



# TOWN OF KITTERY

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

## KITTERY TOWN COUNCIL

### Special Meeting - Requested by Chairperson Spiller

APRIL 2, 2020

5:00PM

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. All items involving the town attorney, town engineers, town employees, or other town consultants or requested offices
  - a. (040120-1) The Kittery Town Council moves to receive a report from the Town Manager regarding the Town's response to COVID-19 Emergency.
6. NEW BUSINESS
  - a. (040120-2) The Kittery Town Council moves to suspend the Council Rules to allow for more efficient regular meetings while the State of Emergency is in effect for Maine.
  - b. (040120-3) The Kittery Town Council directs the Town Manager to issue a letter to Governor Mills requesting greater action for York County to reduce the spread of COVID-19 in York County.
  - c. (040120-4) The Kittery Town Council moves to waive late fees and interest charges for real estate and personal property taxes, sewer charges, and mooring fees starting April 3, 2020 and continuing through July 15, 2020.
  - d. (040120-5) The Kittery Town Council moves to finalize a COVID-19 Warrant Article for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the article.
7. ADJOURNMENT

Posted: March 31, 2020

**Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.**



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## REPORT TO TOWN COUNCIL

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Meeting Date: April 2, 2020  
From: Kendra Amaral, Town Manager  
Subject: COVID-19 Emergency Update

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This information is provided as an update to the Council on the Town's emergency response efforts and the impacts of the emergency situation. The information in this report is based on what is known today. As the situation changes, so too will the operations and projections provided.

Our greatest need at this time is for residents and property owners to take seriously the threat of COVID-19. It is important to recognize the virus is in Kittery and we need to take all possible precautions to avoid spreading it. The sacrifice people make today can be the life or death difference for others in town. We are in this together and will get through it together if everyone is willing to do what is necessary to protect each other.

This report covers the following topics:

- Status of Town Operations
- Challenges
- Fiscal Year 2020
- Fiscal Year 2021

### **STATUS OF TOWN OPERATIONS**

Town staff are doing an amazing job of pushing forward, providing service as best possible, and planning for the return to normal operations. It must be noted, these employees are at risk of being infected each day they come to work. They are also trying to address and cope with the impact the emergency is having on their families.

At this time, Town offices and non-essential services are closed until further notice. Essential services include Police, Fire, Dispatch, Public Works and Wastewater.

Changes in certain services such as Burn Permits have been enacted to reduce potential fire hazards to the public and more importantly to reduce the potential exposure of public safety personnel.

We are also making changes in the flow of traffic at the Resource Recovery Facility to further limit contact among customers. Unfortunately, the voluntary compliance with distancing at the facility is not widespread. If we cannot engineer and/or achieve proper distancing at the facility,

it may need to close temporarily to reduce the spread of the virus. It is my hope that residents will recognize the risk and take care when using the facility.

The Sewer Department has begun disinfecting our effluent ahead of schedule. Our permit requires we disinfect in the summer months. Since there is not sufficient data regarding how long the virus lives in fecal matter, the department ramped up disinfecting operations to provide an added level of safety.

Finance and Human Resource functions are occurring both remotely and intermittently in the office. We are processing payments, invoices and payroll regularly. Warrants are being reviewed and signed electronically.

General assistance services are occurring via phone. There is an uptick in demand for general assistance as layoffs and furloughs are enacted in the private sector. We are working with our area social service providers to assist with coordination and communication to those in need.

We are continuing to accept building permits online, issuing permits, and addressing inspections.

The Kittery Community Center and Library are focusing on planning for reopening and identifying and planning for the needs that will exist as we come out of “social distancing” and seek to come together after the emergency.

I issued a proclamation of emergency and ordered the closure of Fort Foster and Seapoint effective midnight March 24. These areas were drawing crowds of visitors and both parks have entrances that act like funnels and require people to come in closer contact than is advised for safety. This closure was preceded by York and followed by Wells, Ogunquit, the State and Kennebunk.

I have received requests to open it for residents only. Kittery residents have the virus and are spreading it. Restricting these areas to residents only does not protect the public or reduce the potential for further community transmission.

## **CHALLENGES**

Our largest challenge is in obtaining personal protective equipment. The state is not receiving what is needed from the federal government; which is creating challenges at the regional and local levels. A few local businesses have offered to supply PPE and for that we are truly appreciative of their forethought and commitment to the safety of Kittery.

We are having a challenge with getting sufficient information regarding infected people in Kittery. The State’s policy is to provide information on a county basis only. This does not help the Town protect our public safety staff as they respond to local calls for service. However, Dr. Shah, of the Maine CDC, continues to advise all communities to plan, act, and react with the expectation that the virus is in our community. We continue to request that the State reverse their policy and provide information on those tested positive community by community, as other states have been doing. This information is one of many tools we need to reduce the spread and protect those on the front lines of response.

The final challenge is the patchwork approach to social distancing in the region. The lack of proactive decisions at the state level has left the municipal leaders on their own to make the difficult decisions needed to reduce the spread of the virus in the state. Having a regional approach, with the Governor serving as the lead is our best chance of flattening the curve.

The Council is being asked to consider lending its voice to the pleas to the Governor to take action and enact a stay-at-home order for our county.

### **FISCAL YEAR 2020**

I have updated the financial outlook for the current fiscal year based on the changes that have taken place over the last two weeks.

Our spending freeze is still in place. We are still projecting a 1% surplus on the operational budget; or approximately \$150,000. We are now projecting a possible \$600,000 loss of revenue for the fiscal year. This is likely to increase if the social distancing measures are extended beyond April and/or we enter a sustained recession.

The revenue is important as it balances our budget and supports cash flow. We are asking the Council consider placing a warrant article on the ballot to allow for the access of up to \$1M of unassigned funds to balance the FY2020 budget and support the FY2021 budget. Charter requires this be on a ballot and the only upcoming election is June.

It is my hope we will not need all of these funds, but am asking for this as a precautionary measure to ensure the Town can remain in compliance with state law to have a balanced budget and cover the costs of providing municipal services.

### **FISCAL YEAR 2021**

We are still in the process of developing the Town's FY2021 budget. The uncertainty of the economic situation makes this challenging. It is difficult to develop reasonable revenue protections while we are in the midst of the emergency.

We know what our costs are to maintain services, and we know what our costs will be to provide the level of service that has been expected prior to the COVID-19 emergency. We are in need of more public safety support for both Police and Fire.

### **CONCLUSION**

The situation is still very fluid, and the protective measures and their durations are changing as the conditions in the state change.

Take care and stay safe!



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## REPORT TO TOWN COUNCIL

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Meeting Date: Special Meeting April 2, 2020  
From: Chairperson Judy Spiller and Vice Chairperson Matt Brock  
Subject: Proposed Suspension of Council Rules

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The Town is seeking to operate more efficiently during the current national, state and local emergency caused by COVID-19. In accordance with emergency legislation, LD 2167, the Town Council is able to conduct its public proceedings through remote access.

In order to make remote access meetings more effective, the following Council rules are proposed to be suspended:

- Regular meetings will take place remotely until the termination of the State of Emergency
  
- Regular agenda items during the State of Emergency to include only the following items:
  1. Call to Order
  2. Introductory
  3. Pledge of Allegiance
  4. Roll Call
  5. Agenda Amendment and Adoption
  6. Town Manager's Report
  7. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials
  8. Discussion
  9. New Business – only those items requiring action immediately
  10. Council issues or comment
  11. Executive Session, if required
  12. Adjournment
  
- Public Discussion – when public discussion or comment is to occur, public comments will be limited to those received via email, mail, and/or in the Drop Box at Town Hall by noon the day of the Council meeting.
  
- Approval of Warrants – reviewed and approved by Council designees until the termination of the State of Emergency.

**COVID-19  
WARRANT ARTICLE**

Article 9. Shall the town vote to authorize the Town Council to transfer up to \$1,000,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$1,000,000 to balance the Fiscal Year 2020 budget and fund municipal operations in Fiscal Year 2021?

Town Council Recommends – Vote: Yes \_\_\_\_ No \_\_\_\_

**Explanation:**

The purpose of the unassigned fund is to properly support the Town's operations during emergencies and unanticipated events. COVID-19 is such an emergency. This article will allow the Town to utilize its unassigned funds to make up for revenue lost as a result of the economic impact of COVID-19.