

**MATERIAL LIST FOR**  
**JANUARY 27, 2014**  
**COUNCIL AGENDA PACKETS**

1. Copy of Agenda for the Jan.27, 2014 Regular Council meeting.
2. Copy of minutes from the January 13, 2014 Regular Council meeting.
3. Copies of amendments to Title 2, Administration and Personnel, Chapter 2.4 Personnel Positions Established and Chapter 2.5, Compensation.
4. Copy of amendments to Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4, Permit Period.
5. Copy of amendments to Chapter 16.11, Marine-Related Development.
6. Copy of original proposed amendment from Councilor Denault to Council Rules, Sec. 15, Standing Committees (B) and amended copy.
7. Copy of check from York Hospital for Recreation programs.
8. Copy of check from the Clynk Program for the Recycling Scholarship.
9. Copies of proposed job descriptions for the Kittery Community Center.
10. Copy of original proposed amendment from Councilor Denault to Council Rules, Sec. 12, Agenda, item 15b – Town Manager’s report, along with amended copy.
11. Copies of Certificates of Settlement for balance due of tax years 2005-2013
12. Copy of Certificate of Recommitment of the 2005-2013 tax assessment to Nancy Colbert Puff.
13. Copy of application from Denise Payne for her appointment to the Parks Commission until 5/3/16.
14. Copy of application from Loco Coco’s Tacos Corp. for a Malt, Vinous and Spirituous liquor license for Loco Coco’s Tacos, 36 Walker St.
15. Copy of Release Deed for 2010 tax lien to T. Crowley on Map 15, Lot 56 and e-mails between Brenda at Pierce Atwood and Meredith Kearney regarding same.
16. Copy of application for re-appointment from Don Moore to the Conservation Commission.
17. Copy of construction overlmit permit from MDOT for the construction area relating to Project No. 019283 Overpass Bridge Replacement in the Town of Kittery.
18. Copies of applications for appointment to the Economic Development Committee from Patrick Trevino, Gary Beers, John Carlson and Stephen Kosacz.
19. Copy of request from Suzanne Kuehl to canvas for signatures at the Recycling Resource Recovery Facility.
20. Copy of Manager’s report to Town Council.



# TOWN OF KITTERY

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 to hear a presentation from Dr. Cameron Wake on the rising sea level.

January 27, 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. Reserved
7. Acceptance of Previous Minutes 1/13/14
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.
10. PUBLIC HEARING
  - a. (010314-1) The Kittery Town Council will hold a public hearing on, and hereby ordains amendments to, Title 2, Administration and Personnel, Chapter 2.4 Personnel Positions Established and Chapter 2.5, Compensation, of the Kittery Town Code.
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
  - a. (120113-2) The Kittery Town Council moves to approve, and hereby ordains amendments to, Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4, Permit Period.

b. (120113-3) The Kittery Town Council moves to approve, and hereby ordains amendments to, Title 16, Chapter 16.11, Marine-Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

c. (010214-5) The Kittery Town Council moves to consider and approve amendments to Council Rules, Section 15, Standing Committees, (B), the Ordinance Review Committee, regarding membership and duties.

### 13. NEW BUSINESS

#### a. Donations/gifts received for Council disposition

(010314-2) The Kittery Town Council moves to accept a check in the amount of \$9,250, representing the second installment for scholarships for Recreation Programs, to be deposited in Acct. #5003-43600, York Hospital Scholarship.

(010314-3) The Kittery Town Council moves to accept a check in the amount of \$3,830.45 from the Clynk program, to be deposited in Acct. #5010-43600, Recycling Scholarship.

b. (010314-4) The Kittery Town Council moves to approve amending the Personnel Positions – Classification Policy to include the two proposed job descriptions as presented for the Kittery Community Center.

c. (010314-5) The Kittery Town Council moves to approve the disbursement warrants.

d. (010314-6) The Kittery Town Council moves to consider and approve amendments to Council Rules, Section 12, Agenda, item 15b - Town Manager's Report.

e. (010314-7) The Kittery Town Council moves to sign a certificate of settlement in accordance with 36 M.R.S. §763 discharging Maryann Place as Tax Collector from further liability or obligation to collect the balance due for the years 2005-2013.

f. (010314-8) The Kittery Town Council moves to recommit the 2005-2013 taxes to Nancy Colbert Puff.

g. (010314-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Denise Payne for her appointment as a full member until May 3, 2016 (replacing John Taddeo, who did not reapply).

h. (010314-10) The Kittery Town Council moves to appoint David Lincoln to the Parks Commission as a full member until 5/3/14 (replacing Alan McDonald).

i. (010314-11) The Kittery Town Council moves to approve the renewal application from Loco Coco's Tacos Corp. for a Malt, Spirituous and Vinous Liquor License for Loco Coco's Tacos, 36 Walker Street, Kittery.

j. (010314-12) The Kittery Town Council moves to sign a Release Deed, releasing a 2010 tax lien to Theresa Crowley of Dover, New Hampshire for property located at 6-8 Boush Street, Kittery, Tax Map 15, Lot 56.

k. (010314-13) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Donald Moore for his re-appointment to that board until 5/31/16.

l. (010314-14) The Kittery Town Council moves to sign a construction overlimit permit to allow the contractor to transport construction equipment that exceeds legal weight limits over municipal roads for MDOT Project No. 019283, US Route 1 Bypass and Route 236, Overpass Bridge Replacement.

m. (010314-15) The Kittery Town Council moves to discuss the appointment of members to the Economic Development Committee.

n. (010314-16) The Kittery Town Council moves to approve the request from Suzanne Kuehl to collect signatures for Eliot Cutler at the Recycling Resource Recovery Facility on Saturday, February 8<sup>th</sup>, 2014 from 9:00 a.m. until 12 noon in the designated area(s).

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Town Manager's Report
- c. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: January 23, 2014

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

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January 13, 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, Jeffrey Pelletier, Frank Dennett, Judy Spiller, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption --

The Agenda was accepted as presented.

6. Reserved

7. Acceptance of Previous Minutes -- 4/8/13, 6/10/13, 11/25/13 12/9/13 & 12/23/13

The minutes of 4/8, 6/10, 11/25, 12/9 & 12/23 were approved as amended.

8. Interviews for the Board of Appeals -- None

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

10. PUBLIC HEARINGS -

a. (010214-1) The Kittery Town Council moves to hold a public hearing to receive comments on the DEP Brownfields Cleanup Grant application for Wood Island.

Chairperson Thomson indicated that this was not technically a public hearing because a public meeting must be held and was advertised in the local printed media on January 7<sup>th</sup>. He considered they would let the public discuss the item but that Council did not need to take any action.

## UNAPPROVED MINUTES

27 David Kaselaukas came to the podium and thanked Council for accepting the agreement  
28 with WILSSA. He then gave a brief history of the life saving station. Mr. Kaselaukas stated  
29 they had until January 22<sup>nd</sup> to submit the grant and that it was ready to go.

30 Dean Howells came to the podium and stated that he supported the application and  
31 expressed his appreciation of the hard work done by the town.

32 Greg Paxton came to the podium and indicated that he was a member of the Maine  
33 Preservation Society and that he wanted to congratulate the Town and WILSSA on their  
34 successful efforts thus far. He continued that the Society endorsed the grant and would be  
35 willing to help if needed.

36 Susan Emery came to the podium and noted that she was in favor of the grant and  
37 thought that the life saving station was important to the scenic character.

38 Chairperson Thomson thanked everyone for their comments and indicated that they were  
39 ready to submit the grant application.

### 40 11. DISCUSSION

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

42 b. Chairperson's response to public - None

### 43 12. UNFINISHED BUSINESS –

44 a. (120113-2) The Kittery Town Council moves to approve, and hereby ordains  
45 amendments to Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4 Permit Period.

46 Chairperson Thomson indicated that this issue had been postponed from 12/9 to obtain  
47 clarity and that a motion was on the floor.

48 Town Manager Puff stated that staff had found a couple of errors that needed correcting  
49 and asked that the item be postponed again.

50 **COUNCILOR SPILLER MOVED TO POSTPONE ACTION UNTIL THE**  
51 **MEETING OF JANUARY 27, 2013, SECONDED BY COUNCILOR DENNETT, WITH**  
52 **ALL IN FAVOR. MOTION PASSES 6/0.**

53 b. (120113-3) The Kittery Town Council moves to approve, and hereby ordains  
54 amendments to Title 16, Chapter 16.11, Marine Related Development, 16.11.1 Authority and  
55 Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

56 Chairperson Thomson stated that this item had been postponed from the 12/9 meeting  
57 and that there was a motion on the floor.

UNAPPROVED MINUTES

58 Town Manager Puff stated the group reviewing this item had not had a chance to review  
59 it yet.

60 **COUNCILOR DENNETT MOVED TO POSTPONE ACTION UNTIL THE**  
61 **MEETING OF JANUARY 27, 2014, SECONDED BY COUNCILOR SPILLER, WITH**  
62 **ALL IN FAVOR. MOTION PASSES 6/0.**

63 c. (120213-3) The Kittery Town Council moves to approve the application from Hobie's  
64 Grill, LLC, 34 Pinewood Drive, Stratham, NH for a Victualer's License for Hobie's Grill, Super  
65 Shoes, US Route 1, Kittery.

66 Chairperson Thomson stated that there was a motion on the floor for action.

67 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
68 **6/0.**

69 d. (120213-15) The Kittery Town Council moves to appoint Jessa Kellogg as Assistant  
70 Code Enforcement Officer until 12/31/14.

71 Chairperson Thomson indicated that the town manager had asked that no action be taken  
72 on the issue that evening.

73 13. NEW BUSINESS

74 a. Donations/gift received for Council disposition – None

75 b. (010214-2) The Kittery Town Council moves to approve the disbursement warrants.

76 **COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT**  
77 **WARRANTS, SECONDED BY COUNCILOR BRAKE.**

78 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
79 **6/0.**

80 c. (010214-3) The Kittery Town Council moves to rescind its vote from the December  
81 23, 2013 meeting to extend the term of the Economic Development Committee until March 31,  
82 2014.

83 **COUNCILOR DENNETT MOVED TO RESCIND ITS VOTE FROM THE**  
84 **DECEMBER 23, 2013 MEETING TO EXTEND THE TERM OF THE ECONOMIC**  
85 **DEVELOPMENT COMMITTEE UNTIL MARCH 31, 2014, SECONDED BY**  
86 **COUNCILOR BRAKE.**

87 Councilor Spiller indicated that she would abstain from the vote as she was not present at  
88 the December 23<sup>rd</sup> meeting.

UNAPPROVED MINUTES

89           **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER**  
90 **ABSTAINED. MOTION PASSES 5/0/1.**

91           d. (101214-4) The Kittery Town Council moves to rescind its vote from the November  
92 25, 2013 meeting to appoint Jeffrey Thomson and Charles Denault to the Economic  
93 Development Committee and to appoint one Councilor to the Economic Development  
94 Committee.

95           **COUNCILOR DENNETT MOVED TO RESCIND ITS VOTE FROM THE**  
96 **NOVEMBER 25, 2013 MEETING TO APPOINT JEFFREY THOMSON AND CHARLES**  
97 **DENAULT TO THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY**  
98 **COUNCILOR SPILLER.**

99           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
100 **6/0.**

101           **COUNCILOR THOMSON MOVED TO APPOINT COUNCILOR DENAULT TO**  
102 **THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY COUNCILOR**  
103 **BRAKE.**

104           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
105 **6/0.**

106           e. (101214-5) The Kittery Town Council moves to consider and approve amendments to  
107 Council Rules, Section 15, Standing Committees, (B), the Ordinance Review Committee,  
108 regarding membership and duties.

109           Councilor Denault indicated that he would like for a full Council to be present to discuss  
110 this issue and asked that it be put on the next agenda.

111           f. (101214-6) The Kittery Town Council moves to approve the five town-wide Sidewalk  
112 Sales Events for 2014, as requested by the Kittery Outlet Association.

113           **COUNCILOR SPILLER MOVED TO APPROVE THE FIVE TOWN-WIDE**  
114 **SIDEWALK SALES EVENTS FOR 2014, AS REQUESTED BY THE KITTEERY**  
115 **OUTLET ASSOCIATION, SECONDED BY COUNCILOR BRAKE.**

116           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
117 **6/0.**

118           g. (101214-7) The Kittery Town Council moves to schedule a public hearing to amend  
119 Title 2 Administration and Personnel Chapter 2.4 Personnel Positions Established of the Kittery  
120 Town Code.

UNAPPROVED MINUTES

121           **COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING TO**  
122 **AMEND TITLE 2 ADMINISTRATION AND PERSONNEL CHAPTER 2.4 PERSONNEL**  
123 **POSITIONS ESTABLISHED OF THE KITTELY TOWN ON JANUARY 27, 2014,**  
124 **SECONDED BY COUNCILOR BRAKE.**

125           **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
126 **6/0.**

127 14.    COUNCILOR ISSUES OR COMMENT

128           Councilor Spiller stated they would be holding a meeting on the impact the sea level rise  
129 will have on Kittery on January 27<sup>th</sup>.

130           Councilor Spiller indicated there were some discussions about moving the Safford School  
131 to the Community Center. She continued she would like the idea to be floated at the next KCC  
132 Board of Directors meeting.

133           Councilor Dennett stated that he was appointed to interview Gary Beers to Economic  
134 Development Committee three weeks ago. He continued there were no other members of the  
135 Committee besides one other Councilor and they needed to have a chair to conduct the interview.  
136 He asked that an answer be brought back at the next meeting.

137           Councilor Denault stated that he would like to discuss making a change to Council Rules  
138 on the next agenda to recommended moving the town manager's report to the beginning of the  
139 agenda.

140           Councilor Denault noted that Councilor Brake had brought up the issue of the dilapidated  
141 buildings in town at the last meeting. He continued he had run into Mr. Sowerby who was  
142 willing to put up a fence to keep people out of the property until he was able to have the building  
143 taken down. Councilor Denault stated that the police department had recommended that the  
144 fence not be installed as it could hinder them in responding to an emergency. He indicated that  
145 he did not want this issue to keep being postponed and thought an answer should be given to Mr.  
146 Sowerby regarding the fence.

147 15.    COMMITTEE AND OTHER REPORTS

148           a. Communications from the Chairperson –

149           Chairperson Thomson stated that the 2<sup>nd</sup> installment of property taxes were due on  
150 February 15<sup>th</sup> and wanted to make sure that reminders were going out. Town Manager Puff  
151 indicated that they were.

152           Chairperson Thomson noted that there was a property on Manson Road that had been  
153 ruined by a fire. He continued he was told that a new house on the same footprint was going to

## UNAPPROVED MINUTES

154 be built and wanted to know if that had happened. Town Manager Puff responded that she  
155 would look into the issue.

156 Chairperson Thomson indicated that they had held an initial listening session regarding  
157 development of the foreside. He continued the Town Manager was formulating an action plan  
158 which would be in the public domain the in the next couple of weeks. He stated that the group  
159 would be meeting again to go over the plan.

160 b. Town Manager's Report –

161 Town Manager Puff stated relative to Mr. Sowerby's property, that he had offered to  
162 erect fencing but the police department thought it might cause a problem and they thought "no  
163 trespassing" signs should be installed instead so they can arrest anyone on the property.  
164 Councilor Denault indicated that he thought putting up a fence was a safer idea. Councilor  
165 Dennett stated that he thought it was important that the town speak with one voice and that the  
166 Town Manager should speak for the town.

167 Town Manager Puff noted relative to the BIG project, that they had received formal  
168 notification from the State that they would be providing some funding for the project.

169 Town Manager Puff indicated relative to the flood insurance rate map changes, that she  
170 had met with FEMA and had outlined the process of how residents were going to be able to  
171 appeal. She continued the information had been posted on the town website and would be  
172 notifying the properties afflicted by the change.

173 Town Manager Puff stated she was working with WILSSA on filling in the blanks on the  
174 Brownsfield grant and that the Town would need to provide matching funds when the grant was  
175 accepted.

176 Town Manager Puff stated that Representative Shellie Pingree was going to be holding a  
177 federal round table budget meeting in Kittery. She continued that only 15 people were going to  
178 be able to attend and asked if Council had any suggestions on who should be invited, they should  
179 let her know.

180 c. Committee Reports –

181 Councilor Spiller indicated that WIAC had met with the town planner and assistant town  
182 planner on January 4<sup>th</sup> and thanked them for their help on the application.

183 Councilor Spiller noted that WILSSA was looking to put some support up in the boat  
184 house. She continued that WIAC was concerned about doing them doing this as the agreement  
185 would need to be amended and permits and insurance would need to be in place. Councilor  
186 Spiller noted that WIAC was happy to meet with WILSSA to discuss the issue.

UNAPPROVED MINUTES

187 16. EXECUTIVE SESSION – None

188 17. ADJOURNMENT

189 **CHAIRPERSON SPILLER MOVED TO ADJOURN, SECONDED BY**  
190 **CHAIRPERSON THOMSON WITH ALL IN FAVOR. MEETING ADJOURNED AT**  
191 **8:01 P.M.**

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**Title 2 Administration and Personnel**  
**Chapter 2.4 Personnel Positions Established**

**Article I. Administration**

**2.4.6.10 Assistant Early Childcare Supervisor/Head Teacher**

The purpose of this full time position is to assist in the planning, organization, implementation and coordination of services of the early childcare program for the Kittery Community Center as well as serving as a head teacher.

**2.4.6.11 Lead Preschool Teacher**

The purpose of this full time position is to provide preschool children with professional, educational and creative experiences both in the inside classroom and in the outdoor classroom. Lead Teachers will instill a love of learning in their students and focus on working with the individual student to learn at his or her own pace.

**Chapter 2.5 COMPENSATION**

<u>Position</u>	<u>Established By</u>
2.4.6.10 Assistant Early Childcare Supervisor/Head Teacher	Union Contract
2.4.6.11 Lead Preschool Teacher	Union Contract

1 **TITLE 2 AMENDMENT, CHAPTER 2.4 Personnel Positions Established and CHAPTER 2.5**  
2 **Compensation**

3  
4 **AN ORDINANCE** relating to Title 2, Personnel Positions Established of the Kittery Town Code  
5 sections addressing new job descriptions, by amendment and revision to the Town Code.  
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7 **WHEREAS**, The Kittery Town Council is authorized to enact this Ordinance, as specified in  
8 Section 2.07 (3) of the Town Charter and 30-A M.R.S. §3001, pursuant to its powers that  
9 authorize the town, under certain circumstances, to provide for the public health, safety and  
10 welfare, not intending for this Ordinance to conflict with any existing state or federal laws; and  
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12 **WHEREAS**, the Town Council intends, through the amendment of this Ordinance, to implement  
13 new job descriptions; and  
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15 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN  
16 CHARTER SECTION 2.14:  
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18 **THE TOWN OF KITTERY HEREBY ORDAINS THE FOLLOWING ORDINANCE TO BE**  
19 **CODIFIED IN THE TOWN CODE, AMENDING TITLE 2, CHAPTER 2.4, and CHAPTER 2.5 AS**  
20 **PRESENTED.**  
21

22 **Approved as to form:** {NAME}, Town Attorney  
23

24 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_ day of \_\_\_\_\_,  
25 20\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by  
26 Councilor \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_  
27 {NAME} and passed by a vote of \_\_\_\_\_-.  
28

29 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,  
30 Maine on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, \_\_\_\_\_ {NAME}, Chairperson  
31

32 **Attest:** {NAME}, Town Clerk  
33

1 Report to the Town Council  
2 Reviewed and Updated by the Town Manager’s Proposal Review Group from the report contained in Council  
3 packet dated January 13, 2014.

4 Responsible Individuals:

- 5 • Russell White, Town Councilor, Sponsor
- 6 • Tom Emerson, Chairman, Planning Board
- 7 • Gerry Mylroie, Town Planner

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Title 16.10.9.1.4 – Approved Plan Expiration and 16.5.2.4 Permit Period
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14 Background

15 Title 16.10.9.1.4, Approved Plan Expiration, allows the Planning Board to grant extensions for an inclusive  
16 period from original approval date not to exceed ten (10) years. The Planning Board proposed  
17 amendment language to reduce the extension period from 10 years to 5 years. Planning Board  
18 meetings/public hearings were held on June 27, 2013 and August 22, 2013. Planning Board voted 7-0 to move  
19 the recommendation forward to Town Council for review and approval.

20 Additionally, the proposal deletes the extraneous term “by formal action” in paragraphs A and B of 16.10.9.1.4,  
21 and amends paragraph B to make the language consistent between the two paragraphs.

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23 Current Situation

24 Town Council held a duly noted public hearing on December 9, 2013, to discuss the proposed amendment. Due  
25 to an incomplete submittal Council postponed the item until its December 23, 2013 meeting. At the Council’s  
26 next meeting the Town Manager requested and Council approved postponing action until its January 13, 2014  
27 meeting to allow for attendance of the Town Planner. Action was postponed again until January 27, 2014, due  
28 to the Town Manager’s request to allow for the newly formed internal Proposal Review Group to review and  
29 make revisions.

30 Implication:

31 The proposed reduction in the approval extension period will encourage a more timely start and completion of  
32 Planning Board approved projects. Approved subdivisions may not be subject to subsequent ordinance  
33 amendments if it is not commenced or completed within the approved time period. Reducing the extension  
34 period from 10 years to 5 years promotes timely completion.

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36 Recommendation:

37 Move to amend as presented:

38 Title 16.10.9.1.4 – Approved Plan Expiration

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40 Title 16.5.2.4 Permit Period - The Town Manager’s Proposal Review Group (PRG) met and recommends no  
41 change be made to Title 16.5.2.4.

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43 **16.10.9.1.4 Approved Plan Expiration.**

44

45 A. A subdivision plan's approval by the Planning Board will expire if work on the development has not  
46 commenced within one year or is not substantially complete within three years from the date of  
47 Planning Board approval. The Planning Board may, ~~by formal action,~~ grant extensions for an inclusive  
48 period from the original approval date not to exceed ~~ten (10)~~ five (5) years.

49

50 B. A non-subdivision plan's approval by the Planning Board will expire if work on the development  
51 has not commenced within one year or is not substantially complete within two years from the date  
52 of Planning Board approval. The Planning Board may, ~~by formal action,~~ grant extensions for an  
53 inclusive period from original approval date not to exceed three years.

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57 **16.5.2.4 Permit Period.**

58 A permit expires if no substantial work has been commenced within six months from date of issue. ~~A~~  
59 permit and expires if work is not substantially complete within two years from date of issue. Expired  
60 permits may be renewed upon application and payment of a renewal fee.

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**AN ORDINANCE** allowing the Planning Board to grant subdivision plan extensions for an inclusive period from the approval date not exceed 5 years.

**WHEREAS**, The Council is authorized to enact this Ordinance, as specified in Section 2.14 Ordinances in general, of the Town Charter and 30-A M.R.S. §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, safety and welfare. The Council does not intend for this Ordinance to conflict with any existing state or federal laws.

**WHEREAS**, existing Title 16 language allows the Planning Board to grant extentions for an inclusive period from the original approval date not to exceed ten (10) years; and

**WHEREAS**, reducing an approved subdivision plan extension period may encourage more timely project completion; and

**WHEREAS**, the proposed amendment language is in compliance with Land Use Code Title 16 and Comprehensive Plan objectives;

**NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER SECTION 2.14, THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TOWN CODE TITLE 16.10.9.1.4 CODIFIED IN THE TOWN CODE, AS PRESENTED.

**Approved as to form:** {NAME}, Town Attorney

**INTRODUCED** and read in a public session of the Town Council on the 9<sup>th</sup> day of December, 2013, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and passed by a vote of \_\_\_\_\_.

**THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery, Maine on the \_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_ {NAME}, Chairperson

**Attest:** {NAME}, Town Clerk

1 Report to the Town Council  
2 Reviewed and Updated by the Town Manager's Proposal Review Group from the report contained in Council  
3 packet dated January 13, 2014.

4 Responsible Individuals:

- 5 • Russell White, Councilor, Sponsor
- 6 • Tom Emerson, Chairman, Planning Board
- 7 • Robert Melanson, Chairman, Kittery Port Authority
- 8 • Gerry Mylroie, Town Planner

9  
10 

Amend Chapter 16.11 Marine-Related Development
--

  
11

12 Background

13 Applications submitted for Port Authority review typically include Department of Environmental Protection  
14 (DEP), United States Army Corps of Engineers (USACE) and Submerged Lands along with specific designs for  
15 piers, wharves, floats, etc. The applications are received by the Town Planner and reviewed to "determine  
16 whether the application contains significant upland development and requires Planning Board review per  
17 Chapter 16.11 Title 3.A. Should the Planner determine the application does not require Planning Board review,  
18 it is forwarded to the KPA for review and decision in accordance with KPA rules and regulations and Chapter  
19 16. Current language reads:

20 *"Permits, leases, approvals or other documentation required to be submitted include the following:*

- 21 1. *Department of Environmental Protection permit....*
- 22 2. *Army Corps of Engineers permit;*
- 23 3. *Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator*  
24 *approval;*
- 25 4. *Building permit application"*

26 The proposed amendment language includes modification of the KPA application review process, revision of  
27 application content requirements, review and reporting process, and inclusion of pre-building permit  
28 requirements.

29  
30  
31 Current Situation  
32

33 The Kittery Port Authority voted unanimously on April 4, 2013 to amend Chapter 16.11 (Titles 1-3) related to  
34 application submittal requirements. Following discussions of April 25, June 27, July 25 and September 26,  
35 2013 the Planning Board voted unanimously at a public hearing on October 24, 2013 to forward the enclosed  
36 amendment for Town Council consideration. Town Council held a duly noted public hearing on December 9,  
37 2013, to discuss the proposed amendment. Due to an incomplete submittal Council postponed the item until  
38 its December 23, 2013 meeting. At the Council's next meeting the Town Manager requested and Council  
39 approved postponing action until its January 13, 2014 meeting to allow for the attendance of the Town  
40 Planner. Action was postponed again until January 27, 2014, due to the Town Manager's request to allow for  
41 the newly formed internal Proposal Review Group to review and make revisions.

42 Implication:

43 Code language currently requires approval from federal and state review authorities prior to submittal to the  
44 Planning Department or the Port Authority, which could exact a lengthy, and unnecessary, delay upon the  
45 applicant prior to beginning the local review process. By comparison, the Planning Board reviews  
46 development where federal and/or state review is concurrent and ongoing during the local review process.  
47 Final approval may be granted with the condition that all federal and state approvals be received, prior to the  
48 issuance of a building permit.

49  
50 Recommendation:

51 Move to amend Chapter 16.11 Marine-Related Development as presented.

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**Chapter 16.11 MARINE-RELATED DEVELOPMENT**

**16.11.1 Authority and Scope.**

A. Port Authority approval extends from the navigable tidal waters to the mean high water line or upland edge of a coastal wetland.

B. The Port Authority may approve, for convenience of access to a pier from land upland of the mean high water line or the edge of a coastal wetland, an extension of the pier that is the shortest practicable extension at its nominal height and width.

C. Only one pier, ramp and float structure is permitted on any noncommercial or non-industrial lot.

D. Only functionally water-dependent uses are allowed on, over, or abutting a pier, wharf, or other structure beyond the normal high-water line.

E. All other structures upland of, and abutting or built on or over a structure extending into a water body beyond the mean high water line or the edge of a coastal wetland require Planning Board approval.

F. Where the Planning Board must review and approve a development plan involving a pier, ramp, flotation system or principal marine structure, and prior to Planning Board approval, the Port Authority must comment on the plan's conformance with Port Authority rules and regulations and navigational aspects of any proposed pier, ramp and float system or principal marine structure.

G. The Kittery Port Authority (KPA) through its established *Rules and Regulations* reviews and approves applications for piers, wharves, landings, floats, bridges, and other water-dependent structures or uses. Applications are available online and at the Town Offices and are submitted to the Planning and Development Department with the required copies and application fee. Applications that contain upland development within 100 feet of the upland edge of a coastal or freshwater wetland, must be submitted as a separate application for Planning Board review and approval and include all information required in 16.11.2 below.

H. KPA applications must be reviewed by the Town Planner in consultation with the Code Enforcement Officer prior to the KPA Chairperson reviewing for completeness and placement on the Port Authority's agenda.

**16.11.2 Application.**

~~A. Applications for piers, wharves, landings, floats, bridges, and other water-dependent structures or uses are available online and in the Planning and Code Enforcement Offices. The completed application, including all supportive documentation, must be submitted to the Town Planner. Shorefront development applications for marine-related use must include the following:~~

138 | ~~B. Shorefront development plans for marine related use must include the following:~~

139

140 | ~~1. Map-Aerial photographs and vicinity maps and plans showing the property in relation to~~  
141 | ~~surrounding properties, and the location of the lots that would have use of the pier, ramp and~~  
142 | ~~float system. Maps and plans to include;~~

143

144 | ~~2a. Construction plans for piers, ramps and floats;~~

145

146 | ~~3b. Clearing Areas of vegetation clearing;~~

147

148 | ~~4c. Location of required parking space(s) required; and~~

149

150 | ~~5d. Storage of boats and/or floats Location of boat and/or float storage.~~

151

152 | ~~G2. Rights granted for access to the pier, ramp and float system or to any water-~~  
153 | ~~dependent structure; public and private access paths;~~

154

155 | ~~D3. Documentation addressing visual impact and controls to assure continuing~~  
156 | ~~conformance to the shorefront development plan and this Code;~~

157

158 | ~~E4. The applicant must show at submittal that all necessary applications for~~  
159 | ~~Permits, leases, approvals, or other and any supporting documentation as may be~~  
160 | ~~required to be submitted have been filed, include including the following:~~

161

162 | ~~4a. Department of Environmental Protection permit application pursuant to the Natural~~  
163 | ~~Resources Protection Act, 38 M.R.S. §480C;~~

164

165 | ~~2b. Army Corps of Engineers permit application;~~

166

167 | ~~3c. Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land~~  
168 | ~~Coordinator approval application; and~~

169

170 | ~~d. Building permit application.~~

171

172 | ~~F5. Any other details requested by the Planning Board or Port Authority.~~

173

174 | **16.11.3 Shorefront Development Plan Review.**

175

176 | ~~A. The Town Planner will determine whether the application contains significant upland~~  
177 | ~~development and All applications containing upland development requires Planning Board~~  
178 | ~~review, excluding development as described in Title 16.11.1.B.~~

179

180 | ~~B. If Planning Board review is not required, the Town Planner in consultation with the Code~~  
181 | ~~Enforcement Officer will review the application for land use compliance with this Code, and~~  
182 | ~~forward and issue a written record of findings to the Planning Board and Port Authority, and~~  
183 | ~~forward the application to the Port Authority for processing.~~

184

185 | ~~C. If Planning Board or Board of Appeals review is required as an integral part of the~~  
186 | ~~proposed development, the Planning Board or Board of Appeals review will be completed~~  
187 | ~~prior to Port Authority review.~~

188 |  
189 | ~~D.C.~~ The Town Planner must transmit copies of Planning Board decisions and the Code  
190 | Enforcement Officer must transmit copies of Board of Appeals decisions and all  
191 | documentation constituting the record of the decision for marine-related development to the  
192 | Port Authority.

193 |  
194 | ~~E.D.~~ The Port Authority will notify the applicant and the Code Enforcement Officer in writing  
195 | of the granting of, or denial of, the applicant's request.

196 |  
197 | ~~E.~~ All required local approvals, federal and state approvals and/or permits must be received  
198 | in the Planning Office prior to the issuance of a building permit by the Code Enforcement  
199 | Officer.

200 |  
201 | ~~F.~~ Prior to the commencement of construction on any pier, dock, wharf, marina or any other  
202 | proposed use that projects into a water body, the owner and/or developer must apply for, and  
203 | ~~acquire-obtain~~ a building permit from the Code Enforcement Officer.

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**AN ORDINANCE** relating to Marine-Related Development, including the review process for applications before the Kittery Port Authority and Planning Board, and application approval.

**WHEREAS**, The Council is authorized to enact this Ordinance, as specified in Section 2.07 (3) of the Town Charter and 30-A M.R.S. §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, safety and welfare. The Council does not intend for this Ordinance to conflict with any existing state or federal laws.

**WHEREAS**, existing language requires federal and state permits prior to local application review and, given the limited construction season in Maine, potentially resulting in unnecessary and costly delays; and

**WHEREAS**, review of applications by federal and state authorities concurrently with local review is the standard process for other development projects in the Town of Kittery; and

**WHEREAS**, the existing review process, application requirements and final approval language for Marine-Related Development was unclear; and

**WHEREAS**, resolution of these issues would provide for a more efficient review process of applications before the Kittery Port Authority and the Planning Board, while insuring compliance with the intent of Chapter 16.11;

**NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER SECTION 2.14, THE TOWN OF KITTELY HEREBY ORDAINS REVISION TO TOWN CODE CHAPTER 16.11 MARINE-RELATED DEVELOPMENT CODIFIED IN THE TOWN CODE, AS PRESENTED.**

**Approved as to form:** {NAME}, Town Attorney

**INTRODUCED** and read in a public session of the Town Council on the 9<sup>th</sup> day of December, 2013, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and passed by a vote of \_\_\_\_\_-.

**THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery, Maine on the     day of \_\_\_\_\_, 2014, \_\_\_\_\_ {NAME}, Chairperson

**Attest:** {NAME}, Town Clerk

**REPORT to the KITTELY TOWN COUNCIL - ORDINANCE REVIEW COMMITTEE**

1 **Responsible Individual:** Councilor Charles Denault **Date:** 01/13/2014  
2  
3

4 **Subject:** Written Notice of Proposal to Amend Council Rules, Monday, January 13, 2014  
5

6 This is to serve notice according to Council Rules Section 10 of an agenda item for Council's  
7 Regular Meeting on Monday, January 27, 2014 to consider an amendment to Council Rules as  
8 follows:  
9

10  
11 **SECTION FIFTEEN. STANDING COMMITTEES**  
12

13 B. The Ordinance Review Committee consists of two members ~~of the Council~~ appointed  
14 annually at the ~~first~~ second Regular meeting ~~in after the November municipal elections~~ or as  
15 soon thereafter as possible. One member must be a Councilor; one may be selected from the  
16 voters at large. All communications should be in coordination with the Town Manager.  
17

18 The Committee is to conduct a review and evaluation of any non-appropriation ordinance  
19 proposal prior to Council Public Hearing on the matter. The Committee is to:  
20

- 21     ▪ provide a report of review results to Council at an appropriate level of detail;
- 22     ▪ ensure that form and format are consistent with the codification structure and  
23     style;
- 24     ▪ verify that enactment legislative introductory language meets legal prerequisites;
- 25     ▪ note any substantive debatable issues identified; and,
- 26     ▪ make a recommendation for ordainment.
- 27     ▪ Complete the Town Code Recodification process began in 2010.
- 28     ▪ Conduct a legal and technical review of such other documents presented to  
29     Council, as Council may direct from time to time.  
30

31  
32 Amended: ( \_\_\_\_\_ )  
33                   (date)

**REPORT to the KITTELY TOWN COUNCIL - ORDINANCE REVIEW COMMITTEE**

**Responsible Individual:** Councilor Charles Denault

**Date:** 12/23/2013

**Subject:** Written Notice of Proposal to Amend Council Rules, Monday, December 23, 2013

This is to serve notice according to Council Rules Section 10 of an agenda item for Council's Regular Meeting on Monday, January 13, 2014 to consider an amendment to Council Rules as follows:

**SECTION FIFTEEN. STANDING COMMITTEES**

B. The Ordinance Review Committee consists of two members ~~of the Council appointed annually at the first second Regular meeting after the in November municipal elections, or as soon thereafter as possible. One member must be a Councilor; one may be selected from the voters at large. All communications should be in coordination with the Town Manager~~ The Council expects ex officio participation and contribution from town boards, committees, and municipal staff, as necessary as determined by the Committee.

The Committee is to conduct a review and evaluation of any non-appropriation ordinance proposal prior to Council Public Hearing on the matter. The Committee is to:

- provide a report of review results to Council at an appropriate level of detail;
- ensure that form and format are consistent with the codification structure and style;
- verify that enactment legislative introductory language meets legal prerequisites;
- note any substantive debatable issues identified, ~~and,~~ make a recommendation for ordainment;
- Complete the Town Code Recodification process began in 2010, and,
- Conduct a legal and technical review of such other documents presented to Council, as Council may direct from time to time.

Amended: ( \_\_\_\_\_ )  
(date)

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND OR WHITE PAPER

CHECK NO. 416915 CHECK DATE 12/10/13 VENDOR NO. 4620 K

CHECK NO. 416915



York Hospital  
15 HOSPITAL DRIVE  
YORK, MAINE 03909



52-7445/2112  
CHECK AMOUNT  
9,250.00

PAY TO THE ORDER OF  
Nine Thousand Two Hundred Fifty And 00/100 Dollars \*\*\*\*\*  
KITTELY RECREATION DEPARTMENT  
200 ROGERS ROAD  
KITTELY ME 03904

\*\*\*\*\*  
*[Signature]*  
\*\*\*\*\*  
MP MP



TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000

SECURITY FEATURES INCLUDED. DETAILS ON BACK. 416915 1212744501 7999031013

# 5003-43600

1/2/2014

PAY TO THE ORDER OF Town of Kittery Attn: Mary Ann Conroy

\$ \*\*3,830.45

Three Thousand Eight Hundred Thirty and 45/100 \*\*\*\*\* DOLLARS

Town of Kittery Scholarship Fund  
200 Rogers Road  
KITTERY, ME 03904

MEMO

Community Cash Disbursal

*Gery G. May*  
AUTHORIZED SIGNATURE

⑈003340⑈ ⑆211274573⑆ 611 0018295⑈

Hannaford Community Cash

3340

Town of Kittery Attn: Mary Ann Conroy

1/2/2014

3,830.45

5010-43600

Community Cash Che Community Cash Disbursal

3,830.45

For TC acceptance at <sup>27</sup>1/13/14  
mtg

RECEIVED  
JAN 13 2014  
BY: \_\_\_\_\_

**PERSONNEL POSITION-CLASSIFICATION POLICY**

This plan is established as council policy, separate from the position establishment and general administration provisions contained in town code Title 2, Administration and Personnel, in order to retain flexibility with position duties and responsibilities.

The town of Kittery is an equal opportunity employer. In compliance with the Americans with Disabilities Act, the town will provide reasonable accommodations to qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the employer.

**Sections:****Article I. Administration**

- 1.1 Town manager.
- 1.2 Town clerk/registrar of voters.
- 1.3 Deputy town clerk/general assistance administrator.
- 1.4 Assistant town clerk.
- 1.5 Deputy treasurer.
- 1.6 Accountant.
- 1.7 Administrative clerk.
- 1.8 Secretary to the town manager.
- 1.9 Finance director.
- 1.10 Shoreland/environmental resource officer

**Article II. Planning Department**

- 2.1 Planner.
- 2.2 Development staff assistant/assistant code enforcement officer/local plumbing inspector.
- 2.3 Development staff clerk
- 2.4 Assistant planner.
- 2.5 Code enforcement officer.
- 2.6 Building inspector.

**Article III. Assessing**

- 3.1 Tax assessor.

**Article IV. Recreation Department**

- 4.1 Recreation director/general manager.
- 4.2 Secretary/bookkeeper.
- 4.3 Assistant recreation director/assistant general manager.
- 4.4 S.A.F.E. coordinator (Safe Alternatives for Enrichment).
- 4.5 Program coordinator.
- 4.6 Recreation supervisor
- 4.7 Early childcare supervisor/head teacher
- 4.8 Sports coordinator
- 4.9 Head custodian
- 4.10 Assistant Early Childcare Supervisor/Head Teacher
- 4.11 Lead Preschool Teacher

**Article V. Police**

- 5.1 Police chief.
- 5.2 Lieutenant.
- 5.3 Administrative assistant to chief of police.
- 5.4 Sergeant.
- 5.5 School Resource officer.
- 5.6 Court officer.
- 5.7 Detective
- 5.8 Juvenile officer.
- 5.9 Animal control officer.
- 5.10 Police officer.
- 5.11 Dispatcher.
- 5.12 Dispatcher/secretary.
- 5.13 Shellfish conservation warden

**Article VI. Sewer Department**

- 6.1 Superintendent of sewer services.
- 6.2 Utility billing bookkeeper/assistant tax collector.
- 6.3 Operator—Class I.
- 6.4 Operator—Class II.
- 6.5 Chief plant operator.
- 6.6 Laboratory technician level I or II.
- 6.7 Maintenance worker.

**Article VII. Public Works**

- 7.1 Commissioner.
- 7.2 Administrative assistant.
- 7.3 Foreman.
- 7.4 Driver/laborer II.
- 7.5 Mechanic.
- 7.6 Mechanic assistant/operator.
- 7.7 Equipment operator.

**Article VIII. Fire Department**

- 8.1 Fire chief.
- 8.2 Assistant chief.
- 8.3 Deputy chief.
- 8.4 Captain.
- 8.5 Lieutenant.

## Job Description

**Position Title:** 4.10 Assistant Early Childcare Supervisor/Head Teacher

**Classification:** Non-Exempt

**Reports To:** Early Childcare Supervisor/Head Teacher

### **Purpose of Position:**

The purpose of this full time position is to assist in the planning, organization, implementation and coordination of services of the early childcare program for the Kittery Community Center as well as serving as a head teacher.

### **Essential Job Functions:**

- Serve as head teacher of a preschool class room
- Supervise the afternoon staff
- Assist in development and implementation of an appropriate preschool program for young children. Plans weekly curriculum for staff to follow
- Assist in planning, staffing and managing all of the preschool age programs including summer camp and toddler day care
- Assist in hiring, training and providing direct supervision for childcare staff and maintaining all necessary personnel records
- Assist in developing policies and procedures for the general administration of the early childcare program
- Assist in completing paperwork and entering weekly payments into the computer
- Ensure equipment and the facility is clean, well maintained and safe at all times
- Provide weekly and monthly schedules of activities
- Be familiar with emergency procedures including CPR and First Aid
- Ensure children are supervised at all times
- Clearly and effectively communicate with children, parents staff and community members
- Ensure that the preschool program conforms to federal, state and local rules, regulations and licensing requirements

### **Additional Duties and Responsibilities:**

- Interact with the children during indoor and outdoor activities
- Complete and maintain all required forms, records and reports, as needed
- Maintain documentation of all in-service trainings required for staff
- Maintain appropriate staff to children ratio, as per licensing requirement

The responsibilities outlined above cannot totally encompass or define all tasks, which may be required by this position. The outline of responsibilities given above may, therefore, vary from time to time without changing the level of responsibility.

## Minimum Qualifications:

- Must be at least 21 years of age
- Must meet ONE of the following criteria:
  - A Bachelor of Science/Bachelor of Arts (BS/BA) in Early Childhood Education
  - An Associate in Science/Associate in Arts (AS/AA) in Early Childhood Education and three (3) years direct childcare experience
  - AS/AA in a related field with eighteen (18) credit hours in Early Childhood Education and three (3) years direct childcare experience
  - BS/BA in a related field with eighteen (18) credit hours in Early Childhood Education and three (3) years direct childcare experience
  - Child Development Associate (CDA) as awarded by the CDA National Credentialing Program with five (5) years direct childcare experience
  - Seven (7) years experience and one hundred eighty (180) hours of training in healthy, safe environment, child development, observation and assessment, developmentally appropriate practices, guidance, relationships with families, individual and cultural diversity or business and professional development, childcare, early childcare education, topics related to a child care facility, or other subjects related to the age or characteristics of children for whom care is planned.
- Must possess a valid driver's license.
- Must be able to operate a variety of machines and equipment, including, but not limited to, computer, telephone, facsimile machine and adding machine.
- CPR and first aid certified for toddlers required

## Knowledge, Abilities and Skills

- Knowledge of basic need, care and interest of toddlers.
- Knowledge of recreation activities suitable for pre-school age children.
- Ability to maintain cooperative relations and communicate effectively with other staff, children and parents.
- Excellent communication and organizational skills.
- Successful background, criminal records, fingerprinting and reference check

## Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Must be able to stand, walk, sit, climb stairs, bend, stoop, pull and push
- Must be able to spend long periods of time standing
- Must be able to lift and carry up to 70 lbs.

*Employees must look after their own health, safety and welfare and be mindful of other persons who may be affected by their acts. Employees must cooperate and comply with management instructions regarding Health and Safety issues and report all accidents, incidents and problems as soon as practicable to their supervisor.*

## Job Description

**Position Title:** 4.11 Lead Preschool Teacher

**Classification:** Non-Exempt

**Reports To:** Early Childcare Supervisor/Head Teacher

### **Purpose of Position:**

The purpose of this full time position is to provide preschool children with professional, educational and creative experiences both in the inside classroom and in the outdoor classroom. Lead Teachers will instill a love of learning in their students and focus on working with the individual student to learn at his or her own pace.

### **Essential Job Functions:**

- Teach a class with a maximum of sixteen (16) students, year round
- Plan daily activities and lesson plans that correspond with the curriculum
- Help students explore the world around them
- Maintain a safe and healthy environment
- Plan healthy snacks daily
- Plan art, music, and movement activities
- Provide supervisor with a list of necessary supplies when needed
- Use appropriate behavior management and classroom discipline
- Attend all staff meetings
- Attend trainings, as necessary
- Establish consistent communication with parents and children
- Schedule parent teacher conferences twice a year and provide parents with a progress report twice a year
- Monitor classroom behavior; recognize and adapt to issues
- Additional tasks may be assigned to meet the needs of the school

The responsibilities outlined above cannot totally encompass or define all tasks, which may be required by this position. The outline of responsibilities given above may, therefore, vary from time to time without changing the level of responsibility.

### **Minimum Qualifications:**

- Must be at least 21 years of age
- Must meet ONE of the following criteria:
  - A Bachelor of Science/Bachelor of Arts (BS/BA) in Early Childhood Education
  - An Associate in Science/Associate in Arts (AS/AA) in Early Childhood Education and three (3) years direct childcare experience

- AS/AA in a related field with eighteen (18) credit hours in Early Childhood Education and three (3) years direct childcare experience
- BS/BA in a related field with eighteen (18) credit hours in Early Childhood Education and three (3) years direct childcare experience
- Child Development Associate (CDA) as awarded by the CDA National Credentialing Program with five (5) years direct childcare experience
- Seven (7) years experience and one hundred eighty (180) hours of training in healthy, safe environment, child development, observation and assessment, developmentally appropriate practices, guidance, relationships with families, individual and cultural diversity or business and professional development, childcare, early childcare education, topics related to a child care facility, or other subjects related to the age or characteristics of children for whom care is planned.
- Must possess a valid driver's license
- Must be able to operate a variety of machines and equipment, including, but not limited to, computer, telephone, facsimile machine and adding machine
- CPR and first aid certified for toddlers required

### **Knowledge, Abilities and Skills**

- Knowledge of basic need, care and interest of toddlers
- Knowledge of recreation activities suitable for pre-school age children
- Ability to maintain cooperative relations and communicate effectively with other staff, children and parent
- Excellent communication and organizational skills
- Self-starter
- Successful background, criminal records, fingerprinting and reference check

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Must be able to stand, walk, sit, climb stairs, bend, stoop, pull and push
- Must be able to spend long periods of time standing
- Must be able to lift and carry up to 70 lbs.

*Employees must look after their own health, safety and welfare and be mindful of other persons who may be affected by their acts. Employees must cooperate and comply with management instructions regarding Health and Safety issues and report all accidents, incidents and problems as soon as practicable to their supervisor.*

## REPORT to the KITTELY TOWN COUNCIL - COUNCIL RULES - AGENDA

1 **RESPONSIBLE INDIVIDUAL:** Councilor Charles Denault

Date: 01/12/2014

2  
3 **Subject:** Section 12 of Council Rules (Agenda)

4  
5 **Background:**

- 6  
7 • As it stands now, Section 12-15b, lists the Town Council Agenda. The Town Managers  
8 report historically was placed towards the beginning of the agenda. Over the years, it  
9 migrated to the end of the agenda as its purpose changed from reporting to the Council  
10 to addressing positive issues or events concerning the Town.  
11  
12 • Having the Town Managers report at the end of the meeting creates communications  
13 issues.  
14 ○ The public does not have a chance to respond to any information brought forth  
15 by the Town Manager and these concerns would have to be address at a later  
16 regular meeting.  
17 ○ The Council does not have an opportunity to address any issues or ask any  
18 questions concerning the information brought forth by the Town manager.  
19 ○ The Town Managers report being at the end, limits questions, concerns, may  
20 interfere or provide answers to a Councilor's issue or may contain information  
21 that would be beneficial to know at the beginning of the meeting.  
22  
23 • Having the Town Managers report towards the beginning of the meeting provides  
24 positive elements.  
25 ○ The Council will be provided this report prior to the meeting and may find  
26 information from the Town Manager that would be useful in their own comments  
27 or concerns.  
28 ○ Councilors may be able to ask questions concerning the issues raised by the  
29 Town Manager and provide a uniformed consensus or direction of an issue.  
30 ○ Allows the public another opportunity to ask questions regarding the Town  
31 Mangers report.  
32 ○ Provide a resolve to an issue that may be brought up by the citizens or  
33 Councilors alike without waiting for the next meeting.

34  
35 **Current Situation:**

- 36  
37 • Section 12, 15b of the Council Rules has the Town managers report towards the end of  
38 the Agenda.  
39 • It incorporates:  
40 ○ Communications from the Chairperson  
41 ○ Town Manager's Report  
42 ○ Committee Reports

43  
44 **Recommendation:**

- 45  
46 • Move the Town Manager's Report from Section 12.15 b towards the beginning of the  
47 Agenda item number 6.  
48 • Approve the change to the format of the agenda, as presented  
49



## REPORT to the KITTELY TOWN COUNCIL - COUNCIL RULES - AGENDA

1 **RESPONSIBLE INDIVIDUAL:** Councilor Charles Denault

Date: 01/14/2014

2  
3 **Subject:** Section 12 of Council Rules (Agenda)

### 4 5 **Background:**

- 6  
7
- 8 • As it stands now, Section 12-15b, lists the Town. The Town Managers report historically  
9 was placed towards the beginning of the agenda. Over the years, it migrated to the end  
10 of the agenda as its purpose changed from reporting to the Council to addressing  
11 positive issues or events concerning the Town.
  - 12 • Having the Town Managers report at the end of the meeting creates communications  
13 issues.
    - 14 ○ The public does not have a chance to respond to any information brought forth  
15 by the Town Manager and these concerns would have to be address at a later  
16 regular meeting.
    - 17 ○ The Council does not have an opportunity to address any issues or ask any  
18 questions concerning the information brought forth by the Town manager.
    - 19 ○ The Town Managers report being at the end, limits questions, concerns, may  
20 interfere or provide answers to a Councilor's issue or may contain information  
21 that would be beneficial to know at the beginning of the meeting.
  - 22 • Having the Town Managers report towards the beginning of the meeting provides  
23 positive elements.
    - 24 ○ The Council will be provided this report prior to the meeting and may find  
25 information from the Town Manager that would be useful in their own comments  
26 or concerns.
    - 27 ○ Councilors may be able to ask questions concerning the issues raised by the  
28 Town Manager and provide a uniformed consensus or direction of an issue.
    - 29 ○ Allows the public another opportunity to ask questions regarding the Town  
30 Mangers report.
    - 31 ○ Provide a resolve to an issue that may be brought up by the citizens or  
32 Councilors alike without waiting for the next meeting.
- 33  
34

### 35 **Current Situation:**

- 36
- 37 • Section 12, 15b of the Council Rules has the Town managers report at the end of the  
38 Agenda.
  - 39 • It incorporates:
    - 40 ○ Communications from the Chairperson
    - 41 ○ Town Manager's Report
    - 42 ○ Committee Reports
- 43

### 44 **Recommendation:**

- 45
- 46 • Move the Town Manager's Report from Section 12.15 b towards the beginning of the  
47 Agenda item number 6.
  - 48 • Approve the change to the format of the agenda, as presented
- 49

## REPORT to the KITTELY TOWN COUNCIL - COUNCIL RULES - AGENDA

50 •  
51 Enclosure  
52 Section 12 Revision Proposal  
53

### 54 SECTION TWELVE. AGENDA:

55 The agenda consists of the following categories:

- 56
- 57 1. Call to Order
  - 58 2. Introductory
  - 59 3. Pledge of Allegiance
  - 60 4. Roll Call
  - 61 5. Agenda Amendment and Adoption
  - 62 6. ~~Executive session, if required~~ Town Managers Report
  - 63 7. Acceptance of previous minutes
  - 64 8. Interviews for Planning Board and Board of Appeals.
  - 65 9. All items involving the town attorney, town engineers, town employees or other town  
66 consultants or requested officials.  
67 Persons who are represented by legal or engineering consultants, who are present and  
68 wish to address the Council, shall notify the Chairperson prior to the Council Call to  
69 Order of the subject they wish to speak on and will be heard at this time.
  - 70 10. Public hearings
  - 71 11. Discussion
    - 72 a. Discussion by members of the public (3 minutes per person)
    - 73 b. Response to public comment directed to a particular Councilor'
    - 74 c. Chairperson's response to public comments.
  - 75 12. Unfinished business
  - 76 13. New business
  - 77 14. Councilor issues or comment
  - 78 15. Committee and other reports
    - 79 a. Communications from the Chairperson
    - 80 ~~b. Town manager's report~~
    - 81 ~~eb.~~ Committee reports
  - 82 16. Executive session, if required
  - 83 17. Adjournment

84  
85 To the extent possible, matters to be discussed at a meeting by the town manager or  
86 Chairperson will be listed on the agenda under Chairperson Communications, or Town  
87 Manager's Report, respectively.

88  
89  
90 Amended: ( \_\_\_\_\_ )  
91 (date)

Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2005-2006 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 16,745,624.00	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>16,745,624.00</u>	
5. Cash payments	16,569,521.87	
6. Abatements granted	-	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	173,671.66	
8. Other credits	<u>-</u>	
9. A net total of	<u>16,743,193.53</u>	
10. Balance due of		<u>2,430.47</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$2,430.47

and acknowledge receipt of the tax lists for the taxable year 2005-2006.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2006-2007 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 17,521,325.00	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>17,521,325.00</u>	
5. Cash payments	17,302,677.34	
6. Abatements granted	17,836.73	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	197,940.51	
8. Other credits	-	
9. A net total of	<u>17,518,454.58</u>	
10. Balance due of		<u>2,870.42</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$2,870.42

and acknowledge receipt of the tax lists for the taxable year 2006-2007.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2007-2008 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 18,310,436.20	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>18,310,436.20</u>	
5. Cash payments	18,084,833.90	
6. Abatements granted	5,812.80	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	216,919.08	
8. Other credits	-	
9. A net total of	<u>18,307,565.78</u>	
10. Balance due of		<u>2,870.42</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$2,870.42

and acknowledge receipt of the tax lists for the taxable year 2007-2008.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2008-2009 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 18,633,804.00	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>18,633,804.00</u>	
5. Cash payments	18,366,637.18	
6. Abatements granted	9,259.40	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	252,622.48	
8. Other credits	-	
9. A net total of	<u>18,628,519.06</u>	
10. Balance due of		<u>5,284.94</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$5,284.94

and acknowledge receipt of the tax lists for the taxable year 2008-2009.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2010-2011 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 18,403,033.00	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>18,403,033.00</u>	
5. Cash payments	18,105,011.08	
6. Abatements granted	6,372.12	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	290,576.10	
8. Other credits	-	
9. A net total of	<u>18,401,959.30</u>	
10. Balance due of		<u>1,073.70</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$1,073.70

and acknowledge receipt of the tax lists for the taxable year 2010-2011.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2011-2012 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 19,755,089.19	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>19,755,089.19</u>	
5. Cash payments	19,472,353.58	
6. Abatements granted	2,027.26	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	278,371.35	
8. Other credits	-	
9. A net total of	<u>19,752,752.19</u>	
10. Balance due of		<u>2,337.00</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$2,337.00

and acknowledge receipt of the tax lists for the taxable year 2011-2012.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

To Nancy Colbert Puff, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2012-2013 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 20,826,248.19	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>20,826,248.19</u>	
5. Cash payments	20,540,346.46	
6. Abatements granted	2,221.05	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	272,592.67	
8. Other credits	-	
9. A net total of	<u>20,815,160.18</u>	
10. Balance due of		<u>11,088.01</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$11,088.01

and acknowledge receipt of the tax lists for the taxable year 2012-2013.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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Certificate of Settlement  
State of Maine

County of York ss.

To Maryann Place, Tax Collector of the municipality of Kittery within this County:

We hereby certify that the 2013-2014 taxes committed to you consisting of :

1. Real and Personal Tax commitments	\$ 21,266,252.92	
2. Supplemental commitments totaling	-	
3. Interest:	-	
4. A grand total of:	<u>21,266,252.92</u>	
5. Cash payments	7,354,077.76	
6. Abatements granted	13,973.47	
7. Tax lien mortgages (recorded in the York County Registry of Deeds)	-	
8. Other credits	-	
9. A net total of	<u>7,368,051.23</u>	
10. Balance due of		<u>13,898,201.69</u>

Under the authority contained in MRSA, Title 36, section 763, as amended, we hereby discharge you from further liability or obligation to collect the balance due of \$13,898,201.69

and acknowledge receipt of the tax lists for the taxable year 2013-2014.

Given under our hands this 27th day of January A.D. 2014.

Municipal Officers of The Town of Kittery, Maine

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CERTIFICATE OF RECOMMITMENT

COUNTY OF York ss. STATE OF MAINE

To Nancy Colbert Puff, the Collector of the Municipality

of Kittery

Herewith are committed to you true lists of the assessments of the Estates of the persons therein named; you are to levy and collect the same, of each on of his/her respective amount, therein set down, of the sum total \$ 13,933,720.39\* (being the yet uncollected amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 27th day of January, 2014

\_\_\_\_\_  
\_\_\_\_\_  
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Assessor(s) (Municipal Officers in a primary assessing area)

*	
2005-2006	2,430.47
2006-2007	2,870.42
2007-2008	2,187.52
2008-2009	5,284.94
2009-2010	8,246.64
2010-2011	1,073.70
2011-2012	2,337.00
2012-2013	11,088.01
2013-2014	13,898,201.69



# TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED JUN 18 2012

BY: 5:55 pm

## APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Denise M. Payne

RESIDENCE: 27 Pocahontas Rd, Gerrish Island

MAILING (if different) PO box 94 Kittery Point, Me 03905

E-MAIL ADDRESS: dpayne@chiengineering.com PHONE #: (Home) 439 2203 (Work) 603 373 1226

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

- Board of Appeals
- Conservation Commission
- Cable Television Rate Regulation Board
- Recycling Scholarship Selection Comm.
- Parks Commission
- Port Authority
- Personnel Board
- Board of Assessment Review
- Mary Safford Wildes Trust
- Shellfish Conservation Committee
- Community Center Bldg. Comm./Rec. Comm.
- Open Space Committee
- Planning Board
- Other \_\_\_\_\_

EDUCATION/TRAINING: MBA - Finance - Business Mgt.

RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_  
supporting member of sawwoodisland.com, and the Kittery Land Trust

PRESENT EMPLOYMENT: Controller - CHI Engineering Services Inc.

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

ANY KNOWN CONFLICT OF INTEREST: none

REASON FOR APPLICATION TO THIS BOARD: a desire to be helpful and involved in building and maintaining a wonderful community to live in and share with visitors.

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.

DM Payne  
SIGNATURE OF APPLICANT

5-23-12  
DATE

## Barbara Boggiano

---

**From:** Denise Payne [dpayne@chiengineering.com]  
**Sent:** Thursday, January 16, 2014 8:47 AM  
**To:** Barbara Boggiano  
**Cc:** Demarco, Richard Jr.; Pagemead@comcast.net <Pagemead@comcast.net>  
**Subject:** RE: Parks Commission vacancy

Hello Barbara,

I have been on the parks commission since that time, a year and a half. I would like to continue.

Best Regards,  
Denise

Denise Payne | Controller  
CHI Engineering Services, Inc.  
430 West Rd. | Portsmouth, NH 03801  
[www.chiengineering.com](http://www.chiengineering.com)  
T: 603.373.1226 | F: 603.373.1270  
[DPayne@chiengineering.com](mailto:DPayne@chiengineering.com)

*"the experience to innovate"*

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you are not the person to whom this message was directed please notify CHI Engineering, Inc. immediately by calling (603) 433-5654

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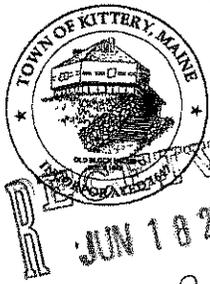
**From:** Barbara Boggiano [<mailto:BBoggiano@kitteryme.org>]  
**Sent:** Thursday, January 16, 2014 8:32 AM  
**To:** Denise Payne  
**Subject:** Parks Commission vacancy

Hello Denise

We received an application from you on June 18, 2012 and would like to know if you are still interested in serving on that board. There is a vacancy and if you are - please let us know so that we can put your appointment form on the next Council agenda.

Thank you for your interest in serving your community.

Sincerely,  
Barbara Boggiano  
Admin. Asst.



RECEIVED  
JUN 18 2013 10AM  
BY: BDB

# TOWN OF KITTEERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

### APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: DAVID LINCOLN

RESIDENCE: 100 SHEPARDS COVE RD H307, KITTEERY ME 03904

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: dlincoln307@comcast.net PHONE #: 207-703-0457  
(Work) \_\_\_\_\_

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

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Appeals                          | <input type="checkbox"/> Board of Assessment Review       |
| <input type="checkbox"/> Conservation Commission                   | <input type="checkbox"/> Mary Safford Wildes Trust        |
| <input type="checkbox"/> Comprehensive Plan Update Committee       | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee   |
| <input checked="" type="checkbox"/> Parks Commission               | <input type="checkbox"/> Open Space Committee             |
| <input type="checkbox"/> Port Authority                            | <input type="checkbox"/> Planning Board                   |
| <input type="checkbox"/> Personnel Board                           | <input type="checkbox"/> Other _____                      |

EDUCATION/TRAINING: BA Tufts, MBA Harvard Biz

RELATED EXPERIENCE (Including other Boards and Commissions) Eco Dev Comm.  
York Budget Comm, Boston Port and Seamans Aid Committee, Porstmouth Propeller Club, Tufts  
ROTC Advocates Comm

PRESENT EMPLOYMENT: RETIRED

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTEERY  Yes  No

ANY KNOWN CONFLICT OF INTEREST: NONE

REASON FOR APPLICATION TO THIS BOARD: Feel I can make a difference in transparency  
financial planning and strategic purpose

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.

DAVID LINCOLN

June 16, 2013

SIGNATURE OF APPLICANT

DATE

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** 3/9/2014

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |  |
|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)  | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV)               |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)        | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I)      |
| <input type="checkbox"/> CLUB (Class V)                  | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)           |
| <input type="checkbox"/> TAVERN (Class IV)               | <input type="checkbox"/> OTHER: _____                            |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> —(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>LOCO COCO'S TACOS CORP.</u> DOB: <u>1-26-1966</u>			<b>2. Business Name (D/B/A)</b> <u>LOCO COCO'S TACOS</u>		
DOB:			DOB:		
DOB:			Location (Street Address) <u>36 Walker St.</u>		
Address <u>36 Walker St.</u>			City/Town <u>Kittery</u>		State <u>ME</u>
			Zip Code <u>03904</u>		
			Mailing Address <u>same</u>		
City/Town <u>Kittery</u>		State <u>ME</u>	City/Town		State
Zip Code <u>03904</u>		City/Town		State	Zip Code
Telephone Number <u>207-703-2757</u>		Fax Number		Business Telephone Number <u>207-438-9332</u>	
Federal I.D. # <u>20-1162173</u>		Fax Number <u>207-438-9289</u>		Seller Certificate # <u>1079200</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: with rooms 2,000,000.00
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 2,000,000.00 LIQUOR \$ 562,000.00
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: JAMI SCARDINA
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 36 Walker St. Kittery, ME 03904
10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Ramona Valdez	8.29.1956	Biddeford, ME
JAMI SCARDINA	10.7.1976	Portsmouth, NH
NICHOLAS SAYER		

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
Eliot, ME ; Kittery, ME ; Wells, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

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

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

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

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
See attached

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: SBA Kennebunk Savings

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on January 13, 2014  
Town/City, State Date

[Signature]  
Signature of Applicant or Corporate Officer(s)  
Luis A. Valdez

Please sign in blue ink

[Signature]  
Signature of Applicant or Corporate Officer(s)  
RAMONA G VALDEZ

**MAINE DEPT OF  
PUBLIC SAFETY**

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS**

- Exact Corporate Name: LOCO COCO'S TACOS CORP.  
Business D/B/A Name: LOCO COCO'S TACOS
- Date of Incorporation: May 18, 2004
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Luis VALDEZ	150 Whipple Ave Kittery, ME 15 Eliot Shores Lane Eliot, ME	1-26-66	60%	President
Ramona Valdez	same	8-29-56	40%	Vice President

- What is the amount of authorized stock? N/A Outstanding Stock? 50 shares
- Is any principal officer of the corporation a law enforcement official? Yes  No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes  No
- If YES, please complete the following: Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

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

Dated at: \_\_\_\_\_ On: \_\_\_\_\_

City/Town

Date

Signature of Duly Authorized Officer

Luis A. Valdez

Print Name of Duly Authorized Officer

Jan 13, 2014  
Date



STATE OF MAINE

Dated at: Kittery, Maine York ss  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: \_\_\_\_\_ Municipal Officers \_\_\_\_\_ County Commissioners of the  
\_\_\_\_\_ City \_\_\_\_\_ Town \_\_\_\_\_ Plantation \_\_\_\_\_ Unincorporated Place of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
  - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1993, c730, §27 (amd).]

# RELEASE DEED

The Inhabitants of the Municipality of Kittery, a body corporate, located at Kittery, York County, State of Maine, for consideration paid, release to THERESA CROWLEY of Dover, NH, the land in Kittery, Maine a certain lot or parcel of land bounded and described as follows:

**LOCATION: 6-8 BOUSH STREET**

**BOOK/PAGE: 12273/117**

**MAP/LOT: 15-56**

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

**BOOK/PAGE: 15961/637**

The said Inhabitants of Kittery has caused this instrument to be signed in its corporate names by:

JEFFREY D. THOMSON, FRANK L. DENNETT, JUDITH SPILLER, JEFFERY BRAKE, JEFFREY PELLETIER, RUSSELL WHITE, CHARLES DENAULT, its Councilors duly authorized this 27<sup>th</sup> day January, 2014.

Signed, Sealed and Delivered in presence of

COUNCIL

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

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

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 DENAULT and acknowledged the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said corporation.

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

Maryann Place

Notary Public

Commission Expires - 4/11/2015

## Barbara Boggiano

---

**From:** Brenda Kern [bkern@pierceatwood.com]  
**Sent:** Wednesday, January 08, 2014 11:21 AM  
**To:** Meredith Kearney  
**Subject:** RE: Tax Liens/Theresa Crowley

Meredith - Thank you again for all of your help!

---

**Brenda O. Kern** Real Estate Paralegal

PIERCE ATWOOD LLP PH 207.791.1250

In accordance with I.R.S. Circular 230 we advise you that any tax advice in this email is not intended or written to be used, and cannot be used, by any recipient for the avoidance of penalties under federal tax laws.

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**From:** Meredith Kearney [mailto:MKearney@kitteryme.org]  
**Sent:** Wednesday, January 08, 2014 11:18 AM  
**To:** Brenda Kern  
**Subject:** RE: Tax Liens/Theresa Crowley

Hi Brenda-

I wanted to update you about the release deed. I still haven't heard from our Town Attorney on this matter, so it appears that it will have to be presented to Council for signature at their next meeting on Jan 27th. I will keep you posted if anything happens before that.

Meredith Clark Kearney  
Town of Kittery, Maine  
Phone: 207-475-1316  
Fax: 207-439-6806  
Hours: Mon - Thur 8:00 a.m. - 6 p.m.  
Closed Friday

---

**From:** Brenda Kern [mailto:bkern@pierceatwood.com]  
**Sent:** Tuesday, January 07, 2014 4:57 PM  
**To:** Meredith Kearney  
**Subject:** RE: Tax Liens/Theresa Crowley

Thank you Meredith – the good news is that at least it's in the works. Thank you for staying on top on this for us ☺

---

**Brenda O. Kern** Real Estate Paralegal

PIERCE ATWOOD LLP PH 207.791.1250

In accordance with I.R.S. Circular 230 we advise you that any tax advice in this email is not intended or written to be used, and cannot be used, by any recipient for the avoidance of penalties under federal tax laws.

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**From:** Meredith Kearney [mailto:MKearney@kitteryme.org]  
**Sent:** Tuesday, January 07, 2014 4:51 PM  
**To:** Brenda Kern  
**Subject:** RE: Tax Liens/Theresa Crowley

Hi Brenda-

I have to admit that I might have jumped the gun. I spoke with the Town Clerk after I emailed you. I found out the cut-off for agenda items for Town Council Jan 13th meeting is today. I still haven't heard back from the Town Attorney regarding his review/approval. If he hasn't gotten back to us by mid-morning tomorrow, she stated that it would need to go on the next Council agenda which is Jan 24th. Yikes!

I will keep you posted, but at this point I can't guarantee that the Release Deed will be signed by the Town Council on Jan 13th.

Fingers crossed!

Meredith Clark Kearney  
Town of Kittery, Maine  
Phone: 207-475-1316  
Fax: 207-439-6806  
Hours: Mon - Thur 8:00 a.m. - 6 p.m.  
Closed Friday

---

**From:** Brenda Kern [mailto:bkern@pierceatwood.com]  
**Sent:** Tuesday, January 07, 2014 4:41 PM  
**To:** Meredith Kearney  
**Subject:** RE: Tax Liens/Theresa Crowley

Thank you very much!

---

<b>Brenda O. Kern</b>	Real Estate Paralegal
<b>PIERCE ATWOOD LLP</b>	<b>PH 207.791.1250</b>

In accordance with I.R.S. Circular 230 we advise you that any tax advice in this email is not intended or written to be used, and cannot be used, by any recipient for the avoidance of penalties under federal tax laws.

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**From:** Meredith Kearney [mailto:MKearney@kitteryme.org]  
**Sent:** Tuesday, January 07, 2014 3:59 PM  
**To:** Brenda Kern  
**Subject:** RE: Tax Liens/Theresa Crowley

Hi Brenda-

I have drafted a release deed for the 2010 tax lien. It is currently being reviewed by the Town Attorney. If all goes well, the Town Council will be signing this release deed on January 13th. It will be mailed to the York County Registry of Deeds after that.

Meredith Clark Kearney  
Town of Kittery, Maine  
Phone: 207-475-1316  
Fax: 207-439-6806  
Hours: Mon - Thur 8:00 a.m. - 6 p.m.

Closed Friday

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**From:** Brenda Kern [mailto:bkern@pierceatwood.com]  
**Sent:** Thursday, January 02, 2014 3:23 PM  
**To:** Meredith Kearney  
**Subject:** RE: Tax Liens/Theresa Crowley

Hi Meredith, given the time lapse, I think we're going to need a release deed for the 2010 lien. Thanks

---

**Brenda O. Kern** Real Estate Paralegal

PIERCE ATWOOD LLP PH 207 791 1250

In accordance with I.R.S. Circular 230 we advise you that any tax advice in this email is not intended or written to be used, and cannot be used, by any recipient for the avoidance of penalties under federal tax laws.

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**From:** Meredith Kearney [mailto:MKearney@kitteryme.org]  
**Sent:** Thursday, January 02, 2014 2:29 PM  
**To:** Brenda Kern  
**Subject:** RE: Tax Liens/Theresa Crowley

Hi-

We are getting ready to close early, but I wanted to get back to you before I left. The office won't reopen until Monday 1/6 @ 8:00 a.m.

All taxes prior to 2012 are paid. I've attached a statement indicating that.

2010 taxes were paid in full on 02/29/2012

2011 were paid in full on 3/21/2013

I will look into a discharge for 2010 on Monday when we return. It may have been overlooked, but I will check.

Meredith Clark Kearney  
Town of Kittery, Maine  
Phone: 207-475-1316  
Fax: 207-439-6806  
Hours: Mon - Thur 8:00 a.m. - 6 p.m.  
Closed Friday

---

**From:** Brenda Kern [mailto:bkern@pierceatwood.com]  
**Sent:** Thursday, January 02, 2014 11:03 AM  
**To:** Meredith Kearney  
**Subject:** RE: Tax Liens/Theresa Crowley



Good morning Meredith- attached are three tax liens I found recorded in the York County Registry of Deeds assessed against Theresa Crowley. One is recorded on 10/15/2010, one recorded on 10/11/12 and one recorded on 9/12/2013. It appears from the record that a 2011 lien was discharged? Is this information all correct? It would seem that the 2010 tax lien would have been paid before the 2011 lien?

Have any of these liens been paid and if not is there the possibility of foreclosure by the town.

Thanks for your help.  
Brenda

**Brenda O. Kern** Real Estate Paralegal

PIERCE ATWOOD LLP PH 207.791.1250

In accordance with I.R.S. Circular 230 we advise you that any tax advice in this email is not intended or written to be used, and cannot be used, by any recipient for the avoidance of penalties under federal tax laws.

**From:** Brenda Kern  
**Sent:** Friday, August 02, 2013 9:25 AM  
**To:** 'mclark@kitteryme.org'  
**Subject:** Tax Liens/Theresa Crowley



Hi Meredith, attached are two tax liens I found recorded in the York County Registry of Deeds assessed against Theresa Crowley. One is recorded on 10/15/2010 and the other was recorded on October 11, 2012. It appears from the record that the 2011 lien was discharged? Is this information all correct? It would seem that the 2010 tax lien would have been paid before the 2011 lien?

Thanks for your any help you can give me!!!  
Brenda

**Brenda O. Kern** Merrill's Wharf PH 207.791.1250  
Real Estate Paralegal 254 Commercial Street FAX 207.791.1350  
PIERCE ATWOOD LLP Portland, ME 04101

[bkern@piercesatwood.com](mailto:bkern@piercesatwood.com)

This e-mail was sent from Pierce Atwood. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify us as soon as possible.

In accordance with I.R.S. Circular 230 we advise you that any tax advice in this email is not intended or written to be used, and cannot be used, by any recipient for the avoidance of penalties under federal tax laws.



OFFICE OF THE TOWN CLERK  
TOWN OF KITTEKY, MAINE

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

RECEIVED  
JAN 16 2014

BY: S. Yeoman

PLEASE CHECK APPROPRIATE SQUARE:

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

NAME: Don Moore

RESIDENCE: 35 Nocton Road

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

E-MAIL ADDRESS: donjill96@comcast.net

TELEPHONE NUMBERS: (HOME) 439-3842 (WORK) \_\_\_\_\_

PRESENT POSITION: Cons. Com

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Board of Appeals                   | <input type="checkbox"/> Port Authority   | <input type="checkbox"/> Mary Safford Wildes Trust    |
| <input checked="" 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: \_\_\_\_\_

Donald S Moore  
SIGNATURE OF APPLICANT

1/16/14  
DATE



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

RECEIVED  
JAN 13 2014

BY: \_\_\_\_\_

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

Maryann Place, Clerk  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

Subject: Overpass Bridge Replacement  
Project No: 019283.00  
Town of Kittery

Dear Ms. Place:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George M.A. Macdougall  
Contracts & Specifications Engineer  
Bureau of Project Development

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: George Macdougall, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project: 019283.00  
Location: US 1 Bypass and Route 236

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Kittery** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to haul non-divisible overlimit loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF KITTERY**  
By the Municipal Officials

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

**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

A Construction Area located in the **Town of Kittery** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in the town of Kittery, York County on US Route 1 bypass and Route 236.
- (b) (US Route 1) over Route 236 station 71+00.00 to station 78+00.00 of the construction plus approaches.
- (c) (Route 236) below US Route 1 Bypass station 22+57.44 to station 25+10.00 of the construction plus approaches.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

*A. Must be procured from the municipal officers for a construction area within that municipality;*

*B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*

*(1) Withholding by the agency contracting the work of final payment under contract; or*

*(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*

*The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*

*C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*

*D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the **Town of Kittery** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

## GENERAL GUIDANCE

### CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "*for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation*". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

**By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.**

#### **Frequently Asked Questions:**

**A. Why sign the document in advance of the actual construction contract?**

**Response:** There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

**B. Different roads may require different levels of scrutiny. How is a posted road handled?**

**Response:** Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer ) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required ) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

**SPECIAL PROVISION 105**  
**OVERLIMIT PERMITS**

**Title 29-A § 2382 MRSA Overlimit Movement Permits.**

- 1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation
- 2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
- 3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality
- 4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
- 5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
- 6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.
- 7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:
  - A. Must be procured from the municipal officers for a construction area within that municipality;
  - B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:
    - (1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

**8. Gross vehicle weight permits.** The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

**9-A. Police escort.** A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

**10. Taxes paid.** A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

**11. Violation.** A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207- \_\_\_\_\_; fax: 207- \_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY: STATE/PROV:

ZIP / POSTAL CODE:

PHONE: FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

-----  
Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207- \_\_\_\_\_ ; fax: 207- \_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

-----  
Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # \_\_\_\_\_

Date: \_\_\_\_\_

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ and the Municipality of \_\_\_\_\_, as  
 principal, and \_\_\_\_\_  
 \_\_\_\_\_, a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
 usual place of business \_\_\_\_\_,  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ and 00/100 Dollars (\$ \_\_\_\_\_ )  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly .....

Print Name Legibly .....

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly .....

Print Name Legibly .....

NAME OF LOCAL AGENCY: .....

ADDRESS .....

TELEPHONE .....

NAME OF SURETY

SURETY ADDRESS:.....

BOND # \_\_\_\_\_

BOND # \_\_\_\_\_

Date:

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ and the Municipality of \_\_\_\_\_, as  
 principal, and.....  
 , a corporation duly organized under the laws of the State of ..... and having a  
 usual place of business .....  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ and 00/100 Dollars (\$ )  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly .....

Print Name Legibly .....

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly .....

Print Name Legibly .....

NAME OF LOCAL AGENCY: .....

ADDRESS .....

TELEPHONE .....

NAME OF SURETY

SURETY ADDRESS:.....

BOND # \_\_\_\_\_

## **Title 4 BOARDS, COMMISSIONS and COMMITTEES**

### **4.2.5 Appointment Exceptions.**

A. Building Committee – when Council-appointed membership is involved, appointment procedure is determined by the sitting Council.

B. Charter Commission – procedure is determined by the sitting Council.

C. Christmas Parade Committee – members recommended by sponsoring group.

D. Rice Public Library Board of Trustees – application and interview procedure applies, but appointment is made by Library Trustees.

 E. Newly-formed Boards not existing as of November 1, 2000 – procedure is determined by the sitting Council.

APROVED MINUTES

DECEMBER 13, 2010

b. (120110-4) The Kittery Town Council moves to discuss the size, placement and enforcement of political signs. POSTPONED until January 10, 2011.

c. (120110-5) The Kittery Town Council moves to establish a Kittery Cable Franchise Agreement Advisory Committee. POSTPONED until January 10, 2011.

d. (120110-6) The Kittery Town Council moves to establish a Kittery Labor Agreement Negotiation Advisory Committee. POSTPONED until January 10, 2011.

e. (120110-7) The Kittery Town Council moves to establish a Kittery Economic Development Committee.

**COUNCILOR BEERS MOVED TO ESTABLISH A KITTEY ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY COUNCILOR DOW.**

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

f. (120110-8) The Kittery Town Council moves to approve the disbursement warrants.

**COUNCILOR DENNETT MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR DOW.**

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

g. (120110-9) The Kittery Town Council moves to review recommended fee amendments to Appendix A of the Kittery Town Code. POSTPONED until January 10, 2011.

h. (120110-10) The Kittery Town Council moves to approve the School Department's policy on Disbursement Warrants for School Employee Wages and Benefits to expire on November 30, 2011.

**COUNCILOR THOMSON MOVED TO APPROVE THE SCHOOL DEPARTMENT'S POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL EMPLOYEE WAGES AND BENEFITS, SECONDED BY COUNCILOR DOW.**

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

(120110-11) The Kittery Town Council moves to appoint Ernest Evancic to the Growth Management Program Committee.

APPROVED MINUTES

JANUARY 10, 2011

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**

**7/0.**

i. (010111-8) *THE KITTELY TOWN COUNCIL MOVES TO APPOINT THE FOLLOWING CITIZEN AT LARGE REPRESENTATIVES AND TO APPOINT THREE TOWN COUNCILORS TO THE ECONOMIC DEVELOPMENT COMMITTEE UNTIL 12/31/13: DAVID LINCOLN, ROBERT P. MELANSON, JR.*

Chairperson Spiller indicated they needed one more citizen member. Councilor Beers, Councilor Guy and Councilor Dow indicated they would join the Committee.

**COUNCILOR BEERS MOVED TO APPOINT DAVID LINCOLN AND ROBERT P. MELANSON AND APPOINT COUNCILOR BEERS, COUNCILOR GUY AND COUNCILOR DOW TO THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY COUNCILOR DENNETT.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**

**7/0.**

j. (010111-10) *THE KITTELY TOWN COUNCIL MOVES TO APPOINT THE FOLLOWING TO THE KITTELY COMMUNITY CENTER AT FRISBEE COMMON BUILDING COMMITTEE UNTIL 12/31/2012: CHRIS PERKINS, ROBERT GUAY, JEFFREY THOMSON, J. ALDEN TANSEY, DEBBIE PIRINI BOYLE, KATHLEEN BARRY, CHARLES RODIS, KENT STEPHENS, ALAN MCDONALD, MARY CARTER, JUDY SPILLER, MATT BROCK, MICHAEL DOWNS AND JEFFREY PELLETIER.*

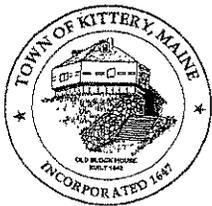
**COUNCILOR DENNETT MOVED TO APPOINT THE FOLLOWING TO THE KITTELY COMMUNITY CENTER AT FRISBEE COMMON BUILDING COMMITTEE UNTIL 12/31/2012: CHRIS PERKINS, ROBERT GUAY, JEFFREY THOMSON, J. ALDEN TANSEY, DEBBIE PIRINI BOYLE, KATHLEEN BARRY, CHARLES RODIS, KENT STEPHENS, ALAN MCDONALD, MARY CARTER, JUDY SPILLER, MATT BROCK, MICHAEL DOWNS AND JEFFREY PELLETIER, SECONDED BY COUNCILOR BEERS.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**

**7/0.**

k. (010111-11) *THE KITTELY TOWN COUNCIL MOVES TO APPOINT A REPRESENTATIVE TO MEET WITH THE CHAIR OF THE PARKS COMMISSION TO INTERVIEW MICHAEL MORRISON FOR APPOINTMENT AS AN ASSOCIATE MEMBER TO THAT BOARD UNTIL 3/26/2014.*

Chairperson Spiller indicated Councilor Thomson was next on the list.



# TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED  
JAN 09 2014

PLEASE CHECK APPROPRIATE SQUARE:

BY: 8:45 Am

**APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**

**APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**

**APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: John M. Carlson

RESIDENCE: 110 Goodwin Rd Kittery Point

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

E-MAIL ADDRESS: JMCJEC@EARTHLINK.NET

TELEPHONE NUMBERS: (HOME) 439-3712 (WORK) \_\_\_\_\_

PRESENT POSITION: Economic Development Com., Chair

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Appeals               | <input 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"/> Open Space Committee                      |
| <input type="checkbox"/> Cable TV Rate Regulation Board | <input type="checkbox"/> Personnel Board  | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input checked="" type="checkbox"/> Other <u>EDC</u>    |   |  |

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

\_\_\_\_\_

John M. Carlson  
SIGNATURE OF APPLICANT

9 JAN 2014  
DATE



# OFFICE OF THE TOWN CLERK TOWN OF KITTERY, MAINE

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

**RECEIVED**  
JAN 15 2014

BY: 9:59 Am

PLEASE CHECK APPROPRIATE SQUARE:

APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

NAME: Stephen Kosacz  
RESIDENCE: 38 Groundnut Hill Road Cape Neddick ME 03902-7909  
MAILING ADDRESS IF DIFFERENT FROM ABOVE: c/o Autoworks 107 Government St Kittery  
E-MAIL ADDRESS: stephen@auto-works.com  
TELEPHONE NUMBERS: (HOME) 361 1901 (WORK) 439 4560  
PRESENT POSITION: EDC Member

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Board of Appeals           | <input 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 checked="" type="checkbox"/> Other <u>Economic Development Committee</u> |

COMMENTS: looking forward to continue serving on the EDC if the Town wants to support this activity and our research

[Signature]  
SIGNATURE OF APPLICANT

15 Jan 2014  
DATE



OFFICE OF THE TOWN CLERK  
TOWN OF KITTERY, MAINE

DEC 09 2013

BY: 12:15 pm

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

**APPLICATION FOR APPOINTMENT TO TOWN BOARDS**

NAME: GARY BEERS

RESIDENCE: 54 Lewis Rd, Kittery

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: gjb-pksvc@hotmail PHONE #: (Home) 207-451-0747 (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               |
| <u>Economic Development Comm.</u>     | Shellfish Conservation Committee        |
| Recycling Scholarship Selection Comm. | Community Center Bldg. Comm./Rec. Comm. |
| Parks Commission                      | Open Space Committee                    |
| Port Authority                        | Planning Board                          |
| Personnel Board                       | Other <u>CIP Committee</u>              |

EDUCATION/TRAINING: YES

RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

Both Committees

PRESENT EMPLOYMENT: SELP

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

ANY KNOWN CONFLICT OF INTEREST: NO

REASON FOR APPLICATION TO THIS BOARD: \_\_\_\_\_

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.

Gary Beers  
SIGNATURE OF APPLICANT

12/4/13  
DATE



OFFICE OF THE TOWN CLERK  
TOWN OF KITTERY, MAINE

DEC 19 2013  
BY: 9:30 Am

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

**APPLICATION FOR APPOINTMENT TO TOWN BOARDS**

NAME: Patrick X. Trevino

RESIDENCE: 15 George St, Kittery ME 03904

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: pat.trevino@gmail.com PHONE #: (Home) 207.703.2720 (Work) 603.498.7078

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

- |    |                                       |   |
|----|---------------------------------------|---|
| #1 | Board of Appeals                      | Board of Assessment Review              |
|    | Conservation Commission               | Mary Safford Wildes Trust               |
|    | Economic Development Comm. 1          | Shellfish Conservation Committee        |
|    | Recycling Scholarship Selection Comm. | Community Center Bldg. Comm./Rec. Comm. |
|    | Parks Commission                      | Open Space Committee                    |
|    | Port Authority                        | Planning Board                          |
|    | Personnel Board                       | Other _____                             |

EDUCATION/TRAINING: Bachelor Degree

RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

Have helped run a Specialty Food Co. based in San Antonio, TX since 1994. We employ over 75 employees and sell nationally. I'm keenly aware of the challenges and needs of small business

PRESENT EMPLOYMENT: Twang Partners, Ltd.

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

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: Lived in Kittery since '99 and want to help with smart growth

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.

Pat X. Trevino  
SIGNATURE OF APPLICANT

11/13/13  
DATE

**Maryann Place**

---

**From:** Susanne Kuehl [suzyql@comcast.net]  
**Sent:** Tuesday, January 21, 2014 4:15 PM  
**To:** Maryann Place  
**Cc:** macaston@cutlerformaine.com; Kenneth Lemont; Steve Workman  
**Subject:** Request to canvas for signatures at the dump for Eliot Cutler



Hello Maryann,

I would like to make a formal request to the town council to use the designated area exiting the dump on **Saturday February 8th from 9:00-12:00.** BY: \_\_\_\_\_

The purpose will be to ask for signatures for placing Eliot Cutler on the ballot for governor to those who choose to stop (vs. drive by unencumbered).

Thank you in advance if you are able to place this item on the Council's agenda for January 27th, so that this request meets your deadlines.

Susanne Kuehl  
90 Haley Road  
Kittery, Maine 03904  
(207) 752-2968 cell  
[suzyql@comcast.net](mailto:suzyql@comcast.net)



# 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 January 27, 2014

1. **Distressed Property** - I have asked Mr. Sowerby to proceed with the installation of fencing surrounding his building until the spring, at which point he has committed to moving forward with demolition.
2. **Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Changes** – By Monday's meeting, the Planning and Development Department will have sent notices to owners each of approximately 75 properties, advising them to consider how these changes may affect them. We will post a sample of this notice on our FEMA web page [http://www.kitteryme.gov/Pages/KitteryME\\_Planning/FEMA%20Draft%20Maps](http://www.kitteryme.gov/Pages/KitteryME_Planning/FEMA%20Draft%20Maps).

We have been in touch with both U.S. Senator Angus King and Senator Susan Collins' offices regarding this issue, and both are actively involved in monitoring the impact of these changes on property owners. Senator King has recently "filed an amendment to the Homeowners Flood Insurance Affordability Act that would make communities eligible for reimbursement from the government for the costs of successfully appealing inaccurate flood maps."

3. **Wood Island Brownfields Grant Submittal** – I submitted this grant application on January 22, 2014.
4. **Town Council Proposal Review Group** – This group has met three times since our last Council meeting, and has reviewed each proposal before Council this evening.
5. **Sewer Break at Walker Street** – On Sunday January 19<sup>th</sup> the sewer department responded had to make an emergency repair/replacement of a portion of pipe in Walker Street which had failed due to age and exposure to hydrogen sulfide gas<sup>1</sup>. This pipe is one that handles

---

<sup>1</sup> Several years ago testing revealed the Navy Yard wastewater stream to have an H<sub>2</sub>S strength in the range of 120 to 200 parts per million (PPM), a concentration comparable to sulfuric acid which is corrosive to steel and masonry. Upon our recommendation, Yard began using an additive to their wastewater, which reduced its concentration to 5 ppm. However, this corrective action could not

the wastewater stream from the Navy Yard. Crews worked around the clock to truck waste from the Navy Yard to the wastewater treatment plant while the repair was made. The failure also impacted two homes, and the department called in professional cleaners to address these residences.

Sewer Department Head George Kathios is taking immediate action to permanently correct this critical piece of infrastructure. This will consist of an engineering study of the proper materials and specifications to bring back the integrity of this gravity line and its structures. We expect this project cost will be substantial, and may require an emergency appropriation of funds from sewer department reserves.

In the meantime, I would like to thank George and his entire department for their extraordinary effort to fix this problem in a timely, professional manner. Due to their dedication, the Town is quite fortunate, that the consequences were not much greater. In addition, many thanks are also owed to the Police Department who were also key responders to this incident.

6. **Building Department Updates** – Pursuant to a Council request made at our last meeting, Code Enforcement Officer provided the following updates:
  - a. “112 Manson Ave. Fire Debris. The building permit for this property was issued on October 31, 2013 to construct a new two family dwelling on this property per Board of Appeals approval. The structure is being constructed and fire debris has been removed (the old structure was demolished). The house should be completed within the next month or two.
  - b. 2-4 Old Post Road. This property received a Notice of Violation on October 23, 2013. The debris on the property is the result of a motor vehicle accident having hit the porch. I have spoken with the property owner, and verified with the District Attorney's office that the matter is still in court. It appears that it will be the responsibility of the driver of the vehicle to repair the structure, and to remove the debris. Given that it involves the DA's office, and that the debris is the result of an accident that is still waiting to be heard by the court system, he was given an

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counteract the existing damage to the pipe, caused by long-term exposure to high H2S concentrations.

extension to June 1 of this year to bring the property into compliance, so that hopefully, the case will be settled by that time.”

7. **Intern** – Devon Draker has completed his internship with us. His work was of great help to us, especially with regard to the Foreside Forum. I will continue to build upon his initial work on developing a survey seeking input on our web site.
8. **FY 2013 Audit** – In your packet is a copy of the FY 2013 Audit. At the Council’s pleasure, I can arrange a time in the future for Ron Smith to walk through the document with the Council in a workshop session.

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