



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL COUNCIL CHAMBERS

November 28, 2022

6:00PM

Meetings may be watched in person, on Channel 22, the Town's website, or Kittery Channel 22 Facebook page.

The public may submit public comments via email, US Mail, or by dropping off written comments at the Town Hall. Emailed comments should be sent to:

TownComments@kitteryme.org.

The public may participate in person or via Zoom webinar. **To register for the Zoom webinar, click this link:**

https://us02web.zoom.us/webinar/register/WN_WH7JX1e5Rf2zZciGb9jOpg

After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing and public comment.

Written comments received by noon on the day of the meeting will become part of the public record and may be read in whole or in summary by the Council Chair.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition
 - b. (110222-01) – The Kittery Town Council moves to approve the Council Rules for the ensuing year.
 - c. (110222-02) – The Kittery Town Council moves to approve appointments of Council members to standing and ad hoc committees.
 - d. (110222-03) – The Kittery Town Council moves to approve a pole relocation application from Central Maine Power for Dennett Road.
 - e. (110222-04) – The Kittery Town Council moves to appoint Tessa Corsetti to the Shellfish Conservation Commission, for a three-year term, to expire December 31, 2025.
14. COUNCILOR ISSUES OR COMMENTS
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION
17. ADJOURNMENT

Posted: November 23, 2022



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council

November 28, 2022

1. **Net Energy Billing & Encore** – In June of 2021, the Town worked with five other communities in York County to advance a net energy billing credit effort that gains the Town access to solar energy, generated in Maine, while lowering electricity costs for the Town. Unfortunately, Encore has been unable to implement the project as proposed and within the timeline proposed. In accordance with a clause in the contract, Kittery and four of the other communities are withdrawing from the deal.

The plan was presented to the Council in June of 2021. Based on the Encore package, the Town was slated to save approximately \$66,300 annually and the School Department \$26,000 annually. The contract had a 24-month early termination agreement that allowed the Town or Encore to end the contract if the project was not online and generating power. Effectively, this clause will take effect based on Encore's expected construction schedule.

Based on the research conducted by the collaborative, issuing another collaborative bid will not be advantageous. The most recent changes in the legislation make our arrangement no longer viable for a developer implementing solar in Maine for the net energy billing program.

Despite this disappointing setback, the Town is still committed to converting to primarily solar energy generation, and achieving any savings possible in the process. I have already begun discussions with our power broker about assisting in a new bid process for Kittery.

2. **Get Involved – Boards, Committees, and Commissions** – There are a number of upcoming opportunities for residents to get involved by volunteering to be on a board, commission, or committee. Volunteering to be on a board, commission or committee is a great way to learn more about the town, meet fellow residents, and share ideas, and shape the future of Kittery.

We currently anticipate three open seats on the Planning Board, one on the Board of Appeals, and a number of open seats on various advisory boards and committees.

For more information visit www.kitteryme.gov/get-involved.

3. **Jason Garnham, Director of Planning and Development** – Please help me in welcoming Jason Garnham to our Kittery team as the new Director of Planning and Development. He begins in this role on December 5.

Prior to joining our team, Jason served as Planning Director/City Planner for the City of Saco, and Senior Planner for the City of Kent, WA. He received his Bachelors in Political Science from UNH, and his Master's Degree in Urban Design and Planning from the University of Washington. He has an exceptional background in municipal planning, and brings a wealth of experience in both planning policy

and practice to this role. It was clear in our interviews, Jason is committed to customer-centric service, and is eager to engage with our residents, businesses, property owners, and various volunteer boards, commissions and committees in continuing to implement the comprehensive plan.

We are excited to have Jason join our team and look forward to the positive impact he will have on our community.

Upcoming Dates:

- Property Tax Stabilization Applications Due – December 1, Town Hall
- Kittery Holiday Parade and Tree Lighting – December 3, 3PM,
- Holly Jolly Trolley Tour – December 9, 4PM, Rice Public Library
- Breakfast with Santa – December 10, 8:30AM, Kittery Community Center
- Dog License Renewal – Deadline January 31, Town Hall

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Kendra', with a long horizontal flourish extending to the right.

Kendra Amaral
Town Manager



BOARDS CURRENTLY SEEKING MEMBERS, ALTERNATES OR POOL APPLICANTS

Board of Appeals

Board of Assessment Review

Planning Board

FOR MORE INFORMATION



207-475-1313



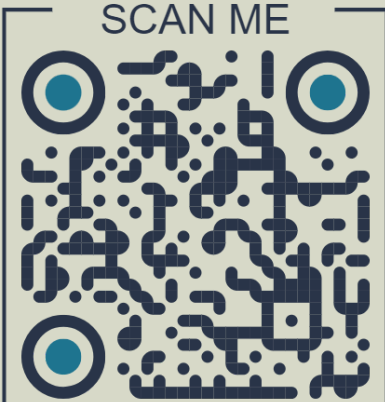
jrichards@kitteryme.org



**200 Rogers Road
Kittery, ME 03908**

APPLY TODAY

SCAN ME



GET INVOLVED



JOIN A TOWN OF KITTERY BOARD, COMMITTEE OR COMMISSION

The Town of Kittery is seeking unique ideas, problem-solving abilities and personal experience to help shape the future of Kittery.

Tell Me More!

- Learn about local government and find new ways to address community challenges and concerns.
- Meet new people with various talents and share ideas that make a difference.

How Often Do Boards Meet?

- Some boards meet once a month, while others meet more frequently. Find one that suits your schedule.
- Participate in meetings and workshops in-person, or remotely via Zoom for more flexibility.

Apply Today!

- To download or complete an application, please visit: www.kitteryme.gov/getinvolved.



TOWN OF KITTERY COUNCIL RULES

DRAFT: November 14, 2022

COUNCIL RULES

Except as superseded by these rules, Robert's Rules of Order, Newly Revised, 11th Edition, govern the conduct of meetings.

SECTION ONE. REGULAR MEETINGS:

The regular meetings of the Council are held in the Council Chambers of the Town Hall, or through telephonic, video, electronic, or similar means of remote participation as allowed by Maine Law, on either the second or fourth Monday of each calendar month, or both. Routinely, only one regular meeting will be scheduled in July, August and December, except if the Chairperson and Town Manager deem it necessary to hold a second. Public proceedings commence at 6:00 p.m. whether or not preceded by an executive session.

When said meeting falls on a holiday or is otherwise postponed, the regular meeting is held on the following Wednesday, at the same time and place.

The date and venue of any regular meeting may be changed upon the vote of the Council, provided, however, that said change in date, or venue, will still provide for at least one regular meeting in each month.

SECTION TWO. SPECIAL MEETINGS:

Special meetings may be called by the Chairperson or by four members of the Town Council. Notice of such meeting must, when possible, be given at least twelve hours before the time for holding the meeting. The call for the meeting must set forth the matters to be acted upon and nothing else may be considered.

Special meetings include public comment time as provided at regular Council meetings, but such public comment is limited to the matters on the agenda for the meeting. Notices of such meetings must include the name(s) of the person(s) requesting the meeting.

SECTION THREE. COUNCIL ACTION:

The Town Council shall act only by ordinance, order, resolve, and by consensus.

Actions of the Council are recorded in the minutes of the Council meeting.

SECTION FOUR. EFFECTIVE DATE OF COUNCIL ACTIONS:

All actions of the Council, except ordinances, take effect immediately upon passage.

The effective date of ordinances is governed by Section 2.14, Paragraph 3 of the Town Charter.

SECTION FIVE. DUTIES OF THE CHAIRPERSON.

The Chairperson shall assume the chair at the time appointed for the meeting; call the members to order; provide for introductory and pledge of allegiance; cause the roll to be called; and, a quorum being present, proceed to conduct the business of the Council according to the published agenda.

The Chairperson shall preserve decorum and order; speak to points of order in preference to other members; and, decide all questions of order subject to an appeal to the Council by motion regularly made and seconded, and no other business is in order until the question on appeal be decided.

The Chairperson shall declare all votes, but if any member doubts a vote, the Chairperson shall cause a return of the members voting in the affirmative and in the negative without debate.

All persons wishing to speak, whether they be Council members or members of the general public must first be recognized by the Chairperson.

The Chairperson enjoys the same rights and privileges as other members of the Council, including the introduction and seconding of motions and participation in debate.

SECTION SIX. VICE CHAIRPERSON.

The position of Vice Chairperson is hereby established. The provisions of Charter Sec. 2.05 (1) apply for election to this position.

In the temporary absence or disability of the Chairperson, Charter Sec. 2.05 (3) and Section Five of these Council Rules govern the duties of the Vice Chairperson.

SECTION SEVEN. RECONSIDERATION OF THE VOTE.

When a vote is concluded, it is in order for any member who voted on the prevailing side to move a reconsideration thereof at the same or next regular meeting.

SECTION EIGHT. CONDUCT IN ADDRESSING THE COUNCIL.

Proper decorum, befitting the gravity of their solemn duties, is expected of all Councilors during the conduct of meetings.

Councilors wishing to speak shall respectfully address the Chairperson, and confine their comments to the question under debate, or the issue the Councilor wants to raise.

No member may be interrupted by another, but for a point of order or to correct a mistake, and only upon recognition by the Chairperson.

SECTION NINE. MOTIONS IN WRITING

Motions must be reduced to writing if the Chairperson so directs.

SECTION TEN. SUSPENSION OF THE RULES.

The rules may not be dispensed with, or suspended, unless five members of the Council consent thereto. No rules may be adopted, amended, or deleted without notice in writing being given at the preceding regular meeting.

SECTION ELEVEN. VOTING:

Voting is by a randomly sequenced roll call. Councilors shall indicate their vote by a yes or no, or by abstention, when polled. No Councilor may be excluded from participation in debate on any question except as required by Town Charter or state statute, (currently Section 12.01 and 30-A MRS §2605, respectively). Councilors have the right to change their vote up to the time the vote is announced by the Chairperson.

Voting on Council Chairperson, Vice Chairperson, and for appointment to the Planning Board and Board of Appeals will be conducted in the following way:

- Nomination will require a motion and second
- Councilors shall indicate their vote by stating the name of one nominee or by abstention
- In case of a tie, the vote will be taken again. In the case of a second tie vote, the Council may either take another vote or continue the matter to the next Council meeting.

The vote must be recorded in the minutes of the meeting to indicate each Councilor's vote, or abstention.

SECTION TWELVE. AGENDA:

In order that advance notice of the matters to be discussed at Council meetings be afforded interested parties, all meetings of the Council will be conducted according to the agenda.

An agenda will be prepared for each regular meeting and posted by the Thursday preceding said meeting. Posting will be in a public area of the municipal building and of the U.S. Post Offices in Kittery and Kittery Point, and on the Town's website.

When practicable, an agenda will be prepared at least twelve hours in advance of a special meeting; delivered to all Council members and posted as previously provided.

All Town Manager's memoranda of interest to the Council members will be delivered to them at least seventy-two hours before a regular meeting.

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. The content will consist of the following, as appropriate:

- Executive Summary
- Statement of Need
- Background
- Facts Bearing on the Equation
- Current Situation
- Proposed Solution / Recommendation
- Rationale for the Proposed Solution (including costs)

The agenda consists of the following categories:

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's report
7. Acceptance of previous minutes
8. Interviews for Planning Board and Board of Appeals.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

Persons who are represented by legal or engineering consultants, who are present and wish to address the Council, shall notify the Chairperson prior to the Council Call to Order of the subject they wish to speak on and will be heard at this time.

10. Public hearings
11. Discussion
 - a. Discussion by members of the public (3 minutes per person)
 - b. Response to public comment directed to a particular Councilor'
 - c. Chairperson's response to public comments.
12. Unfinished business
13. New business
13. a. Donations/gifts received for Council disposition
14. Councilor issues or comment
15. Committee and other reports
 - a. Communications from the Chairperson
 - b. Committee reports
16. Executive session, if required

17. Adjournment

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

The category of Unfinished Business is specifically reserved for Council business discussed at a previous meeting that has been postponed or continued to the meeting for which the present agenda is prepared.

The New Business section of the agenda is reserved for those matters which a Councilor wishes to introduce anew.

Except as provided in Charter Article XI, no proposal for ordinances enactment, repeal, or amendment may lie before the Council unless introduced by a Council member.

In keeping with the policy regarding advance notice, Councilors are encouraged and requested to submit to the Town Clerk those matters which they wish to introduce under New Business by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted. The Town Clerk shall then place those matters on the agenda.

Immediately following the roll call, the Chairperson may amend and must adopt the agenda, except no matter requiring public notice may be added without such notice. Agenda amendment after adoption may be made only by majority vote.

SECTION THIRTEEN. DISCUSSION.

A. Discussion by members of the public (3 minutes per person)

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures.

1. The Public Discussion section of the agenda is reserved for members of the public who wish to address the Council on any matters listed on the agenda or on other matters they wish to bring to the Council's attention.
2. Any person wishing to have an item listed on the agenda under Public Discussion shall submit the matter to be discussed in writing to the Town Clerk by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted.
3. Persons wishing to address the Council during public discussion will signify their desire and, when recognized by the Chairperson, request permission to address the Council, giving their name and address, then designating the subject matter on which they desire to address the Council.

4. Members of the public, addressing the Council during the public discussion section of the agenda shall limit their statements to the Council, to no more than three minutes per person unless the Chairperson finds it necessary to allow more time.

5. Persons wishing to address the Council on an item which appears on the agenda as a public hearing, shall wait until the Chairperson announces the consideration of such item, at which time, after being recognized, they may address the Council on that particular item.

Once the Council has begun its deliberation on the item, no person is permitted to address the Council unless the Chairperson, having determined that the Council's deliberations appear finished, and that the item under consideration is of great concern to members of the public gathered, permits persons in the audience to address the Council before closing the discussion and calling for Council vote.

B. Response to public comments.

In order to assure that the Council is speaking as one voice when responding to public comments all general responses shall be made by the Council Chairperson.

The Chairperson is responsible for any subsequent follow-up response to the speakers. In the event a member of the public addresses an issue to a particular Councilor, the Chairperson will invite such Councilor to respond directly, if that Councilor so desires.

SECTION FOURTEEN. COUNCIL POLICIES:

The Town Clerk shall maintain copies of Council rules and policies and provide same to the Rice Public Library.

To allow for the opportunity for full attendance, all workshops held by the Council will be scheduled for a Monday. When this is impossible to do, another night will be chosen by the Council at a regular Monday meeting.

No member of the Council may request a legal opinion relative to Town business from the Town's appointed attorneys without prior approval of a majority vote of the Council. All such requests must be made through the Town Manager.

SECTION FIFTEEN. STANDING COMMITTEES

In accordance with the Kittery Town Charter, Sec. 2.10(2) the Council may establish standing committees.

SECTION SIXTEEN. COPY COSTS:

The cost charged by the Town for making copies of any materials, excluding those produced by the Planning Department, access to which the public is entitled, is twenty-five (25) cents a copy.

Copies of the Council packets are to be made available to the media at ten (10) cents a page.

SECTION SEVENTEEN. COUNCILOR AWARENESS

The Council realizes that Councilors should make an effort to broaden and increase their knowledge of information and skills directly related to their responsibility to govern the Town, and that efforts should be made to appropriate funds for this purpose.

Prior to incurring and requesting reimbursement for such expenses, however, individual Councilors must obtain the approval of the Council. Such approval is required for any individual expense that would be paid from the Council Contingency or the Council Expense accounts.

Approved 02/27/89	Amended 09/27/99	Amended 12/17/01	Amended 09/27/10
Amended 12/28/92	Amended 11/22/99	Amended 09/16/02	Amended 01/09/12
Amended 06/26/95	Amended 05/31/00	Amended 10/28/02	Amended 09/10/12
Amended 01/03/96	Amended 10/30/00	Amended 08/24/09	Amended 02/11/13
Amended 01/10/96	Amended 03/19/01	Amended 11/23/09	Amended 03/25/13
Amended 12/09/96	Amended 07/02/01	Amended 08/23/10	Amended 01/27/14
Amended 11/28/16	Amended 01/08/18	Amended 11/14/18	Amended 02/11/19
Amended 11/23/20			

TOWN COUNCIL STANDING ADHOC & COMMITTEE LIST

COUNCIL CHAIRPERSON / VICE CHAIR - 1 ST ORDER OF BUSINESS AFTER SWEARING IN

Chairperson - Judy Spiller

Vice Chair - Colin McGuire

Capital Improvement Committee (1 Council Rep)

Colin McGuire

Climate Adaptation Committee (2 Council Reps)

Judy Spiller

Celestyne Bragg

Comprehensive Plan Implementation Committee (Chair and Vice Chair)

Council Chairperson – Judy Spiller

Council Vice Chair – Colin McGuire

Economic Development Committee (1 Council Rep)

George Dow

Education Scholarship Selection Committee (2 Council Reps)

Cameron Hamm

Cyrus Clark

Kittery Community Center Board of Directors (1 Council Rep)

Celestyne Bragg

Trustees of Trust Funds (Council Chair serves as ex-officio member)

Council Chairperson – Judy Spiller

Kittery Land Issues Committee (1 Council Rep)

Judy Spiller

Disbursement Warrant for Town Employee Wages (Primary, Secondary, Tertiary)

Colin McGuire

Cyrus Clark

Celestine Bragg

Disbursement Warrant for Town Expenses (Primary, Secondary, Tertiary)

Cyrus Clark

Cameron Hamm

Mary Gibbons Stevens

School Warrant for General Disbursements (Primary, Secondary, Tertiary)

Colin McGuire

Mary Gibbons Stevens

Cyrus Clark

Library Building Committee (Ad Hoc) (2 Council Reps)

Mary Gibbons Stevens

VACANT (recommend not filling as the project nears completion)

Library Advisory Committee (1 Council Rep)

Judy Spiller

Housing Committee (1 Council Rep)

Cameron Hamm

Diversity Equity & Inclusion Committee (Ad Hoc) (2 Council Reps)

Celestine Bragg

Mary Gibbons Stevens

Notification: 10300752435

Work Order: 801000490348

CENTRAL MAINE POWER COMPANY
APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: Kittery, Maine

To the: ☐ City
☐ Town
☒ County of: York, Maine

☒ Central Maine Power hereby applies for permission to:

- ☒ Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below
- ☐ Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

☒ Central Maine Power Company and Consolidated Communications of Northern New England Company LLC jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point. Dennett Rd
2. Road (State & CMP): Dennett Rd
3. Direction: Westerly
4. Distance. 60 feet
5. Number of Poles: 1 (2H)

- ☒ Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
- ☐ Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

☐ Public Notice of this application has been given by publishing the text of the same ☒ Not Published

In: _____
 On: _____

CENTRAL MAINE POWER COMPANY

Consolidated Communications of Northern New England Company LLC

By: SHARON OSBORNEDate: Aug 31, 2022

Kimberley Burgess September 9, 2022
 By: _____ Date: _____

CENTRAL MAINE POWER COMPANY

Work Order:

SKETCH TO ACCOMPANY APPLICATION FOR POLE OR UNDERGROUND LOCATIONS

Page of

City / Town: Kittery

Date: Aug 31, 2022

Street: Dennett Rd

By: SHARON OSBORNE

Facilities to consist of wood poles and appurtenances with a minimum clearance of wire and cables not less than 21 feet over the public highway, and/or underground facilities to consist of buried cables, conduits, transformers and manholes for operation at 7200 volts to ground single phase. Construction to be suitable for future operation at a voltage not to exceed 22KV to ground single phase. Right-of-way limits indicated are based on the best field information available. Poles/ Pads are staked. For further information call: SHARON OSBORNE at Central Maine Power Company tel: 207-468-6439 Pole/Pad spans shown are approximate.

[illegible]

Wind POST Rd

Goldpost Rd

Notification: 10300752435

Work Order: 801000490348

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Consolidated Communications of Northern New England Company LLC

dated Aug 31, 2022, asking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City / Town of Kittery, approximately located as follows:

1. Starting Point: Dennett Rd

2. Road (State & CMP): Dennett Rd

3. Direction: Westerly

4. Distance: 60 feet

5. Number of Poles: 1 (2H)

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____

By: _____

By: _____

By: _____

By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Attest: _____

Clerk

**TOWN COUNCIL BOARDS AND COMMITTEES
INTERVIEW FORM**

TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Stevens and Todd Rollins

RE: APPOINTMENT TO Shellfish Conservation Commission

DATE OF INTERVIEW: November 18, 2022 at 10:00 a.m./~~p.m.~~^X

We have interviewed Tessa Corsetti, on the date and time above. We approve recommendation of the applicant and whole heartedly endorse his/her appointment for a term to expire on December 12, 2025

/s/ Mary G. Stevens

/s/ Todd Rollins

Signatures

ATTENDANCE RECORD (for reappointments only)

Excellent _____
Good _____
Poor _____