

## Kendra Amaral

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**From:** Gary Beers <[REDACTED]>  
**Sent:** Sunday, September 27, 2020 2:35 PM  
**To:** Judy Spiller-Personal  
**Cc:** Kendra Amaral  
**Subject:** Sept 28 Council Meeting Agenda, Item 10 - DISCUSSION

Per agenda directions, I respectfully request the following be read into the record under item 10b:

On Sept 8<sup>th</sup>, I transmitted a properly formatted Report to Council, Subject: School Committee Member Gilbert: re: Ethics & Social Media Policy, pursuant to my understanding of Council Rule 12, which states in part, "*All reports or proposals made to the Council, which require or request that an action be taken by the Council, are to be submitted in written form*" and specifying a particular format.

I requested that it be included in Council's packet when such agenda item was scheduled.

As the author of that particular Rules passage in 2009, I had noted then that there was a need for a reporting structure because many communications to Council from external sources often lacked necessary information; similar requests varied widely in narrative; and resulted in lengthy wasted discussion over meanings, intent, actual action requested, etc.

Consequently, that passage was enacted so that ANY PERSON may request something be addressed by the Council on its Agenda, simply filing a Report in the format required.

To my dismay, while tonight's Agenda, Item 12m, calls for a discussion on "Social Media", my submission was not included (*however, it does include a proposal I authored regarding ethics, rejected some time ago, which does not mention social media at all.*)

The Town Manager sent me an e-mail stating, "*Your report falls under public comment and will be part of the public comment packet posted after 12PM on Monday.*"

*You are not presently on the Council, you are not reporting out as a board/commission/committee member and this matter isn't up for a public hearing. There was no other way to treat the report in a fair manner.*"

I have no idea how this corruption of the Council communication protocol came into being. My Report is more than 30 pages long and certainly not suitable for a 3-minute Discussion item, and Noon to 6:00pm on a Monday, is little enough time for busy Councilors to review and absorb its contents.

I also suggest that it completely restricts my right of free speech and ability to communicate openly to the Council as a committee of the whole. Especially on complex, legally intricate, topics.

I request the original legislative intent understanding of the Rules passage be returned as the practice; failing Council concurrence to that, I request the passage be revised to show citizens have no right to so communicate.

v/r

***garybeers***

**REPORT to the KITTERY TOWN COUNCIL**

1 **RESPONSIBLE INDIVIDUAL:** GARY BEERS

**Date:** Sept 08, 2020

2 **SUBJECT:** School Committee Member Gilbert: re: Ethics & Social Media Policy

3 **BACKGROUND:**

4 Kittery School Committee member Ann Durgin Gilbert sent two communiques to Council recently  
5 wherein she expressed:

- 6       ○ “2. The Kittery Town Council moves to adopt a Code of Ethics and a Social Media Use  
7 Procedure for its members. If the town council is committed to transparency and  
8 responsible decision making, the members should also want this request to move forward  
9 to develop procedures that guide the ethics of elected town officials”. (atch 1); and
- 10       ○ “I am writing for the second week to publicly request the Town Council begin work to  
11 develop a Code of Ethics and a Social Media Use policy for its elected officials. ....  
12 Please add Code of Ethics and Social Media Use guidelines to your next meeting  
13 agenda. (atch 2).

14 **Note bene 1: This report offers no comment on any other issue she raised.**

- 15       • She makes reference to School Committee policies BCA - School Committee Member  
16 Code of Ethics; and, BEB - School Committee Member Use of Social Media. Parsed and  
17 highlighted observations of those policies are found at attachments 3 & 4, respectively.
- 18       • While those policies reflect highly principled ideals as set forth by the Maine School  
19 Board Association, in my opinion they serve no real and legal purpose, relying only on  
20 the purported integrity of the officials they apply to, with no actual obligation stated; nor  
21 process to address issues; nor penalty for failure to honor, as stated. Consequently,  
22 they serve as nothing more than lofty rhetoric without weight of any enforceability.  
23 Particularly noting that a number of features recently have appeared to have been  
24 casually ignored by the Committee.
- 25       • Fairly crucial language, found in both policies, appears to have been accepted by the  
26 Committee to mean something other than what the Law Dictionary states (e.g. “will”,  
27 “should”) and the MSBA distinction of a policy vs regulation. That raises the question of  
28 whether the Committee fully understands the legal implications of said language.

29 **Note bene 2: Finding, particularly in Policy BEB (among many others reviewed), gender specific**  
30 **terms (e.g. he/she, himself/herself), it is disturbing that no apparent sensitivity to the LGBTQ**  
31 **“community” is accorded. In 1994 (I very rarely say trust me, but I have original copies of all these)**  
32 **every School Committee policy and all then (7) school employee contracts were written gender**  
33 **neutral (as is the present entire Town Code). This belies the premise espoused by the**  
34 **Superintendent in his 2017-18 Town Report:**

35       *“Emerging from Commitment ‘A’ was the Kittery Civil Rights Initiative, a three-pronged effort to joining*  
36 *the national discussion about race, multiculturalism, civility, and acceptance of all groups at a time*  
37 *when many are feeling marginalized. The establishment of Civil Rights Teams at Traip Academy and*  
38 *Shapleigh School, a review of our curriculum to ensure that gaps and overlaps of essential curricular*  
39 *components of the initiative do not exist, and the creation of the Kittery Advocates For All (KAFA), a*  
40 *community-based volunteer organization that provides a community perspective and raises awareness*  
41 *of issues related to multiculturalism.”*

42 **It is readily apparent from their public information, as also alluded to in School Committee meeting**  
43 **minutes, that the organization now known as CAFA, has never had other than a singular focus on a**  
44 **single minority and an anti-police agenda. Not a single piece of their public communications, that I**  
45 **have been able to find, addresses anyone who is frail, elderly, disabled, mentally handicapped, or**  
46 **with diagnosed serious mental health issues; nor victims of domestic abuse, food insecurity, or**  
47 **homelessness; nor even any other member of a protected class.**

48 **Appreciating the CAFA concerns need due attention, if we are to be seriously committed to human**  
49 **rights for all – all must be included.**

## REPORT to the KITTERY TOWN COUNCIL

### 50 **CURRENT SITUATION:**

51 Be all that background commentary as it may, the key issue is, whether and/or how, to establish  
52 adequate regulatory provision that is: clear, concise, comprehensive, consistent, and most  
53 importantly, enforceable. In pursuit of that, the following are submitted for Council consideration:

- 54 • A fairly well researched compilation of the prudent features of a local government code of  
55 ethics and social media (*encl 1*).
- 56 • A Maine case-law-derived prudent draft statement of legislative intent and ordinance  
57 enactment (*encl 2*).
- 58 • A draft proposal ordinance, Town Code Title 15, Code of Ethics (*encl 3*).

59 I acknowledge that a similar proposal, staffed in 2016 & 17, failed by indefinite postponement,  
60 but suggest that the importance and necessity of dealing with these constructs was obscured by  
61 association with a separate proposal for a Council “manual”.

62 Having resurfaced now, serious attention should be accorded that importance and necessity,

63 This proposal is not offered as a “be-all, end-all” product, but as a “fairly close” first draft.

64 **RECOMMENDATION:** Council give due consideration to establishing an ordinance along the  
65 lines of this proposal.

### 66 **Enclosures**

- 67 1. A Treatise on Ethics & Social Media
- 68 2. Draft Town Code Proposal - Title 15, Code of Ethics – Legislative Intent – Enactment
- 69 3. Draft Town Code Proposal - Title 15, Code of Ethics

### 70 **Attachments**

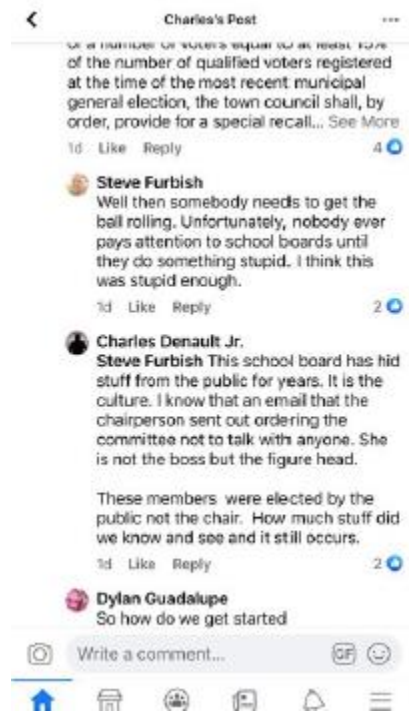
- 71 1. Gilbert Letter to Spiller (undated)
- 72 2. Gilbert e-mail to Town Council (8/24/20)
- 73 3. Kittery School Committee Policy BCA - School Committee Member Code of Ethics  
74 (parsed/highlighted)
- 75 4. Kittery School Committee Policy BEB - School Committee Member Use of Social Media  
76 (parsed/highlighted)

**Attachment 1, RTC 09-14-30: Gilbert Letter to Spiller (undated)**

Dear Town Council Chair Judy Spiller,

I am writing to you as a citizen of Kittery, although it should be noted that I am also a member of the Kittery School Committee. After a recent contentious vote on the School Committee, I began to notice an alarming trend on social media posts regarding the vote. After researching your Town Council Rules, I realized that there are no publicly posted Code of Ethics or Social Media Use requirements for town councilors. I find this interesting, as the school committee has both under their policies, and it guides expected public perception as an elected official. Please reference policy BCA and policy BEB for further information.

Allow me to share some examples I noticed posted in the last week on Facebook by Councilor Charles Denault.



In this post, Councilor Denault indicates that "the school board has hid stuff from the public for years, he "know(s) that an email that the chairperson sent out ordering the committee not to talk to anyone" and goes on to query "how much stuff did we know and see".

These comments are clearly meant to challenge the transparency and trust between our residents and the school committee. It further erodes trust between the School Committee Chairperson and other Committee members, as well as the public.

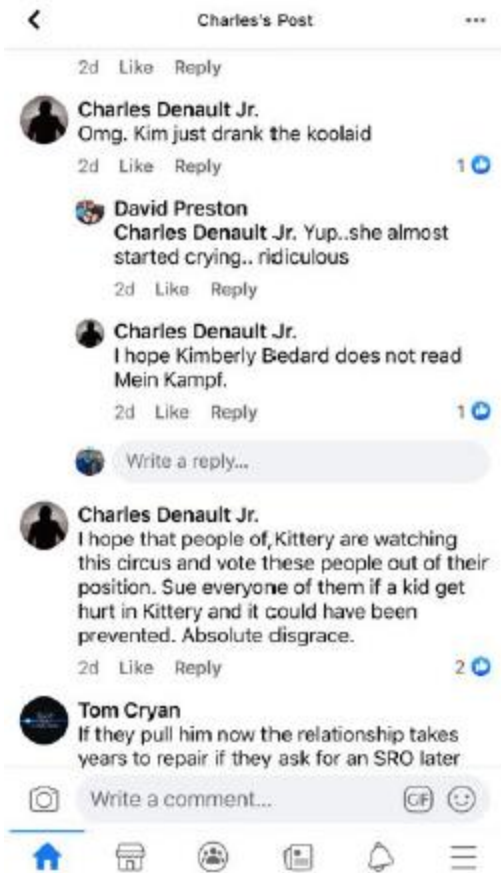
I would appreciate Mr. Denault revealing how he 'knows' an email went out, and his inside knowledge about the 'stuff' the School Committee is hiding from the public. If this is information he knows, his source should be revealed publicly so the School Committee can address it publicly. Otherwise, he owes the Committee a public apology for misleading the residents of Kittery about the integrity of the School Committee and the transparency of the School Committee Chair.

**Attachment 1, RTC 09-14-30: Gilbert Letter to Spiller (undated)**



In this post, Councilor Denault draws a clear connection to elected officials and a clown, which I suppose is an attempt at humor but again, erodes trust in elected officials. He goes on to insinuate that School Committee member Bedard is likened to Nazis. Implied in this post is that the book *How to Be Antiracist* (referenced by Kim Bedard during the meeting) is somehow similar to *Mein Kampf*, an anti-Semitic manifesto written by Adolf Hitler. At best, this connection is tone deaf and cruel. At its worst, it could be considered incredibly inflammatory and an example of hate speech directed at various marginalized groups in our society.

**Attachment 1, RTC 09-14-30: Gilbert Letter to Spiller (undated)**



In this post, we can see Councilor Denault's immediate response to Kim Bedard's vote in real time. He indicates she 'drank the Kool-Aid'. A reader could take this to imply that Kim Bedard's vote is similar to a mass suicide led by a religious zealot during the Jonestown Massacre. I am confident in saying drawing those connections is an attempt to not only eradicate confidence in Kim Bedard, but to cheapen her decision making process and imply that her character or abilities are weak. Again, he references Adolf Hitler in connection to Kim Bedard's vote, which is a connection that should be viewed as untouchable, given the horrors of the Holocaust.

**Attachment 1, RTC 09-14-30: Gilbert Letter to Spiller (undated)**



In this post, Councilor Denault encourages others to contact a local reporter about the recent vote, and without research, encourages others in a misleading accusation about a conflict of interest by a School Committee member. Certainly the town council does not make it a habit to create more controversy for other committees in our town? Instead, do we not promote a rational, fact based approach in order to seek the truth, based on policies and procedures adopted by boards?



**Attachment 1, RTC 09-14-30: Gilbert Letter to Spiller (undated)**



Finally, in this post we can see Councilor Denault disparaging our town of Kittery and insinuating that it is beyond hope by stating that it is going 'to hell in a handbasket'. Certainly, a viewpoint such as this is not one that should be upheld by an elected official who the citizens trust to make decisions in their best interests.

This email would be remiss if Councilor Denault's newsletter, "Our Kittery", was not mentioned. Recently, "Our Kittery" published inflammatory and accusatory statements directed at one school board member, but lacked facts to back up the claims. In fact, personal information was divulged about the committee member that indicates a breach of trust and is deeply troubling. It introduces and promotes a mindset of personal attacks and willful misinformation regarding citizens of Kittery.

Believe me, I am not interested in censuring Councilor Denault in any public or private forum. Like all of us, he is afforded the full rights of free speech and freedom of expression. However, I firmly believe the Councilor Denault has the responsibility of any elected official in maintaining a sense of civil discourse and tempering his derision and incitement of anger.

Personally, I love Kittery and I am committed to it continuing to be the wonderful, close knit community in which I grew up. I believe that our citizens are committed to working together to solve problems, and we look out for each other even when we do not agree. These comments, made publicly by Kittery Town Councilor Charles Denault, are mean spirited, oftentimes incredibly inflammatory, and are simply falsehoods stated in an attempt to rile the ire of citizens concerned about recent events.

**Attachment 1, RTC 09-14-30: Gilbert Letter to Spiller (undated)**

I have always assumed that, as the elected officials in our town, we were collectively committed to promoting a town climate of open-mindedness, good will, and support for one another. The comments made by Councilor Denault erode the trust in ALL of our work as elected officials.

I have two requests for the Town Council:

1. Councilor Denault publically discusses his post in which he claims he has emails intended for the School Committee, and knows certain details that he insinuates are secrets. As the Kittery School Committee is committed to transparent discourse, these details must be discussed in a public forum. If he has emails, the source must be revealed and discussed.

2. The Kittery Town Council moves to adopt a Code of Ethics and a Social Media Use Procedure for its members. If the town council is committed to transparency and responsible decision making, the members should also want this request to move forward to develop procedures that guide the ethics of elected town officials.

In the spirit of transparency, I am including all town councilors and all school committee members in this email, as well as our town manager and superintendent. It is my hope that we can work together to further promote a climate of respect in Kittery, even when faced with difficult issues.

I appreciate your time and diligence in working through this troubling matter.

Sincerely,

Anne Durgin Gilbert

**Attachment 2, RTC 09-14-30: Gilbert e-mail to Council, 08/24/20**

8/24/2020 Public comment: Town Council meeting- Monday, August 24, 2020 - town comments  
<https://email.kitteryme.org/owa/#viewmodel=ReadMessageItem&ItemID=AAMkAGM2MDQyYml1LTU5NGQtNDk5Ny05NGNhLTAYNjU1NmI5M2JmMA...> 1/1

Public comment: Town Council meeting- Monday, August 24, 2020

My name is Anne Durgin Gilbert, and I live on Park Avenue in Kittery. I am writing for the second week to publicly request the Town Council begin work to develop a Code of Ethics and a Social Media Use policy for its elected officials.

At your last meeting, Councilor Charles Denault made a comment about releasing 'dirty little secrets' about people in town, implying that these 'secrets' were gleaned while he was employed at the Kittery Police Department as an officer. I can't speak for Councilor Denault's intention with this comment, but it certainly appeared to be a threat in response to his recent insulting social media posts. I cannot fathom, as a public servant myself, breaching the confidentiality code implicit in working as a public servant.

Certainly, our town councilors can all agree that they are able to hold up their First Amendment rights while also representing themselves and our town with propriety, respect, and acceptance for all viewpoints. Isn't that what we should expect from all elected officials?

Please add Code of Ethics and Social Media Use guidelines to your next meeting agenda.

Thank you.

1 **CODE: BCA SCHOOL COMMITTEE MEMBER CODE OF ETHICS**

2 Having accepted the challenge of service on the Kittery School Committee, I accept the principles  
3 set forth in the following code of ethics to guide me in helping to provide free public education to all  
4 the students of my school unit within the State of Maine.

5 Note: “will” simply expresses future events, or as best related to this document, “used to  
6 express desire, choice, willingness, or consent” and declares no obligation whatsoever.

7 A. I will view service on the School Committee as an opportunity to serve my community, state, and  
8 nation because I believe public education is the best means to promote the welfare of our people  
9 and to preserve our democratic way of life.

10 **Democracy** consists of four key elements: a political system for choosing and replacing the  
11 government through free and fair elections; the active participation of the people, as citizens,  
12 in politics and civic life; **protection of the human rights of all citizens;** a rule of law, in  
13 which the laws and procedures apply equally to all citizens. Meaning that governmental  
14 entities don't get to ignore established law; make up their own rules; and, then fail to honor  
15 those.

16 B. I will at all times think of students first and base my decisions on how they will affect students,  
17 their education, and their training.

18 C. I will make no disparaging remarks, in or out of School Committee meetings, about other  
19 members of the School Committee or their opinions.

20 Applies to the members of the School Committee alone, each solely to the others. An old  
21 military maxim says, “Within your own organization: Praise in public; criticize in private”.  
22 Outside the organization everyone is free to speak as they choose pursuant to the US  
23 Constitution, whether it is agreeable or offensive. A similar Council stricture would not  
24 preclude Councilor commenting about the School Committee.

25 D. I will remember at all times that as an individual I have no legal authority outside the meetings of  
26 the School Committee, and that I will conduct my relationship with the school staff, the local  
27 citizenry, and all media of communications on the basis of this fact.

28 E. I will recognize that my responsibility is not to operate the schools but to see that they are well  
29 operated.

30 F. I will seek to provide education for all students in the community commensurate with their needs  
31 and abilities.

32 G. I will listen to all citizens but will refer all complaints to the proper authorities, and will discuss  
33 such complaints only at a regular meeting after failure of administrative solution.

34 Recent clear public evidence of kowtowing to “a handful”.

35 H. I will support a decision graciously once it has been made by the School Committee.

36 I. I will not criticize employees publicly, but will make such criticism to the Superintendent for  
37 investigation and action, if necessary.

38 J. I will make decisions openly after all facts bearing on a question have been presented and  
39 discussed.

40 Recent clear evidence of bias publicly expressed prior to a meeting, discussion and vote.

41 K. I will refuse to make promises as to how I will vote on a matter that should properly come before  
42 the School Committee as a whole.

**Attachment 3, RTC 09-14-30: POLICY BCA**

43 From recent clearly publicly displayed evidence of firm bias (now removed), not actually  
44 stated as a “promise”, however “persons of reasonable intelligence” may certainly conclude  
45 that such is implied from the media content by inference. No less than ready perception.

46 L. I will not discuss the confidential business of the School Committee in my home, on the street, or  
47 in my office, the place for such discussion being the School Committee meeting.

48 M. I will confine my School Committee action to policy making, planning, and appraisal, leaving the  
49 administration of the schools to the Superintendent.

50 N. I will welcome and encourage cooperation and participation by teachers, administrators, and  
51 other personnel in developing policies that affect their welfare and that of the students they serve.

52 O. I will endeavor at all times to see that schools have adequate financial support within the  
53 capabilities of the community and state, in order that every student may receive the best possible  
54 education.

55 P. I will resist every temptation and outside pressure to use my position as a School Committee  
56 member to benefit myself or any individual or agency apart from the total interest of the school unit.

57 Ditto, Item K

58 Q. I will endeavor to attend every regular and special School Committee meeting recognizing that  
59 my presence means representation for my town. If I find that this *is not possible for an extended*  
60 *length of time, I will give consideration to resigning* from my position on the School Committee.

61 Evidence on record of a member missing seven of eight consecutive meetings with no display of  
62 such “consideration” given.

63 R. I will recognize at all times that the School Committee of which I am a member is an agent of the  
64 state, and as such, I will abide by the laws of the state and the regulations formulated by the Maine  
65 Department of Education and by the State Board of Education.

66 Recent issues, detailed elsewhere, point to a finding that the Department is either ignorant of, or  
67 ignores, the fact that the Kittery Town Charter is, in fact, Maine law; notwithstanding certain other  
68 statutory obligations that appear not to have been met.

69 Adopted: March 15, 2011

## Attachment 4, RTC 09-14-30: Policy BEB

### 1 CODE: BEB - SCHOOL COMMITTEE MEMBER USE OF SOCIAL MEDIA

2 The School Committee recognizes that many, if not most, of its members are active users of social  
3 media, including but not limited to, online platforms such as Facebook and Twitter, and other digital  
4 media such as blogs and personal websites. The School Committee understands that while social  
5 media can be a positive tool for supporting schools and encouraging community engagement,  
6 School Committee members need to be aware of the legal and ethical considerations that arise  
7 when they post, “message,” or otherwise interact with others on social media platforms.

8 It is **not the intent of this policy to interfere with or restrict a School Committee members’ freedom of**  
9 **speech**, but to set standards for social media conduct that are consistent with law and School  
10 Committee policy, including the School Committee’s Code of Ethics. **School Committee members**  
11 **shall comply** with the following expectations:

12 • School Committee members shall not post on social media or engage in online discussions as a  
13 substitute for deliberations at School Committee meetings. School Committee **members should be**  
14 **aware**

15 **[MUST is used when expressing obligation or an unavoidable requirement, whereas SHOULD**  
16 **is a recommendation, or simply a desirable goal.]**

17 that social media activity can be perceived as a meeting if a sufficient number (a quorum) of School  
18 Committee members are involved on the site to influence or determine the course of action that will  
19 be taken by the School Committee, even if other people are posting to the site as well.

20 • School Committee **members should be aware** that any posting that pertains to school unit  
21 matters may create a “record” that is subject to laws and regulations pertaining to the retention and  
22 disposition of local government records, and to discovery in legal proceedings involving the School  
23 Committee or the school unit.

24 • School Committee members **shall avoid**

25 **[“Shall” in Maine case law is defined to mean “is/are obliged to”. “Avoid” in the Law**  
26 **Dictionary means “repudiate, nullify, or render void”. Proper wording would be, “must not”]**

27 disclosing confidential or personally identifiable information about students (including images),  
28 school unit employees, or School Committee matters or discussions that have taken place in  
29 executive sessions. School Committee members shall comply with the same standards as school  
30 employees with regard to confidential information.

31 School Committee **members should adhere** to the following ethical guidelines when using social  
32 media in their role as public officials:

33 A School Committee member **should:**

34 • Recognize that he/she has no authority to speak on behalf of the School Committee unless  
35 specifically designated to do so, and make it clear that he/she is speaking in his/her individual  
36 capacity;

37 • Feel free to invite the public to upcoming school district events, share information about public  
38 hearings on bills that affect the schools, and share links to public information about the district (e.g.  
39 the proposed budget), and the like, but **be clear that he/she is doing so as an individual and not**  
40 **in any official capacity; [“he/she” nullifies “LGBTQ”]**

**Attachment 4, RTC 09-14-30: Policy BEB**

- 41 • Conduct himself/herself [Ditto]  
42 on social media in a manner that reflects well on the School Committee and on the school unit, and  
43 with the decorum expected of an elected official;  
44 [Curious as to wherein this “expectation” is codified?]  
45 • Avoid posting in anger, even when provoked;  
46 • Refrain from harassing, defaming, or disparaging fellow School Committee members or others  
47 based on racial, religious, or other personal characteristics;  
48 • Keep deliberations within meetings of the School Committee;  
49 • Not disclose confidential or personally identifiable information about students (including images),  
50 school unit employees, or School Committee discussions that have taken place in executive  
51 sessions;  
52 • Avoid posting information that is misleading or inaccurate or which is has not been released to the  
53 public;  
54 • Not make any promise that he/she will vote in a particular way;  
55 • Avoid posting content that indicates he/she has reached an opinion on a pending matter;  
56 • Direct persons presenting concerns or complaints through social media to follow the School  
57 Committee’s policy pertaining to public concerns and complaints;  
58 • When summarizing discussion or action that took place at School Committee meetings, share only  
59 information from open meetings and make it clear that the posting is not an official record of the  
60 meeting. A School Committee member **should never** disclose discussions that have occurred in  
61 executive session.  
62 • Retain electronic records, including the School Committee member’s own posts and content  
63 others post to the School Committee member’s account when required to do so by law, regulations,  
64 or legal process.  
65 • Comply with the school unit’s acceptable use rules, as applicable to school unit employees, when  
66 using school-unit owned devices or technology resources, or when accessing the Internet through  
67 school unit’s network using a personal device.

68 Legal reference: 1 MRSA § 401 et seq.

69 20-A MRSA § 6001-6002

70 20 USC § 1232g

71 Cross Reference: BBAA–School Committee Member Authority and Responsibilities

72 BCA–School Committee Member Code of Ethics

73 BEC–Executive Sessions

74 JRA–Student Education Records and Information

75 KE–Public Concerns and Complaints

76 Adopted: January 7, 2020

1 **1. THE ETHICAL DILEMMA**

2 Maine law recognizes seven kinds of ethical dilemmas in municipal government: conflict of  
3 interest, incompatibility of office, prohibited appointments or employment, improper influence, ex  
4 parté communications, and bias. These distinctions are important because the circumstances  
5 under which an ethical problem may arise, and the legal consequences that may result if it is  
6 ignored or handled improperly, can vary widely depending on which type of problem it is:

- 7 • A conflict of interest, strictly speaking, exists where an official has a personal pecuniary  
8 (financial) interest in a matter of official business.
- 9 • Incompatibility of office is present where the same person cannot hold two public offices,  
10 by virtue of their respective and conflicting duties, simultaneously no matter how  
11 dedicated or financially disinterested.
- 12 • Prohibited appointments or employment relates to paid positions, which are barred to the  
13 municipal officers (selectpersons or councilors) because they either created the  
14 positions or increased the positions' compensation.
- 15 • Improper influence is a threat of harm to a public servant, party official, or voter, with the  
16 purpose of influencing their action, decision, opinion, recommendation, nomination, vote  
17 or other exercise of discretion.
- 18 • Official oppression occurs when public servants, acting with the intention to benefit  
19 themselves or another or to harm another, knowingly commit an unauthorized act which  
20 purports to be an act of their office, or knowingly refrain from performing a duty imposed  
21 by law or clearly inherent in the nature of their office.
- 22 • An ex parté communication is a written or oral communication regarding the subject  
23 matter of a proceeding which occurs between a decision-maker and one party to the  
24 proceeding without another interested party's presence or notice. 30-A MRS §2691,  
25 states "every party ... [has] the right to present the party's case or defense by oral or  
26 documentary evidence, to submit rebuttal evidence and to conduct any cross-  
27 examination that is required for a full and true disclosure of the facts." An ex parté  
28 communication interferes with these rights because it deprives the party of the  
29 opportunity to address the evidence which the Board has considered in rendering a  
30 decision and must be completely avoided by Board members.
- 31 • Bias occurs where a Board member, due to prejudice or a familial relationship, is  
32 considered unable to make a fair and impartial decision in a matter requiring objectivity  
33 (e.g., a quasi-judicial proceeding). A fair and impartial decision-maker is an integral  
34 component of procedural due process and a decision made in the absence of this  
35 component may be constitutionally deficient.

36 **2. APPEARANCES**

37 The basic rationale for regulation of ethics among municipal officials is to foster and preserve  
38 public trust in the fundamental integrity of local government. Even where an official's conduct  
39 may not be legally proscribed, personal relationships or competing interests may create an  
40 appearance of impropriety sufficient to undermine public confidence in the fairness and honesty  
41 of local officials. 30-A MRS §2605(6), therefore, obliges officials to attempt to avoid the  
42 appearance of a conflict of interest by disclosure or by abstention in such cases.

43 Municipal officials are always seen with the weight of their office ever-present in their daily  
44 demeanor, wherever they are and whatever they do or say; and, must be held to a high  
45 standard of appropriate conduct.



46 Even where an official's conduct may not be legally proscribed, personal relationships or  
47 competing interests may create an appearance of impropriety sufficient to undermine public  
48 confidence in the fairness and honesty of local officials.

49 Community service is a privilege which carries a weight of responsibility demanding moral  
50 integrity, upright behavior, and a clear and impartial sensitivity toward the health, safety, morals,  
51 and welfare of our residents and the provisions of this Code serve as a strong reminder to all  
52 elected and appointed officials.

### 53 **3. STANDARDS**

54 Title 1 MRS §71(6), states that Board members must disqualify themselves if a situation  
55 requires that member to be disinterested or indifferent and the member must make a decision  
56 which involves a person to whom the member is related by blood or marriage within the 6th  
57 degree (parents, grandparents, great-grandparents, great-great grandparents, brothers, sisters,  
58 children, grandchildren, great-grandchildren, aunts, uncles, great aunts/uncles, great-grand  
59 aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second  
60 cousins, nephews, nieces, grand-nephews/nieces, great grandnephews/nieces).

61 The standard is "whether the town official by reason of personal interest, is placed in a situation  
62 of temptation to serve that personal interest to the prejudice of the interests of those for whom  
63 the law authorizes and requires action..."

64 Various Maine Law Court decisions also have established a rule requiring a Board member to  
65 abstain from the discussion and the vote if members are so biased against the applicant or the  
66 project that they could not make an impartial decision, thereby depriving the applicant of the due  
67 process right to a fair and objective hearing.

### 68 **4. ELEMENTS**

69 Effective components of an ethics policy or ordinance and typical process language contains the  
70 following:

#### 71 **A. Disclosure**

72 Board members who believe that they or a member of their family has a financial or special  
73 interest, other than an interest held by the public generally, in any agenda item before their  
74 collective body, must disclose the nature and extent of such interest and the Town Clerk or  
75 designee shall make a record of such disclosure.

76 Such disclosure must be made no later than the date of the first meeting of the Board, or  
77 Committee thereof, at which the agenda item concerned is to be taken up for consideration,  
78 recommendation, discussion or vote and at which the Board member is present.

79 Additionally, any Board member who believes that any fellow Board member, or a member of  
80 such fellow Board member's family, has a financial or special interest, other than an interest  
81 held by the public generally, in any agenda item before their collective body, must disclose the  
82 nature and extent of such interest, and the Town Clerk shall make a record of such disclosure.

#### 83 **B. Challenge**

84 Appellants, petitioners, members of the public, or Board members present, are allowed to make  
85 allegation of issues pursuant to this Section and the Chairman is to recognize any party raising  
86 such question.

87 Upon challenge of a Board member present of alleged ex parte communication; conflict of  
88 interest; improper influence; official oppression, or, bias, a majority vote of the Board members  
89 (except the member being challenged) decides whether such allegation is such that it:

90 (a) may reasonably be seen to interfere with the challenged member's ability to hear and act on  
91 the item impartially and may conceivably impinge upon the appellant / petitioner's right of due  
92 process; or

93 (b) whether it would reasonably be seen to give the appearance to the public of an inappropriate  
94 communication, conflict, influence, or bias, so as to undermine public confidence in the fairness  
95 of the meeting.

96 **C. Determination**

97 Once an ethics issue is raised relative to a Board member, and disclosure has been made as  
98 provided above, fellow Board members shall review the facts as disclosed to them, and shall  
99 vote on whether or not such person has a financial or special interest with respect to the agenda  
100 item concerned.

101 A. All ethics issue questions relating to a particular agenda item must be resolved prior to any  
102 consideration of the item concerned. Each Board member present is entitled to vote on all  
103 questions except that individual Board member.

104 B. All votes of ethics issue questions must be recorded. A majority vote determines the  
105 question; but a vote by Committee may later be reviewed by the full Board upon the Board's  
106 consideration of the same agenda item.

107 **D. Consequence**

108 Recused Board members may not participate in the deliberation or vote, or otherwise take part  
109 in the decision-making process, on any agenda item before their collective body in which they or  
110 a member of their family has a financial or special interest, other than an interest held by the  
111 public generally.

112 To avoid the appearance of a violation of this section, once Board members are determined to  
113 have a conflict of interest; engaged in exparte communication; or exhibited improper influence ,  
114 official oppression, or bias, in respect to any agenda item, and once all ethics issue questions  
115 relating to the agenda item concerned have been determined, said persons must immediately  
116 remove themselves to the area of the room occupied by the general public.

117 They may not return to their regular seat as a member of the body until deliberation and action  
118 on the item is completed. Nothing herein requires individual Board members to remove  
119 themselves for any item contained on a "Consent Agenda", on which there is no deliberation,  
120 the person's conflict has been determined by the other members, and the right to abstain from  
121 voting on the item has been granted.

122 Violators of these ethic principles are penalized by censure or forfeiture of office pursuant to the  
123 provisions in the Town Charter.

124 **E. Personal Interest**

125 Nothing herein may be construed to prohibit Board members from representing their own  
126 personal interest by appearing before their collective body on any such agenda item.

127 **5. ELEMENTS OF A SOCIAL MEDIA POLICY INCLUDE:**

128 **A. Acceptable Use**

129 Acceptable use policies outline a local government’s position on how employees and other  
130 officials are expected to use government resources, restrictions on use for personal interests,  
131 and consequences for violating the policy. Acceptable use may also encompass the  
132 government’s purpose in establishing and maintaining social networking sites.

133 **B. Account and Content Management**

134 Account management policies provide guidance on the creation, maintenance, and deletion of  
135 social media accounts. The lack of a clearly defined policy on account management may result  
136 in a situation where officials do not have control over what types of social media accounts are  
137 being established, maintained, or closed by their employees for official government use.

138 **C. Citizen Conduct**

139 The social media policy should identify the type of content that is not permitted on the entity’s  
140 social media site and is subject to removal. This might include comments that are profane,  
141 obscene or have violent content, discriminatory content, threats, solicitation of business, content  
142 that violates a copyright or trademark, and any content in violation of federal, state, or local law.  
143 The policy should also contain a disclaimer that any comment posted by a member of the public  
144 is not the opinion of the local government.

145 **D. Employee Access**

146 The employee access portion of the social media policy should include, if applicable, employer  
147 monitoring of employee use of government computers. The policy should also caution  
148 employees that they have no expectation of privacy while using the internet on any government-  
149 owned computer, cell phone, or other internet equipped electronic device. This portion of the  
150 social media policy may also include a requirement that the employee or official turn over any  
151 post that is subject to the Public Information Act.

152 **E. Employee Conduct**

- 153 1. The employment code of conduct includes three rules of engagement: Your presence in  
154 social media must be transparent through disclosure.
- 155 2. Protect your employer and yourself.
- 156 3. Use common sense and remember that professional, straightforward and appropriate  
157 communication is best.

158 **F. Legal Compliance**

159 Policies should include compliance language applicable to federal, state, and local laws;  
160 regulations and policies. It’s also important to think about intellectual property when researching  
161 and using content that you find on the internet. If you use content or images you need to make  
162 sure that proper credit is referenced.

163 **G. Security**

164 Local governments should work with their IT staff to ensure that the social media policy includes  
165 necessary guidelines regarding the security of data and technical infrastructure for new uses,  
166 users, and technologies related to social media. The technology concerns addressed in the  
167 policy may focus on password security, functionality, authentication of identity, and virus scans.

168 **H. Defamation – Libel and Slander**

169 Libel and slander are both types of defamation. Libel is an untrue defamatory statement that is  
170 made in writing. Slander is an untrue defamatory statement that is spoken orally.

171 The difference between defamation and slander is that a defamatory statement can be made in  
172 any medium. If you defame someone, that person may have a course of action to ensure that  
173 his or her reputation is not damaged.

174 **I. Privacy**

175 Many social media platforms allow users to set their own privacy settings, which often cover a  
176 number of areas including who viewed their profile, who can post comments and other content  
177 on the profile, and who can search for their social media page or channel. Although the vast  
178 majority of these privacy concerns apply to individual users, public sector users should be  
179 equally as conscious. Everyone who uses social media should begin with the assumption that  
180 everything posted on a government site is likely a public record.

181 Privacy issues involving social media are being slowly developed through case-law, and are still  
182 considered an open question subject to further explanation. Also, be aware that if a  
183 governmental entity requires people to register to use a government social networking site, it  
184 must carefully consider what information the registrant must provide (name, address, phone  
185 number, email, screen name), who will maintain the information, and whether others  
186 participating in the discussion will have access to this information.

**Enclosure 2: RTC 09-14-20: Draft Town Code Proposal – Title 15, Legislative Intent & Enactment**

1 **AN ORDINANCE** relating to the municipality’s authority for Town governance to give due and  
2 proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine  
3 Revised Statutes, and more particularly where the municipal officers of the Town, in their  
4 discretion pursuant to Maine’s Title 30-A, MRS, § 2005, Conflicts of Interest, §§ (7), may adopt  
5 an ethics policy governing the conduct of elected and appointed municipal officials.

6 **WHEREAS**, community service is a privilege which carries a weight of responsibility demanding  
7 moral integrity, upright behavior, and a clear and impartial sensitivity toward the health, safety,  
8 morals, and welfare of our residents; and

9 **WHEREAS**, regulation of ethics among Kittery’s municipal officials is intended to foster and  
10 preserve public trust in the fundamental integrity of local government, and;

11 **WHEREAS**, present-day communications, including social media so-called, afford opportunity to  
12 broadcast/disseminate protected-class information all too readily;

13 **WHEREAS**, even where an official’s conduct may not be legally proscribed, personal  
14 relationships or competing interests may create an appearance of impropriety sufficient to  
15 undermine public confidence in the fairness and honesty of local officials; and

16 **WHEREAS**, the municipal officers acknowledge that the pertinent ethical standard is, “whether  
17 a Town official, by reason of personal interest, is placed in a situation of temptation to serve that  
18 personal interest to the prejudice of the interests of those for whom the law authorizes and  
19 requires action.”

20 **WHEREAS**, certain ethical burdens are prevalent in municipal affairs including contracts,  
21 purchasing, hiring, confidential information, gifts or favors, and representing third parties; and,

22 **WHEREAS**, conflicts of interest; improper influence or official oppression; ex parte communication;  
23 and bias, among other related issues that may occur, raise grave legal liabilities for the Town; and

24 **WHEREAS**, the elements of a worthwhile enforceable ethics policy include disclosure,  
25 challenge, and determination, assuring the rights of due process for all affected parties; and

26 **WHEREAS**, 30-A MRS § 2605(6) obliges municipal officials to attempt to avoid the appearance  
27 of a conflict of interest to the defined degree of consanguinity, by disclosure, or by abstention in  
28 applicable cases; and

29 **WHEREAS**, appellants, petitioners, members of the public, and Board members, must have the  
30 opportunity to challenge Board members for perceived or alleged ethics issues, so as not to  
31 impinge on their right of due process; and

32 **WHEREAS**, any municipal official’s failure to adhere to related statutory obligations, including  
33 this Code, exposes the Town to unwarranted serious legal liability; and

34 **WHEREAS**, if after completing the Town Charter called-for due process protocol and hearing,  
35 the municipal officers find a municipal official to have violated this Code, appropriate penalty is  
36 to be applied, and

37 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as specified in  
38 § 1.01 and § 2.07(3) of the Town Charter; and 30-A MRS § 3001, pursuant to its powers that  
39 authorize the town, under certain circumstances, to provide for the welfare of its citizenry and  
40 does not intend for this Ordinance to conflict with any existing state or federal laws;

**Enclosure 2: RTC 09-14-20: Draft Town Code Proposal – Title 15, Legislative Intent & Enactment**

41 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS § 3001, AND TOWN  
42 CHARTER § 2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 15, CODE OF  
43 ETHICS, AS [ *PRESENTED / AMENDED* ].

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

45 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,  
46 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor  
47 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
48 passed by a vote of \_\_\_\_\_.

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

51 **Attest:** {NAME}, \_\_\_\_\_ Town Clerk

**Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics**

- 1 **KITTERY TOWN CODE TITLE 15 – CODE of ETHICS**
- 2 **15.1 - ESTABLISHMENT**
- 3 **15.2 - DEFINITIONS**
- 4 **15.3 - STANDARDS OF CONDUCT**
- 5 15.3.1 Statutory Standards
- 6 15.3.2 Contracts, Purchases, and Employment
- 7 15.3.2.1 Prohibition - Purchasing
- 8 15.3.2.2 Boards Prohibition – Hiring
- 9 15.3.2.3 Employee Prohibition – Hiring
- 10 15.3.3 Disclosure of Confidential Information
- 11 15.3.3.1 Prohibition
- 12 15.3.3.2 Executive Session Information
- 13 15.3.4 Gifts and Favors Prohibited
- 14 15.3.5 Representing Third Party Interest before Town Agencies
- 15 15.3.5.1 Employees
- 16 15.3.5.2 Councilors
- 17 15.3.5.3 Board members
- 18 15.3.6 Ethics Issues
- 19 15.3.6.1 Conflict of Interest
- 20 15.3.6.2 Improper Influence or Official Oppression
- 21 15.3.6.3 Ex Parte Communication
- 22 15.3.6.4 Bias
- 23 15.3.7 Due Process
- 24 15.3.7.1 Disclosure, Recusal, or Abstention
- 25 15.3.7.2 Challenge of a Board member
- 26 15.3.7.3 Rule of Necessity
- 27 **15.4 - COMMUNICATIONS**
- 28 15.4.1 Board Communications in General
- 29 15.4.2 Communications in Social Media
- 30 15.4.2.1 Town-sanctioned Social Media
- 31 15.4.2.2 Board Member Private Media Communications
- 32 **15.5 - COMPLAINTS - PROCESS**
- 33 15.5.1 Submission of Complaints
- 34 15.5.2 Review of Complaints Against Board members
- 35 **15.6 - VIOLATION and PENALTIES**
- 36 15.6.1 Determination of Violation
- 37 15.6.2 Penalties.

## Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics

### 38 15.1 ESTABLISHMENT

39 The proper operation of a democratic republic form of government requires that elected officials  
40 and their appointees be fair, impartial and responsive to the needs of the people and each other  
41 in the performance of their respective functions and duties; that decisions and policy be made in  
42 proper channels of the Town's governmental structure; that public office not be used for personal  
43 gain; and that municipal officials maintain a standard of conduct that will inspire public  
44 confidence in the integrity of the Town's government.

45 In recognition of these goals, as duly ordained by the authorized municipal officers of the Town,  
46 this Code of Ethics is hereby established for all Town Councilors, School Committee members,  
47 members of all Town Boards, Commissions, Authorities, and Committees, and Town Employees,  
48 now existing or hereafter created.

### 49 15.2 DEFINITIONS

50 **Bias** (*genuine prejudice that a judge, juror, witness, or other person has against some person or*  
51 *relevant subject*) for purposes of this Code, means a Board member, due to prejudice or a  
52 familial relationship, is considered unable to make a fair and impartial decision in a matter  
53 requiring objectivity (e.g., a quasi-judicial proceeding). A fair and impartial decision-maker is an  
54 integral component of procedural due process and a decision made in the absence of this  
55 component may be constitutionally deficient.

56 **Board** means all statutory and non-statutory boards, commissions, authorities, and committees  
57 now existing or hereafter created under the Town Charter or by virtue of any ordinance, order or  
58 resolve adopted by the Town Council.

59 **Board Member** means any person elected to membership to the Town Council or School  
60 Committee, or appointed to a board, commission, authority, or committee, by or under the  
61 authority of the Town Council.

62 **Business** means any corporation, partnership, individual, sole proprietorship, joint venture, or  
63 any other legally recognized entity organized for the purposes of making a profit.

64 **Conflict of Interest** means a situation in which any municipal officials by reason of personal  
65 interest, are placed in a situation of temptation to serve their own personal interest to the  
66 prejudice of the interests of those for whom the law authorized and required them to act.

67 **Consanguinity** (*the fact of being descended from the same ancestor*) for the purposes of this  
68 Code, except where "Immediate family" is specified, means when a person is required to be  
69 disinterested or indifferent in a matter in which others are interested, a relationship by  
70 consanguinity or affinity within the 6th degree according to the civil law, or within the degree of  
71 2nd cousins inclusive, except by written consent of the parties, will disqualify.

72 **Council** means the elected Town Council of the Town of Kittery as provided for in Town Charter  
73 Article II, Town Council. An individual member of the Town Council is known as Councilor.

74 **Ex Parte Communication** means a written or oral communication regarding the subject matter  
75 of a proceeding which occurs between a decision-maker and one party to a proceeding before a  
76 Board without another interested party's presence or notice. 30-A MRS §2691, states "every  
77 party ... [has] the right to present the party's case or defense by oral or documentary evidence,  
78 to submit rebuttal evidence and to conduct any cross-examination that is required for a full and  
79 true disclosure of the facts." An ex parte communication interferes with these rights because it  
80 deprives the party of the opportunity to address the evidence which the Board has considered in  
81 rendering a decision and must be completely avoided by Board members.



### Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics

- 82 **Financial Interest** means a direct or indirect interest having monetary or pecuniary value,  
83 including, but not limited to, the ownership of shares of stock. Any Employee, or Board member  
84 or any member of that person's immediate family who holds a financial interest in a disclosed  
85 blind trust is not deemed to have a conflict of interest with regard to matters pertaining to assets  
86 held by the trust.
- 87 **Harm** means any disadvantage or injury, pecuniary or otherwise, including disadvantage or  
88 injury to any other person or entity.
- 89 **Immediate Family** means a spouse, parent, child, sister, brother, stepparent, stepchild,  
90 stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law,  
91 daughter-in-law, and a person with whom any of the foregoing share a committed relationship.
- 92 **Improper influence** means a threat of harm to a public servant with the purpose of influencing  
93 their action, decision, opinion, recommendation, nomination, vote or other exercise of discretion.
- 94 **Municipal officer** means any of the duly elected Councilors of the Town as provided for in Town  
95 Charter Article II, Town Council.
- 96 **Municipal official** for purposes of this Code, means any member of Kittery's Town government  
97 including those elected to the Town Council and School Committee; appointed members of  
98 boards, commissions, authorities, committees; and, Town employees.
- 99 **Official oppression** means when public servants, acting with the intention to benefit themselves  
100 or another, or to harm another, knowingly commit an unauthorized act which purports to be an  
101 act of their office, or knowingly refrain from performing a duty imposed by law or clearly inherent  
102 in the nature of their office.
- 103 **School Committee** means the members of the duly elected superintending School Committee  
104 of the Town of Kittery as provided for in Town Charter Article IV, Department of Education.
- 105 **Social media account** means an account with an electronic medium or service through which  
106 users create, share and view user-generated content including but not limited to videos, still  
107 photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online service  
108 accounts and Internet website profiles and locations. "Social media account" does not include an  
109 account opened at an employer's behest or provided by an employer or intended to be used  
110 primarily on behalf of an employer.
- 111 **Special Interest** means a direct or indirect interest having value peculiar to a certain person or  
112 group, whether economic or otherwise, which value may inure to such person or group as a  
113 result of the passage or denial of any order, ordinance, or resolution; or the approval or  
114 disapproval thereof; by any Board and which interest is not shared by the general public.
- 115 **Town Councilor** means a member of the Kittery Town Council.
- 116 **Town Employee/employee** means any person working for, on a permanent or temporary basis,  
117 and drawing an hourly wage or salary from the Town of Kittery. This term does not include  
118 outside consultants or professional personnel providing services to the Town as independent  
119 contractors under a written professional services contract or other similar engagement.

120 **15.3 STANDARDS of CONDUCT**

121 This Code establishes ethical standards of conduct for all Board members and Town Employees,  
122 and by setting forth those acts or actions deemed to be in conflict or incompatible, or to create  
123 the appearance of conflict or incompatibility, with the best interests of the Town Kittery.

124 **15.3.1 Statutory Standards**

125 There are certain provisions of the general statutes of the State of Maine and the Kittery Town  
126 Charter which, while not set forth herein, are considered an integral part of this Code.  
127 Accordingly, the provisions of the following sections of the general statutes of the State of Maine,  
128 as may be superseded or amended from time to time, are hereby incorporated by reference and  
129 made a part of this Code of Ethics, and apply to all Board members, applicable as if more fully  
130 set forth therein:

131 17-A MRS § 456 Tampering with Public Records or Information

132 17-A MRS § 602 Bribery in Official and Political Matters

133 17-A MRS § 603 Improper Influence

134 17-A MRS § 604 Improper Compensation for Past Action

135 17-A MRS § 605 Improper Gifts to Public Servants

136 17-A MRS § 606 Improper Compensation for Services

137 17-A MRS § 607 Purchase of Public Office

138 17-A MRS § 608 Official Oppression

139 17-A MRS § 609 Misuse of Information

140 17-A MRS § 903 Misuse of Entrusted Property

141 21-A MRS § 504 Persons Ineligible to Serve

142 30-A MRS § 2605 Conflicts of Interest

143 30-A MRS § 2606 Prohibited Appointments

144 30-A MRS § 2607 Neglect of Official Duty

145 30-A MRS § 5122 Interest of Public officials, Trustees or Employees

146 **15.3.2 Contracts, Purchases, and Employment**

147 **15.3.2.1 Prohibition - Purchasing**

148 Town Employees and Board members may not participate directly in deliberation, approval or  
149 disapproval, or recommendation, in the purchase of goods and services for the Town, and the  
150 award of any contracts with the Town, except as permitted under the Town's Purchasing  
151 Regulations and under the laws of the State of Maine, where to their knowledge there is a  
152 financial interest, or special interest other than that possessed by the public generally, in such  
153 purchase or award, held by:

154 a. such persons or a member of their immediate family;

155 b. a business in which such persons or a member of their immediate family serves as an  
156 officer, director, trustee, partner or employee in a supervisory or management position; or

157 c. any other person or business with whom such persons or a member of their immediate  
158 family are in business, or are negotiating or have an arrangement concerning future  
159 employment.

## **Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics**

### **15.3.2.2 Boards Prohibition – Hiring**

Board members may not participate by way of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for Town employment or Town employee, where said applicant or employee is:

- a. a member of the Board member's immediate family; or
- b. a person with whom either the Board member, or a member or their immediate family, is in business.

### **15.3.2.3 Employee Prohibition – Hiring**

Except as authorized under the Town's published Personnel Rules and Regulations, no Employee may participate by way of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay off, or to take any other personnel action, in respect to any applicant for employment, where said applicant or employee is:

- a. a member of their immediate family; or
- b. a person with whom either the Employee or a member of the immediate family is in business.

## **15.3.3 Disclosure of Confidential Information**

### **15.3.3.1 Prohibition**

Employees and Board members, may not, without proper legal authorization, disclose confidential information; nor may they use such information to advance their financial or private interest or the financial or private interest of others.

For purposes of this subsection, the term, "confidential information" means any information, oral or written, which comes to the attention of, or is available to, such Employee or Board member, only because of their position with the Town, and is not a matter of public record.

### **15.3.3.2 Executive Session Information**

Information received and discussed during an executive session of any Board, called pursuant to 1 MRS § 405 must not be disclosed to any third party unless permitted by affirmative vote of such body.

### **15.3.4 Gifts and Favors Prohibition**

Gifts and favors are addressed in Town Charter § 12.02 (7); additionally Employees and Board members may not accept any gift, favor or thing of value, whether in the form of service, loan, item, or promise, from any person or business which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor may any Employee or Board member:

- a. accept any gift, favor or thing with a value greater than twenty-five dollars (\$25.00) which are to be considered nominal gratuities not included under Town Charter § 12.02 (7); or
- b. grant in the discharge of their official duties any improper favor, service or thing of value.

Nothing herein prohibits the acceptance of gifts or favors by Employees, or Board members, from members of their immediate families, such that are not intended to influence that person in the discharge of their official duties.

Employees, or Board members, may not use or permit the use of any Town-owned property, including but not limited to, motor vehicles, equipment, and buildings, for any private purposes. Nothing herein prohibits the use of Town buildings and equipment at rates and/or on terms as may be established.

204 **15.3.5 Representing Third Party Interest before Town Agencies**

205 **15.3.5.1 Employees**

206 Employees may not appear on behalf of any third-party interest before any Town agency, or  
207 represent a third-party interest in any action, proceeding, or litigation in which the Town or one of  
208 its agencies is a party. Nothing herein prohibits any Employee from appearing as a witness  
209 when duly called by a party for the purpose of giving non-privileged testimony before any Town  
210 agency or in any such action, proceeding or litigation. Nothing herein prohibits any Employees,  
211 on behalf of their personal interest, from appearing before any Town agency. "Personal interest"  
212 includes, for this purpose, any interest of the Town Employee concerned as a resident,  
213 landowner, or taxpayer affected by the matter under consideration.

214 **15.3.5.2 Councilors**

215 Councilors may not either appear on behalf of any third-party interest before any Town agency,  
216 or represent a third-party interest in any action, proceeding, or litigation in which the Town or one  
217 of its agencies is a party. Nothing herein prohibits a Councilor, on behalf of a constituent in the  
218 course of their duties as a representative of the electorate, or any Councilor, on behalf of their  
219 personal interest, from appearing before a Town agency.

220 **15.3.5.3 Board Members**

221 Board members may not appear on behalf of any third-party interest before a Town agency of  
222 which they are a current member. Nothing herein prohibits a Board member, on behalf of their  
223 personal interest, from appearing before any Town agency including that of which they are a  
224 current member, but such Board member or Commission member may not deliberate or vote on  
225 the item concerned.

226 **15.3.6 Ethics Issues**

227 **15.3.6.1 Conflict of Interest**

228 Board members may not, in such capacity, participate in the deliberation or vote, or otherwise  
229 take part in the decision-making process, on any agenda item before their collective body in  
230 which they or a member of their family to the defined degree of consanguinity, has a financial or  
231 special interest, other than an interest held by the public generally.

232 **15.3.6.2 Improper Influence or Official Oppression**

233 No Board member may:

234 a. Threaten any harm to a public servant, municipal official, or voter, with the purpose of  
235 influencing their action, decision, opinion, recommendation, nomination, vote or other  
236 exercise of discretion;

237 b. Privately address to any public servant who has or will have an official discretion in a  
238 judicial or administrative proceeding any representation, argument or other communication  
239 with the intention of influencing that discretion on the basis of considerations other than  
240 those authorized by law; or

241 c. Fail to report to a law enforcement officer conduct perceived to influence action, decision,  
242 opinion, recommendation, nomination, vote, or other exercise of discretion.

243 d. Act with the intention to benefit themselves or another or to harm another, and knowingly  
244 commit an unauthorized act which purports to be an act of office

245 e. Knowingly refrain from performing a duty imposed by law or clearly inherent in the nature  
246 of their office with the intention to benefit themselves or another, or to harm another.

247 **15.3.6.3 Ex Parte Communication**

248 Board members shall not knowingly engage in any form of ex parte communication, and if such  
249 happen accidentally, immediate disclosure must be made to the Town Clerk. Board members  
250 must abstain from the discussion and vote on any related item before that Board, if the member  
251 has taken part in such, unless formally agreed to by all interested parties.

252 **15.3.6.4 Bias**

253 All Board members must abstain from the discussion and the vote on any item before that Board,  
254 if the member is so biased against the applicant or the item that they could not make an impartial  
255 decision, thereby depriving the applicant of the due process right to a fair and objective hearing;  
256 or, when an appellant or petitioner familial relationship falls with the defined degree of  
257 consanguinity.

258 **15.3.7 Due Process**

259 **15.3.7.1 Disclosure, Recusal or Abstention**

260 Any Board member who believes that they, or a member of their family to the defined degree of  
261 consanguinity, has a financial or special interest, other than an interest held by the public  
262 generally, in any agenda item before their collective body, must disclose the nature and extent of  
263 such interest and the Town Clerk shall make a record of such disclosure.

264 Such disclosure must be made no later than the date of the first meeting of the Board thereof, at  
265 which the agenda item concerned is to be taken up for consideration, recommendation,  
266 discussion or vote; and, at which the Board member is present.

267 To avoid the appearance of a violation of this section, once any Board member is determined to  
268 have a conflict of interest in respect to any agenda item, and once all conflict of interest  
269 questions relating to the agenda item concerned have been determined as provided herein, such  
270 Board members must immediately remove themselves from their regular seat as a member of  
271 the body.

272 They may not return to their regular seat as a member of the body until deliberation and action  
273 on the item is completed.

274 **15.3.7.2 Challenge of a Board member**

275 Appellants, petitioners, members of the public, or Board members present, are allowed to  
276 challenge a Board member as to a perceived or alleged ethics issue as unqualified to perform  
277 legal duties because of a potential conflict of interest or lack of impartiality.

278 All ethics challenges relating to a particular agenda item must be raised and resolved prior to any  
279 consideration of the item concerned. Each Board member present is entitled to vote on all ethics  
280 questions except that individual member.

281 A majority vote of the Board members, except the member being challenged, decides whether  
282 such ethics issue is such that it:

283 a. may reasonably be seen to interfere with the challenged member's ability to hear and act  
284 on the item impartially and may conceivably impinge upon the appellant/petitioner's right of  
285 due process; or

286 b. whether it would reasonably be seen to give the appearance to the public of an  
287 inappropriate communication, conflict, influence, oppression, or bias, so as to undermine the  
288 public confidence in the fairness of the meeting.

289 All votes of ethics issue challenges must be recorded.

### Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics

290 Upon determination that an ethics issue in fact exists, the Board member concerned must be  
291 recused from participating in discussion, deliberation, or vote, on the relevant agenda item, such  
292 Board members must immediately remove themselves from their regular seat as a member of  
293 the body.

294 They may not return to their regular seat as a member of the body until deliberation and action  
295 on the item is completed.

#### 296 **15.3.7.3 Rule of Necessity**

297 If so many members are disqualified due to a conflict of interest, bias, or other legal reason that  
298 the Board will not be able to meet its quorum requirement, and there is no other body legally  
299 authorized to act, those members may be able to participate under a legal theory called “the rule  
300 of necessity”. The Board may request the Town Manager to consult with the Town Attorney  
301 before applying the “rule of necessity” in order to determine whether some other alternative is  
302 possible, such as the creation of a special Board to hear that particular case.

### 303 **15.4 COMMUNICATIONS – SOCIAL MEDIA**

#### 304 **15.4.1 Board Communications in General**

305 The most fundamental role of Board members as a group is communication. Because the  
306 Boards perform as a body (that is, acting based on the will of the majority as opposed to  
307 individuals), it is important that general guidelines be understood when speaking to something  
308 related to Board duties, responsibilities, and matters before it. Equally important, when  
309 members are expressing personal views and not those of the Board, the public are to be so  
310 advised

311 On occasion, members may wish to transmit correspondence on an issue upon which the Board  
312 has yet to take a position or about an issue for which the Board has no position. In these  
313 circumstances, members are to clearly indicate within their correspondence that they are not  
314 speaking for the Board as a whole, but for themselves as one member.

315 After the Board has taken a position on an issue, official correspondence is to reflect this  
316 position.

317 Similar to written correspondence, when members are requested to speak to groups or are  
318 asked the Board’s position on an issue, the response is to reflect the position of the whole. A  
319 member may clarify their vote on a matter by stating, “While I voted against X, the Board voted in  
320 support of it.” When representing the Board at meetings or other venues, it is important that  
321 those in attendance gain an understanding of the Board’s position as well as that of an  
322 individual member.

#### 323 **15.4.2 Communications in Social Media**

324 This section is to recognize that many, if not most, Board members and employees are active  
325 users of social media, including but not limited to, online platforms such as Facebook and  
326 Twitter, and other digital media such as blogs and personal websites. It is understood, that while  
327 social media can be a positive tool for supporting the Town and its Schools and encouraging  
328 community engagement, Board members and employees need to be aware of the legal and  
329 ethical considerations that arise when they post, “message,” or otherwise interact with others on  
330 social media platforms.



### Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics

331 It is not the intent of this Ordinance to interfere with or restrict anyone’s freedom of speech, but  
332 to set standards for social media conduct that are consistent with law and this Ordinance. Board  
333 members shall comply with the following expectations:

334 a. Board members shall not post on social media or engage in online discussions as a  
335 substitute for deliberations at Board meetings. Board members must be aware that social  
336 media activity can be perceived as a meeting if a sufficient number (a quorum) of its  
337 members are involved on the site to influence or determine the course of action that will be  
338 taken by the Board, even if other people are posting to the site as well.

339 b. Board members must understand that any posting that pertains to official Board matters  
340 may create a “record” that is subject to laws and regulations pertaining to the retention and  
341 disposition of local government records, and to discovery in legal proceedings involving the  
342 any department of the Town.

#### 343 **15.4.2.1 Town-sanctioned Social Media**

344 Any Town-sanctioned social media sites must be maintained by the Town Manager. Any content  
345 to be posted on Town-sanctioned social media sites must meet the approval of the Town  
346 Manager before it is posted.

347 a. All personnel that engage in social media activities and/or visit any Town-sanctioned  
348 social media site on the Town’s behalf shall comply with applicable federal, state and local  
349 laws, regulations and policies, including the Maine Freedom of Access Act, and the records  
350 retention schedule. All content must be managed, stored, and retrieved to comply with these  
351 laws.

352 b. Any personnel who post online content as a representative of the Town, or on the Town’s  
353 behalf are to clearly state within said post that said content is subject to all applicable records  
354 retention and public disclosure laws. All Town-sanctioned social media sites must clearly  
355 indicate that any articles and any other content posted or submitted for posting are subject to  
356 records retention and public disclosure.

357 c. Any content posted as representative of the Town, or content posted to a Town-  
358 sanctioned social media site containing any of the following is prohibited:

359 (1) Comments not topically related to the particular site or blog article being commented  
360 upon;

361 (2) Profane language or content;

362 (3) Content that promotes, fosters, or perpetuates discrimination on the basis of race,  
363 creed, color, age, religion, gender, marital status, status with regard to public assistance,  
364 national origin, physical or mental disability;

365 (4) Sexual content or links to sexual content;

366 (5) Conduct or encouragement of illegal activity;

367 (6) Information that may tend to compromise the safety or security of the public or public  
368 systems;

369 (7) Content that violates a legal ownership interest of any other party;

370 (8) Information that is incorrect or misleading;

371 (9) Information that is in conflict with an approved Town policy, ordinance, directive, or  
372 plan; and/or

373 (10) anything else that creates a disruption in the workplace.

### Enclosure 3: RTC 09-14-20: Draft Town Code Proposal – Title 15, Code of Ethics

374 d. Content submitted for posting on a Town-sanctioned social media site that is deemed  
375 unsuitable for posting by the Town Manager because it violates criteria in the preceding item  
376 of this Ordinance, is to be retained pursuant to the records retention schedule along with a  
377 description of the reason the specific content is deemed unsuitable for posting.

378 e. Any hyperlinks posted on a Town-sanctioned social media site are to be accompanied by  
379 the following disclaimer: "The Town guarantees neither the authenticity, accuracy,  
380 appropriateness nor security of the link, website, or content linked thereto."

381 f. Any content posted as representative of the Town, or content posted to a Town-  
382 sanctioned social media site is owned by the Town.

#### 383 **15.4.2.2 Private Media Communications**

384 a. The Town disavows, and is not responsible for any sites, posts, opinions, or content not  
385 coordinated through and approved by the Town Manager. If a Board member or employee  
386 posts data purporting to be on behalf of the Town while using a social media site without the  
387 prior approval of the Town Manager, the Town is not responsible for said posted content;  
388 and, such content is not to be construed as reflecting the views or opinions of any Board, or  
389 Town employees. The absence of explicit reference herein to a particular site does not limit  
390 the extent of the application of this Ordinance.

391 b. Board members accessing social media, for their own reasons, with an alias, are  
392 proscribed from comment via that, or any other communications mechanism, the same as for  
393 all mandates included herein.

394 c. This section does not prohibit or restrict the Town from requiring an employee to disclose  
395 personal social media account information that the employer reasonably believes to be  
396 relevant to an investigation of allegations of employee misconduct or a workplace-related  
397 violation of applicable laws, rules or regulations if requiring the disclosure is not otherwise  
398 prohibited by law, as long as the information disclosed is accessed and used solely to the  
399 extent necessary for purposes of that investigation or a related proceeding.

### 400 **15.5 COMPLAINTS PROCESS**

#### 401 **15.5.1 Submission of Complaints**

402 Any Board member, or member of the public, believing a municipal official has failed to observe  
403 this Code, must report such complaint directly to the Town Manager.

404 The Town Manager will address complaints against Employees in accordance with state and  
405 federal employment laws, Town Code Title 2, Town Policy, and any applicable Collective  
406 Bargaining Agreements.

#### 407 **15.5.2 Review of Complaints Against Board members**

408 The Town Manager will review any complaint made against a Board member to determine if it is  
409 based in fact and if it is relevant to this Code, and take the following action:

410 a. If the complaint is found not to be based in fact no further action will be taken;

411 b. If the complaint is found to be based in fact and related to this Code, the Town Manager  
412 shall report the complaint to the Council; or

413 c. If the complaint is found to be based in fact and not related to this Code, the Town  
414 Manager will refer the complaint to the proper authorities and report such action to the  
415 Council.

416 The Council will determine, by majority vote, whether or not to conduct a hearing on any  
417 complaint reported by Town Manager.



418 **15.6 VIOLATION and PENALTIES**

419 **15.6.1 Determination of Violation**

420 The Council shall determine if a Board member has violated this Code only after notice is given  
421 to accused Board member and conducting a hearing pursuant to the relevant provision of the  
422 Town Charter.

423 The Council will conduct their hearing with the Councilor or Board member in executive session,  
424 unless the Board member requests the hearing to occur in public.

425 **15.6.2 Penalties**

426 Violation of this Code constitutes cause for penalty:

427 a. Councilors found in violation of this Code may be censured or deemed to forfeit their  
428 office in accordance with the Charter § 2.12(2) and § 2.09.

429 b. School Committee members found in violation of this Code may be censured or deemed  
430 to forfeit their office in accordance with the Charter § 2.12(2) and § 4.07.

431 c. Other Board members found in violation of this Code may be censured or deemed to  
432 forfeit their office in accordance with the Charter § 2.12(2) and § 2.07(1).

**PUBLIC HEARING  
TITLE 10 LOVE LANE**

# Kittery Church of Christ

48 Love Lane  
Kittery, ME 03904  
(207) 439 - 0720  
[kitterycoc@gmail.com](mailto:kitterycoc@gmail.com)

RECEIVED  
SEP 24 2020  
BY: \_\_\_\_\_

Town Council:

We are asking for an accommodation regarding the proposed "One Way" on Love lane.

We are very concerned about this as it would be a major hindrance to our activities with our members and with the community as well as with visitors that frequent the church.

Perhaps there are other solutions such as making the "One Way" only applicable in the mornings, Monday through Friday. Another solution might be blocking the exit traffic on the other end of the road and signing it as "Not a through way." There are no businesses or churches on the other end.

Our meeting times are currently all day on Sunday (we have a morning and night service) and Wednesday Evening at 7:00 pm.

We also host free spaghetti and bean suppers, have guest speakers, and various other activities at the building (when there is not a health crisis). We hope to resume these special activities when it is safe to do so.

The owners of the bank and the condos do not want to be affected by this and neither do we. Our driveway is the next one up from the condominiums on the right.

I live on Love lane and acknowledge that the shipyard traffic is an issue but we ask that we, as a small community church, do not pay such a steep penalty.

It is also true that this traffic will need to go somewhere. It may make some love lane residents happier but at the cost of someone else's happiness.

Thank you for your time,

The Congregation of the Kittery church of Christ,

Nathaniel [Signature]

[Signature]

Mary Simonds

Robert [Signature]

We know it is not easy to please everyone. Please know we appreciate your consideration for our need. Marcia Stacy

Rebecca Hios

Darlene Harty

Mich [Signature]

Welf A. [Signature]

Dawn Salus

Robert T. [Signature]

Deborah [Signature]

Matthew [Signature]

JOSHUA [Signature]

Alana [Signature]

Pal [Signature]

Heidi Soper

Peter [Signature]

Mary [Signature]

Juane [Signature]

Edith [Signature]

Bonnie [Signature]

# Love Lane Emergency Ordinance

Michael O'Keefe <[REDACTED]>

Thu 9/24/2020 4:28 PM

To:town comments <tcomments@kitteryme.org>;

Cc:Michael O'Keefe <[REDACTED]>; Karen O'Keefe <[REDACTED]>;

Town Council Members,

My name is Mike O'Keefe and I live at 43 Love Lane. I'd like to voice my support for making Love Lane a one way street with traffic flow only from Rogers Rd to Route 1. Doing so will greatly reduce early morning traffic and associated noise thus greatly improving the quality of life for the Love Lane residents. In addition, making the road one way will allow for striping the road creating a designated area for pedestrians which will significantly improve safety for the many people that walk on Love Lane. I realize that one way streets are somewhat inconvenient but believe the improvements in safety and quality of life far outweigh the relatively minor inconvenience of occasionally having to drive a little further.

Sincerely,

Mike O'Keefe

# Love Lane Emergency Ordinance

Karen O'Keefe <[REDACTED]>

Thu 9/24/2020 4:51 PM

To:town comments <tcomments@kitteryme.org>;

Cc:Michael OKeefe <[REDACTED]>;

Town Council Members,

My name is Karen O'Keefe and I live at 43 Love Lane. I would like to voice my strong support for making Love Lane one way traffic from Rogers Rd to Rt 1 . The amount of cars, large coach busses , loud trucks & motorcycles that occurs every day from 4:45 am and throughout the day makes it extremely hard to sleep past 4:45 am. The cars, trucks and motorcycles use this road at this early hour seemingly as a race track , speeding and gaining speed on the hill which is unsafe and creates an extreme amount of noise . During the day we do not feel safe walking on Love Lane due to higher speed and amount of traffic both ways . It is a narrow road and doesn't seem right that this huge amount of traffic should be allowed . The large trucks and large Coach buses seem very dangerous also on this small narrow road. We understand it may be a small inconvenience to drive around but this change seems minor and can easily be adapted as compared with the above stated difficulties in living with this traffic and the ensuing problems it incurs .

Thank you so much for your support , understanding and willingness to work with us to come to a reasonable solution for all the residents of Love Lane.

Karen O'Keefe

# Love Lane Traffic Proposal

Marcy Philbrook <[REDACTED]>

Fri 9/25/2020 1:12 PM

To: town comments <tcomments@kitteryme.org>;

To the Kittery Town Council,

I am in favor of a trial period of 6 months to a year of turning Love Lane into a one way street heading toward State Rd. The traffic in the pre-dawn hours through to 6:30 am has seen a marked increase in the last 4-5 years, often bumper to bumper with coach buses and box trucks in the mix. The main roads are designed for this type of traffic, but not a tiny, windy street like Love Lane. There is no room for sidewalks, and bicyclists and walkers take their lives in their hands by traveling our scenic street. Sleep is disrupted from Monday through Friday.

With one way traffic there would be room for a bike and/or pedestrian lane, which should also slow down traffic and benefit all of Kittery residents out for walks and rides. The inconvenience of having to drive around the block when needing to return from a trip to State Road would easily be offset by the improvement (and return of!) safety, quiet and general quality of life on Love Lane.

Thank you for your consideration,

Marcy Philbrook

38 Love Lane

# Love Lane Title 10 Draft Proposed

Michael Kelso <[REDACTED]>

Fri 9/25/2020 10:22 PM

To:town comments <tcomments@kitteryme.org>;

Dear members of Kittery Town Council and Town Manager

I would like to thank Councilor Cyrus Clark for his part in bring this to the council. I have voiced my concerns for many years about traffic on Love Lane with much promised and no result.

I support the ONE way all times solution option 1 for Love Lane.

The shortage of officers to enforce speeding and difficulty of enforcing noise problems in early am makes the one way a good start to solve everyone's major complaint of early shipyard traffic volume, noise, and speed starting at 4 am.

Use of Love Lane for those walking is avoided by many because of traffic. Item 3 Road diet would help the neighborhood use Love Lane without fears of being run over. The volume of traffic on Love Lane has increased and the speed of vehicles on this narrow lane have the makings a potential dangerous situations daily.

Option 2 designated times would be a disaster. The current one way on Pine st is ignored and not enforced. Also the shipyard traffic starts around 4 am and continues to after 6 am.

I would hope the council would support the towns residences desire to limit shipyard traffic from local streets in AM and confine to numbered routes.

Michael Kelso

42 Love Lane

Kittery, ME 03904

207 438-0416

# Love Lane Traffic Proposal

Kari Economou 

Sat 9/26/2020 11:13 AM

To:town comments <tcomments@kitteryme.org>;

Good day,

We are writing in support of the plan to make Love Lane a one-way street at all times.

Shipyards traffic brings congestion and speed that our street and neighborhood can't handle. We want to stress how unsafe it can feel being on our street with our children. This is especially true during the shipyard afternoon commute, which unfortunately coincides with school bus drop off (in normal years). We've had far too many scary moments walking three houses over, to and from our bus stop- especially during snowbank season where there is no place to walk outside of traffic lanes. The Traip Academy kids on our street have no bus option and walk to school everyday.

We believe adding a safe space to walk and ride bikes would drastically increase the quality of life on our and neighboring streets. Considering the proximity of Love Lane to the Kittery Foreside and to State Street businesses, making our street safer and more welcoming of foot and bike traffic would encourage less vehicular use for local outings.

We believe that the option to make Love Lane one way only occasionally would be too dangerous. Our street is windy and hilly, and in many sections it would be near impossible to see a confused oncoming driver in time to avoid collision. Given our proximity to Traip Academy, our street is also frequented by teenage drivers.

We appreciate the thought and attention that our concerns are getting!

Thank you,  
Aaron and Kari Economou  
18 Love Lane



# Town Council Meeting Agenda- Sep 28/ One Way - Love Lane

[Redacted]

Sat 9/26/2020 3:16 PM

To:town comments <tcomments@kitteryme.org>;

Cc:'Michael Kelso' <[Redacted]>; 'Michael O'Keefe' <[Redacted]>; 'Lorrie Sanger'

Dear Town Council,

We are in **favor** of Love Lane having a trial for ONE WAY in the direction from Rogers Road to State Road.

1. At all times
2. One way at designated times (if an option ) needs to start at 500am -700am (M-F)

Thank you for your consideration.

Kim and Ron Smith  
22 Love Lane  
Kittery,Maine 03904  
207-439-3272-H

# Love Lane one way proposal

Lorrie Sanger <[REDACTED]>

Sun 9/27/2020 10:52 AM

To:town comments <tcomments@kitteryme.org>;

Kittery town council,

I completely support the trial for one way going in the direction Rogers Rd to State Rd. This direction in my opinion is the best. One it would diminish the onslaught of morning traffic from 5-6:30 in the morning on weekdays headed east toward the shipyard. The second reason is that while there are a few houses extremely close to the road on the North side, even numbered side, most are set back and elevated which may lessen the impact of road traffic.

The safety of children and adults walking, biking doing yard work is also of great importance.

There will be some getting use to by residents, business's, and houses of Worship on both sides of Love Lane and abutting roads.

We all will all be impacted by a mile maybe two, routines will be changed up. I believe that it is worth it for the safety and quality of life that will be gained. I do not believe in the long run businesses or houses of Worship will be negatively impacted.

Inconvenienced for a while, yes. This is a way for all of us to love and look out for our neighbors, neighborhood and town.

Thank you for listening,

Lorrie Sanger

[Sent from Yahoo Mail for iPad](#)

# Love Lane One-Way

Jared McLellan < >

Mon 9/28/2020 6:54 AM

To:town comments <tcomments@kitteryme.org>;

To whom it may concern,

The traffic on Love Lane creates an unsafe condition for the residents. In most areas the road is not wide enough for pedestrians and vehicles to safely use it simultaneously. Commuters treat the road like a main road, disregarding speed limits and common courtesy regarding noise. It is not uncommon to have stopped traffic on Love Lane in the morning hours between 5:00 and 7:00 AM. The usage of the road has exceeded its intended design, implementation of a one-way appears to be the only resolution that will make a significant impact. Thank you for your time.

Jared McLellan  
11 Love Lane

# Love Lane Trial

Nina Shore 

Mon 9/28/2020 7:58 AM

To:town comments <tcomments@kitteryme.org>;

Dear Town Council,

Thank you for seriously considering changes to the traffic pattern that will improve the quality of life and safety on Love Lane.

I believe that the option one, one-way pattern trial would be the best option at this time. Although there is an inconvenience for all, it would improve the livability of full time, tax paying Kittery residents.

I would also, as one who walks their dog daily on Love Lane, encourage no additional curbing be added as it is a danger to bicycles and pedestrians when trying to avoid traffic. Hopefully this new traffic pattern will remedy this hazard.

Again, thank you for attending to this issue and I hope you can find a viable option for dealing with the heavy volume of morning shipyard traffic. We look forward to better sleep and overall safer conditions on Love Lane.

Sincerely,  
Nina Shore  
42 Love Lane  
Kittery, ME

# Love Lane Emergency Ordinance

Leslie Culbert <[REDACTED]>

Mon 9/28/2020 8:15 AM

To:town comments <tcomments@kitteryme.org>;

Good morning Town Council Members,

I am writing to let you know that I am in full support of making Love Lane a one way street! Volume, speed and noise has gotten way out of hand! Between 4:30 and 6:30, most days, it is bumper to bumper, loud engines, loud radios, etc. Other times people travel WAY TO FAST on our street! It is very dangerous for people to be walking and folks speeding on a narrow and winding road! Last but not least, I do not think Coach busses, etc. need to be using Love Lane as a main thoroughfare!

Thank you so much for your attention and support on this matter!

Sincerely, Leslie Culbert (41 Love Lane)

Sent from my iPad

# Love Lane/one way experiment

Rex Richards <[REDACTED]>

Mon 9/28/2020 8:52 AM

To:town comments <tcomments@kitteryme.org>;

Council,

We are at 53 Love Lane and we support the experiment to make Love Lane one way, east to west. It will likely improve our quality of life, and be only a minor adjustment/inconvenience.

The biggest part of this problem for us, which is an unaddressed area wide problem, is noise made by motorcycles and large pickups. It seems this faction is allowed to disturb the peace intentionally without consequence at all hours of the day and night. Our police force may be short handed, but they're not deaf. It would be good if they were given tools to quiet down our community.

Making Love Lane one way will go a long way to restoring our opportunity to sleep in the early morning. The noise won't be right in our front yard.

Thank you, Rex Richards and David Greer

--

Dryden House Stitching  
Rex Richards  
207-439-9378  
[www.sewdhs.com](http://www.sewdhs.com)