in
93 delivering Town services while containing costs and 2. To keep the Town Council informed of those
94 activities. Membership shall include two Town Councilors appointed by the Council each year at the first
95 meeting following the November Election, the Town Manager, Town staff identified by the Town
96 Manager as appropriate, and others dependent on the matter under consideration.

97

Memorandum

TO: TOWN COUNCIL
FROM: TOWN CLERK 
DATE: MAY 6, 2014
RE: JUNE 10TH ELECTION

This memo is a recommendation and a request for the appointment of Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the June 10, 2014, Primary and School Budget Validation Referendum Election. I am requesting that the polls be open at 8:00 a.m. and close at 8:00 p.m. at the Kittery Community Center, 120 Rogers Road.

/mp



**TOWN OF KITTERY
WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S. §1486 AND 2307)**

YORK COUNTY SS.

STATE OF MAINE

TO: Theodore G. Short, Constable of the Town of Kittery:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Kittery of the referendum election described in this warrant.

TO THE VOTERS OF THE TOWN OF KITTERY:

You are hereby notified that a **School Budget Validation Referendum Election** will be held at the Kittery Community Center, 120 Rogers Road on **Tuesday, June 10, 2014** for the purpose of determining the following:

Do you favor approving the Town of Kittery School Budget for the upcoming school year that was adopted at the May 12, 2014 Town Council meeting?

The polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this 12th day of May 2014.

MUNICIPAL OFFICERS

A true copy

ATTEST: _____

TOWN CLERK

**TOWN OF KITTERY
TOWN MEETING WARRANT
JUNE 10, 2014**

To Theodor G. Short, a Constable of the Town of Kittery, in the County of York, State of Maine.

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Kittery in said county and state, qualified by law to vote in town affairs:

To meet at the Municipal Complex Council Chambers in said Town on Monday, the 9th day of June 2014, at 7:00 p.m. to hold a public hearing on Articles 2 through 7.

To act on Article 1 to elect a moderator by written ballot and to act on Articles 2 through 7 by secret ballot at the Kittery Community Center Gymnasium in said town on Tuesday, the 10th day of June, 2014, at 8:00 a.m., as set out below, to wit:

The polls will be open from 8:00 a.m. until 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m. and 8:00 p.m.

Article 1. To elect a moderator to preside at said meeting and to vote by written ballot.

Article 2: Shall the town vote to authorize Town Council to transfer up to \$125,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary into account #2022 Compensated Absences, to maintain a positive fund balance to pay for accrued vacation and /or sick leave to settle any unpaid benefits owed to retiring employees in FY'15?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The purpose of this article is to provide funds when and if necessary in FY'15, to pay for accrued benefits owed retiring employees. This article transfers funds from the town's unassigned funds (unencumbered surplus) when a municipal employee retires. The reserve account balance is currently \$80,751.76. The purpose of this article in FY'15 is to pay only claims during the year to meet the town's liability and to return the reserve fund to a positive balance.

Article 3: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$25,000 from unassigned funds (unencumbered surplus) when necessary and appropriate and expend up to \$25,000 for the purpose of paying the town's cost on accepted insurance claims against the town?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The article requests exposing up to \$25,000 from the town's unassigned funds (unencumbered surplus) for use, when necessary, to pay the deductible and other associated costs on insurance claims instead of raising an amount from taxation within the town budget.

Article 4: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$100,000 from unencumbered surplus when necessary and appropriate and expend up to \$100,000 for the purpose of providing the town's match to federal, state and non-profit grants?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The Town Council expects continued applications to be filed for grants in a variety of areas by different town departments to assist with the operations and capital purchases. These grants, if successful, often require a local match to be raised. The article requests that up to \$100,000 from the town's surplus be transferred by the Town Council for the local match share of grants when received and accepted by the Town Council.

Article 5: Shall the town vote to authorize Town Council to transfer from unassigned funds (unencumbered surplus) an amount not to exceed \$40,000, when necessary and appropriate, and expend said amount to cover shortfalls in the FY'15 town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The article is a result of the review of individual departments' vehicle and heating fuel accounts and the unstable fuel market pricing. This account would provide departments, who have exhausted their allocated fuel budgets, access to emergency fuel funds. The Town Council favored keeping the FY'15 fuel and utility accounts as low as possible, with the concept of this article exposing surplus funds as a safety net in case the market remains unstable.

RETURN ON THE WARRANT

County of York

State of Maine

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of Kittery, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Kittery Post Office, Kittery Point Post Office, Kittery Municipal Office and Kittery Solid Waste Facility in said town, being public and conspicuous places in said town, on _____, 2014, being at least seven days before the meeting.

Theodor G. Short

Date

1. Dimensions: twelve (12) inches by forty-eight (48) inches;
 2. Coloring: state standard blue background, white lettering, logo may be any color;
 3. Reflectorization: optional;
 4. Location: on existing assemblies (posts) where possible. No more than two assemblies per intersection approach;
 5. Restricted areas: An OBDS must not be placed on an inbound leg of the Kittery traffic circle within four hundred (400) feet of its outer perimeter, or adjacent to points of scenic or historical interest, including but not limited to federal, state, and local parks and reserves, recognized historic sites and buildings, water bridges and cemeteries.
- B. An off-premises sign which advertises commercial or other activity without advertising any specific enterprise (generic signs) may be approved by the Planning Board at size and location to be specified.

16.8.10.8 Temporary Signs.

All temporary signs must be installed on the premises of the activity to which the advertising message refers. Moveable signs are prohibited as temporary signs. The following types of temporary signs are allowed with an approved sign permit:

A. The use of one temporary sign, other than a trailer sign, at any one time per business that is mounted to the building or attached to a freestanding sign structure for the purpose of advertising special events, provided that such signs are displayed for no longer than a combined total of twenty-one (21) days in any calendar quarter (January 1 - March 30, etc...) may be permitted. Total sign area for a temporary sign must not exceed seventy-two (72) square feet. The allowed twenty-one (21) day display period may be divided into no more than three separate, non-overlapping temporary periods of not less than seven days.

B. One additional temporary sign, other than a trailer sign, mounted to the building or to a freestanding sign structure is permitted per legally participating site for the duration of each Town Council approved sidewalk sales event.

16.8.10.9 Signs Allowed Without a Sign Permit.

The following types of signs, in sizes and under conditions stated, are allowed without a Town sign permit, but must conform with all other provisions of Article X of Chapter 16.8 except for the provisions restricting the number of signs (Sections 16.8.10.4 and 16.8.10.5) and limiting the total sign area (Section 16.8.10.6).

A. Public Information Signs. Signs for the control of traffic and other regulatory purposes, route markers, street signs, warning signs, utility, danger or warning signs, signs which indicate direction to hospitals, churches or other places of worship, or other public facilities;

B. General Information Signs. Signs which provide direction or instruction such as, location of telephone, rest rooms, parking, automatic teller machines (ATMs), transit stops, entrances and exits, open and closed signs, where installed entirely upon the property to which they pertain. —Enter|| and —Exit|| signs must not exceed four square feet in size. All other general information signs must not exceed two square feet in size. Except for identifying approved off-premises parking stalls, no logos, trademarks or names of businesses are permitted on general information signs. The Planning Board may approve increased sizes and/or the use of logos or names of businesses on general information signs when considered necessary to promote safety or eliminate confusion;

C. Memorial Tablets. Grave markers, signs commemorating a historical figure or event, names or dates of buildings to which a sign is attached;

D. Public Notices and Community Signs. Official notices posted by public employees in performance of their duties, and any sign for Town sponsored or supported events or facilities as approved by the Town Council;

E. Flags of any Government or Recognized Political Subdivision. The flag of any government or recognized political subdivision is allowed, provided it is displayed no higher than fifty (50) feet above the original ground level or the elevation of the centerline of the nearest street measured at the closest point to the flag, whichever is greater;

F. Religious Symbols;

G. Building Street Numbers. In accordance with the street-numbering map on file with the Town of assessing department;

H. Political Campaign Signs. Signs bearing political messages relating to an election, primary or referendum, provided these signs may be displayed on:

1. Public property not earlier than thirty (30) days prior to the election, primary or referendum to which they relate and are removed not later than two days thereafter,

2. Private property without time constraints;

I. Interior Signs. Signs placed inside a building which are located at least ten (10) feet inside the building or otherwise not oriented to be viewed from outside the building;

RECEIVED
APR 30 2014

BY:.....

KITTERY COMMUNITY



April 29, 2014

Town of Kittery
200 Rogers Road
Kittery, Maine 03904

RE: 2014 Kittery Community Market Signs

To: Heather Ross, CEO
Gerry Mylroie, Town Planner
Nancy Colbert-Puff, Town Manager
Mary Ann Place, Town Clerk
Kittery Town Council
Kittery Planning Board

Thank you all for supporting the Kittery Community Market in 2013!

The Kittery Community Market will kick off it's second season on May 28, 2014 and would like to ask the Town of Kittery to continue sponsoring the Kittery Community Market, as a town event.

The Kittery Community Market will be held on Wednesdays, 2:00 p.m. to 6:00 p.m., from May 28, 2014 to October 8, 2014 at Post Office Square, in Kittery Center Village.

You are all cordially invited to Kittery Community Market opening ceremony at 2:00 p.m. on May 28, 2014.

Kittery Community Market will feature local food vendors offering fresh vegetables, fruits, cut flowers, plants, herbs, eggs, meat, honey, syrup, jellies/jams, breads, granola, baked goods, candy, prepared foods, and more; a variety of local artisans offering their handmade jewelry, pottery, paintings and other fine crafts will be available as well. The KCM hosts a rotating local non-profit space for educational purposes and local fund raising each week. Guest chefs and local musicians will perform at the market as well.

We are asking local area businesses for sponsorships to offset the operating expenses of the KCM through the Kittery Maine Improvement Foundation.

The Kittery Community Market continues to carry insurance and our insurance will cover any signs or banners the town will allow KCM to erect within the town.

We plan to continue the "winter market" at the Kittery Community Center this year.

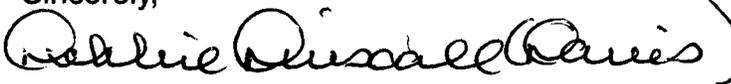
The Kittery Community Market would like permission to hang 2 banners: (1) at Post Office Square from May 29, 2014 to October 8, 2014 and (1) over Rogers Road, in front of the Kittery Community Center from May 29, 2014 to October 8, 2014.

We are also asking for permission to place directional signs at limited locations around Kittery and Kittery Point to direct people to the Kittery Community Market on Wednesdays *only*, from May 28, 2014 to October 8, 2014. A list of proposed sign locations is attached.

Thank you for considering our request. We would be happy to answer any questions you may have.

We look forward to seeing you all this year at the Kittery Community Market!!

Sincerely,

 for committee
(Advisory Board)

Dot Avery, KCM Manager

Debbie Driscoll, KCM Advisory Board

Jean Lincoln, KCM Advisory Board and KCC Board member

Gerry Mylroie, KCM Advisory Board

Lee Emmett, KCM Advisory Board



2014 PROPOSED DIRECTIONAL SIGN LOCATIONS

JOHN PAUL JONES PARK
BADGERS ISLAND
GOVT STREET
GOVT STREET/STATE ROAD
WALLINGFORD SQ/WALKER (OUTSIDE GATE 1)
WENTWORTH ST/WHIPPLE RD/ROGERS RD
WHIPPLE/WOODLAWN/SHAPLEIGH
WALKER ST/STATE ROAD
MEMORIAL CIRCLE (IN TRIANGLE > KITTERY POINT)
236/STEVENSON/MARTIN ROADS
ROGERS ROAD/SHAPLEIGH ROAD
SHAPLEIGH ROAD/MANSON AVE
HALEY ROAD/ROUTE ONE
LEWIS SQUARE
PEPPERRELL ROAD/CROCKETT NECK
COMING OUT OF GATE 2
OLD POST ROAD/DENNETT ROAD
CORNER BY LADY PEPPERRELL HOUSE
FORT MCCLARY (ACROSS FROM BOTH EXITS)
NEAR DESIGNER SHOWHOUSE (IF THERE IS ONE IN KITTERY)
KITTERY POINT WHARF AREA (KP PO)

207-703-0890
STEVE



KITTERY AUTO BODY

FREE ESTIMATES • AT HIGHWAY AUTO • 207-703-0890

Collision, Refinishing and Customizing

kitteryautobody@yahoo.com

Fax 207-703-0315

NAME <i>K. Hwy Auto Body</i>		DATE	
STREET <i>150 Access Road</i>		CITY <i>Kittery</i>	
YEAR <i>2007</i>	COLOR <i>White</i>	MAKE <i>BMW</i>	MODEL
REGISTRATION NO.	SERIAL NO.	ODOMETER	ESTIMATE PREPARED BY
INSURANCE CO.		ADJUSTOR	

REPLACE	REPAIR	DESCRIPTION	PARTS	LABOR	REFINISH	SUBLET
	✓	R SIDE PANEL RESEAL BODY SEAM REFINISH B/C C/L BUFF CAR COVER				
✓		R SIDE MARKER PER INVOICE				
TOTAL \$ 472.50						
AFTER DISCOUNT \$ 477.50						
+ SIDE MARKER						
			TOTALS			

\$ 472.50

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

AUTHORIZATION FOR REPAIR. You are hereby authorized to make the above repairs:

SIGNED: _____

DATE: _____

TOTAL PARTS	\$ 26.00
TOTAL LABOR	\$ 216.00
TOTAL REFINISH	\$ 144.00
TOTAL SUBLET P.M.	\$ 86.50
TAX	\$ 6.18
TOTAL	\$ 472.50

tax exempt