

TOWN OF KITTERY

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

KITTERY TOWN COUNCIL COUNCIL CHAMBERS

March 27, 2023 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_IFQgQniISZCBcSMsqXURtA

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
 - January 23, 2023
 - February 13, 2023

- 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

a. (030223-01) The Kittery Town Council moves to hold a public hearing and vote on the June warrant articles.

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. (030223-02) The Kittery Town Council moves to appoint a Councilor to interview Douglas Basnett along with the chair of the Kittery Community Center Board of Directors for a three-year term to expire December 31, 2026.
- c. (030223-03) The Kittery Town Council moves to approve a request from Footprints Food Pantry to post signage around Town from May 13, 2023 to May 20, 2023 for the US Post Office Stamp Out Hunger food drive.
- d. (030223-04) The Kittery Town Council moves to support the SAFER grant application.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports
- 16. EXECUTIVE SESSION
- 17. ADJOURNMENT

Posted: March 23, 2023



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 March 27, 2023

1. Emery Field Phase 2 Project—Construction of Emery Field Phase 2 is currently anticipated to be complete by the end of May, with the exception of the playground equipment. The portions of the project wrapping up are the basketball court, pickleball courts, walking path, and expanded parking.

The playground equipment is delayed due to insufficient funding. The Town received a total of \$725,000 in capital and grant funding for the project. The cost of the playground component exceeded our budget and therefore was postponed until additional funding could be identified.

We received a recently updated quote for the playground as designed. The original estimate was approximately \$154,000; the estimated cost is now \$265,343, due to inflation impacts. I am recommending adding a warrant article to the June ballot to fund the playground installation from the unassigned fund balance. The Council will be asked to decide on this late in the meeting.

- 2. Whipple Road Sidewalk Project The Whipple Road sidewalk project is expected to be completed by the end of May. The remaining scope of work includes pouring the concrete sidewalks, performing remaining driveway tie-ins, and other minor abutter related components typical at the conclusion of a construction project. Paving of Whipple Road will follow, likely in the fall of this year.
- **3. Recycling Scholarship Applications** The Kittery Education Scholarship Committee is accepting applications through April 21. The fund has approximately \$20,200 available. Last year the Committee awarded \$12,000 in scholarships to Kittery students for college expenses.

For more information or to download the application, please visit www.kitteryme.gov/scholarship.

4. Route 236/Dennett Road Hydrological Study – On March 22, the consultant team for the Hydrological Study provided an overview on their preliminary findings and presented initial model data for the project scope area.

Their preliminary findings showed areas of flood risk and the impact of build out on the presence and category of flood risks (low, moderate, high), assuming that such build out is not required to include any stormwater infrastructure. The modeling helps identify stress areas and targeted mitigation options to improve existing and potential future conditions.

Information about this project may be found at the Town's Project page on our website homepage. The Projects page provides easy access to information about specific initiatives or projects occurring in town including reports, surveys, and presentations. For more information about this project or other major projects and initiatives in Town visit www.kitteryme.gov/projects.

5. March for Meals on Wheels – Town staff volunteered to be Community Champions for the March for Meals event with Meals on Wheels/Southern Maine Agency on Aging on Tuesday, March 21st. Staff delivered meals to homebound older adults throughout Kittery to raise awareness about food

insecurity and social isolation among elderly adults. Volunteers included Superintendent Eric Waddell, Chief Richter, Lt. Desjardins, Town Clerk Jillian Richards, Communications Director Suzanne Esposito, Project Planner Kathy Connor, Code Enforcement Officer Kearsten Metz, and myself. We have enjoyed participating in this program for over five years.

Upcoming Dates:

- Youth Ad Hoc Com Applications Due March 31, Town Clerk
- Easter Egg Hunt April 1, 9AM, Kittery Community Center
- York River Partnership Stewardship Committee Applications Due April 14, Town Clerk
- Mooring Renewal Deadline April 15, Harbormaster

Respectfully Submitted,

Kendra Amaral Town Manager



RICE PUBLIC LIBRARY COMMUNITY SURVEY

The Town of Kittery, in partnership with the Library Advisory Board, is developing a five-year strategic plan for the Rice Public Library. The plan will establish a road map of goals and objectives for the library to inform budgeting, program development, collection management, service delivery and more.

NOW WE WANT TO HEAR FROM YOU!

Take the Rice Public Library Community Survey to help shape the future of the library by sharing your input on the Library today, and your ideas for what you'd like to see in the future.



Responses will be collected until April 7, 2023.



Paper copies available at the Rice Public Library.



FMI, please visit www.kitteryme.gov/librarysurvey.



KITTERY EDUCATIONAL SCHOLARSHIP

Funded from generous donations of redeemable containers from Kittery residents at the Kittery Resource Recovery Facility.

- Applications are available at Town Hall or www.kitteryme.gov/scholarship.
- Deadline to apply: April 21, 2023.







Notary Public Services

Notary Public Services are now available at the Town Hall Customer Service Center, located at 200 Rogers Road in Kittery, Maine.

Services are available during regular business hours:

- Monday Wednesday : 8:30 AM 4:00 PM
- Thursday: 8:30 AM 6:00 PM
- Friday: 8:30 AM 1:30 PM

The fee for service is \$5.00 per document up to three signatures/seals; thereafter it will be \$2.00 per signature/seal.

FMI: WWW.KITTERYME.GOV/NOTARYSERVICES



TOWN OF KITTERY

YOUTH AD HOC COMMITTEE



ABOUT THE COMMITTEE

The Town Council has established the Kittery Youth Ad Hoc Committee to represent diverse experiences, voices, and interests to assist the Town with assessing the passive recreation needs and interests of Kittery's youth and recommending next steps to implement solutions that address those needs.

GET INVOLVED

The Town is seeking three (3) at-large resident members and two (2) student representative members to join the committee.

To learn more about the Committee and download the application, please scan the QR code below, or visit us at: www.kitteryme.gov/youthcommittee.

Completed applications should be sent to the Town Clerk's Office at 200 Rogers Rd, Kittery, ME 03904 or via email to: jrichards@kitteryme.org.

DEADLINE TO APPLY

The deadline to apply is Friday, March 31, 2023.







KITTERY LAND TRUST PRESENTS

SEACOAST ENVIRONMENTAL FILM FESTIVAL

New Date: Saturday, April 22, 2023

Kittery Community Center - Star Theatre

GENEROUSLY SUPPORTED BY

Peter Lamb and Faith Harrington; Ralph E. Ogden Foundation Eldredge Lumber & Hardware, Mr. Fox Composting Altus Engineering, ARQ Architects

8:30 AM CAFFEINE KICKOFF

Sponsored by LIL'S CAFE, BEACH PEA BAKING CO. AND WHITE HERON

9:15 AM WELCOME

9:30 - 11:45 AM TRIPLE BOTTOM LINE - Protecting people,

profits and the planet IT'S BEAN TOO HOT (36 min) SEEDING CHANGE (51 min)

Panel Discussion

Sponsored by PLACEWORKS, VERIS WEALTH PARTNERS

12:00 - 1:15 PM LUNCH BREAK and EXHIBIT HALL

1:30 - 3:15 PM SEA FARMING IN MAINE - Using the ocean to produce food,

jobs and climate solutions OCEAN SOLUTIONS (14 min)

MAINE COAST HARVEST SEA FARMING SERIES (30 min)

Panel Discussion

Sponsored by OSPREY ECOLOGICAL SERVICES

3:30 - 5:45 PM TAKING ON BIG AG - Challenging Monsanto to protect food sovereignty

THE SEEDS OF VANDANA SHIVA (81 min)

Panel Discussion

Sponsored by LEAGUE OF CONSERVATION VOTERS NH

Suggested donation \$5 per film or Day-long VIP pass for all films plus lunch \$50

Additional information and VIP tickets are available at www.kitterylandtrust.org







A KITTERY COMMUNITY READ PROGRAM

By reading and sharing unique perspectives about topics that affect our friends and neighbors, we can foster community understanding and find creative solutions to help Kittery thrive.



1 2	KITTERY TOWN COUNCIL				
3	January 23, 2023				
4	6:00PM				
5 6	1.	Call to Order			
7	Cha	ir Spiller called the meeting to order at 6:00 PM.			
8	2.	Introductory			
9	3.	Pledge of Allegiance			
10 11 12 13	4.	Roll Call Councilors present: Councilor Bragg, Councilor Dow, Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller on Zoom. Councilors absent- Councilor Hamm (Military leave)			
14	5.	Agenda Amendment and Adoption			
15	Cha	ir Spiller moves to remove Badgers Island Public Hearing.			
16 17 18	resignation of Charles H Denault III, from the Board of Appeals, effective January 9, 2023, up				
19	Chair Spiller casts one vote to accept agenda as amended.				
20	6.	Town Manager's Report			
21 22 23 24 25 26 27 28 29 30 31 32 33 34 35	Update Q2. Upcoming Dates: 2023 Fort Foster Season Passes available now Freebie Barn Community Swap – January 29 AARP Tax Aide – Begins February 8 Dog License Renewal Deadline – January 31 Family Valentine's Dance – Saturday, February 11 Tax Bills Due – February 15 Town Hall Closed – Observance of Presidents' Day – February 20 Vice Chair McGuire inquired about the start date of the Fire Station expansion. Town Manager responded. Councilor Bragg inquired about the Q2 excise tax amount taken in.				
36 37		n Manger responded.			

38 Councilor Stevens inquired about the General Assistance Funds and reimbursement from the 39 State. She also asked about the status of turning over GA to a third party and what the timeline 40 is in doing that. Town Manager responded. 41 42 43 Chair Spiller extends her thanks to the Town Clerk for administering General Assistance. 44 45 Acceptance of Previous Minutes 7. 46 August 15, 2022 – Regular Meeting 47 All were in favor of acceptance. 48 8. Interviews for the Board of Appeals and Planning Board. a. (010223-01) The Kittery Town Council moves to interview the following candidates 49 50 for two (2) vacancies on the Board of Appeals for a three-year term. 51 Martha Mason 52 Rachel Copeland 53 54 Martha Mason spoke about herself and her experience. 55 Chair Spiller interviews Martha Mason. 56 57 Rachel Copeland spoke about herself and her experience. 58 Chair Spiller interviews Rachel Copeland. 59 60 Chair Spiller moves the appointment of Martha Mason to a three-year term expiring on 12/31/2026 to the Board of Appeals, seconded by Councilor Dow. 61 62 Motion passes 6-0-0 63 Chair Spiller moves the appointment of Rachel Copeland to a three-year term expiring on 64 12/31/2026 to the Board of Appeals, seconded by Councilor Bragg. 65 Motion passes 6-0-0 66 67 68 9. All items involving the town attorney, town engineers, town employees or other town 69 70 consultants or requested offices. 71 10. PUBLIC HEARINGS a. (010223-02) The Kittery Town Council moves to hold a public hearing and vote on 72 73 Title 5 – Short Term Rentals. 74 Town Manager gave an overview of the changes in the ordinance.

- 75 Tim Brochu, 6 School Street, Kittery, spoke about Short Term Rentals and the high fees for
- 76 non-owner occupants.
- 77 Tom Emerson, 10 Ox Point Drive, Kittery, spoke about Short Term Rentals as well as the
- 78 reporting and data collection.
- 79 Erin Brochu, 6 School Street, Kittery, spoke about Short Term Rentals and the high fee for
- 80 non-owner occupants.
- Debbie Driscoll, 9 Pepperrell Terrace, Kittery Point, spoke about Short Term Rentals and
- 82 asked about establishing a limit on this. She also asked about seasonal dwellings.
- Nathan Ackerman, 9 Prince Ave, Kittery, thanked Council for their work on Short Term Rentals
- and stated that the proposed non-owner occupant fee is much too higher when comparing to
- 85 other towns in Maine.
- Chair Spiller read an email from Jennifer Moore, (no address provided), where she reported
- that she is in support of Title 5 amendments and lifting the cap on licenses for owner occupied
- 88 properties.
- 89 Chair Spiller read an email from Joanna Thomas, 9 Janah Lane, Kittery, where she reported
- that she was in support of Title 5 amendments and lifting the cap on licenses for owner
- 91 occupied properties.
- 92 Chair Spiller read an email from Laura Zike, 7 Stimson Street, Kittery, where she reported on
- 93 Short Term Rentals and removing the licensing cap for owner occupied or seasonal units as
- well as the high fee for non-owner occupants.
- 95 Councilor Dow Moves that in accordance with Title 30A MRS, §3001 in the Town Charter,
- 96 §2.14, The Town of Kittery herby ordains amendments to the Town Code Title 5 Short Term
- 97 Rentals License as presented. Moved by Councilor Clark.
- 98 Chair Spiller suggests that Council hold off on discussing the licenses amounts, keeping it a
- 99 separate issue.
- Town Manager explains that the fees are under Appendix A and procedurally, what the Chair
- is suggesting, is within policy.
- 102 Chair Spiller asks the Town Manager to clarify owner occupied dwellings that they live in as
- well as property that they do not occupy.
- 104 Town Manager responded.

105

- 106 Councilor Stevens moves to amend to use the Maine Energy Uniform Code definition of a
- seasonal dwelling, seconded by Councilor Bragg.

108

109 Vice Chair McGuire inquired about the additional language and if there may be unintended

- 110 consequences.
- 111 Town Manager responded.

112

- 113 Councilor Dow voted yes.
- 114 Councilor Bragg, Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller
- 115 voted no.
- 116 Motion fails 1-5-0

117

- 118 Chair Spiller moves to add to §5 12-5 a new paragraph f. The Kittery Town Council will
- biannually receive a review from the Town Manager on the number of licenses issued by
- category and any complaints received. Seconded by Councilor Stevens.

121

- 122 Councilor Stevens asked if the Town Manager had any input to add as an administrator's point
- of view.
- 124 Town Manager responded to the question.

125

126 Motion passes 6-0-0

127

- 128 Vice Chair McGuire inquired if the data could be collected during new inspections.
- 129 Town Manager responded.

130

- 131 Chair Spiller moves to adopt a \$100 fee for owner occupied and \$1500 for non-owner
- occupied. Seconded by Councilor Clark.

133

- 134 Councilor Clark asks the Town Manager if the \$1500 fee was a representation of the cost
- associated with the ordinance.
- 136 Town Manager responded.

137

- 138 Councilor Clark moves to lower the non-owner-occupied fee to \$800 and raise the owner-
- occupied fee to \$150. Seconded by Chair Spiller.

140

- 141 Councilor Stevens asks about basing the fees on the size of the unit.
- 142 Chair Spiller responded.

143

- 144 Councilor Dow inquires as to the reasoning behind increasing the owner-occupied fee.
- 145 Chair Spiller responds.

146

- Town Manager asks for a clarification on the fees that are included in the proposed change.
- 148 Chair Spiller responds.

149

- 150 Councilor Dow, Councilor Bragg, Councilor Stevens, Councilor Clark, and Vice Chair McGuire
- vote no.
- 152 Chair Spiller voted yes.
- 153 Motion fails 1-5-0

154

- 155 Councilor Clark moves to change non-owner-occupied fee to \$750 and \$100 for all other
- categories. Seconded by Councilor Dow.

157

158 Motion passes 6-0-0

159 160	
161 162	b. (010223-03) The Kittery Town Council moves to hold a public hearing and vote Title 10 – Badgers Island West Parking.
163	11. DISCUSSION
164 165	a. Discussion by members of the public (three minutes per person)
166 167	Tom Emerson, 10 Ox Point Dr. Kittery, stated the reason he wanted data collected was so in two years the Town has more information on costs and details.
168 169 170	Debbie Driscoll, 9 Pepperrell Terr. Kittery Point, asked the difference between a duplex and someone who owns two single family homes in town.
171172173	Chair Spiller read an email from Suzanne Johnson, address not given, who reported on food banks on Shapleigh Road.
174 175 176 177	Chair Spiller read an email from Gary Treshinsky, address not given, who reported on the crowing of a rooster on a nearby property.
178 179 180	b. Response to public comment directed to a particular Councilorc. Chairperson's response to public comments
181	Chair Spiller responded to Tom Emerson.
182	Chair Spiller responded to Debbie Driscoll.
183	Chair Spiller responded to Suzanne Johnson.
184	Chair Spiller responded Gary Treshinsky.
185	12. UNFINISHED BUSINESS –
186	13. NEW BUSINESS
187	a. Donations/gifts received for Council disposition.
188 189 190	(010223-04) The Kittery Town Council moves to accept a donation from Kenneth Bartuka in the amount of \$100 to be deposited into the Rice Public Library book fund account #600.
191 192	Move to accept donation by Vice Chair McGuire, seconded by Councilor Clark. Motion passes 6-0-0
193 194	(010223-05) The Kittery Town Council moves to accept a donation from York

195 196	Hospital in the amount of \$10,000 to be deposited into the Kittery Community Center account #600.
197 198 199	Moved to accept donation by Councilor Stevens, seconded by Councilor Clark. Motion passes 6-0-0
200 201 202	b. (010223-06) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Kittery Community Center Board of Directors to interview John Pratt for a three-year term on the Kittery Community Center Board of Directors.
203 204 205 206	Councilor Stevens moves to appoint Chair Spiller to interview John Pratt, seconded by Vice Chair McGuire. Motion passes 6-0-0
207 208	c. (010223-07) The Kittery Town Council moves to accept the resignation of Charles H Denault III, from the Board of Appeals, effective January 9, 2023.
209 210	Moved by Chair Spiller, seconded by Councilor Stevens. Motion passes 6-0-0
211212213	d.(010223-08) The Kittery Town Council moves to accept the resignation of Earldean Wells, from the Conservation Committee, effective January 9, 2023.
214 215 216	Moved to accept resignation by Vice Chair McGuire, seconded by Councilor Clark. Motion passes 6-0-0
217	e.(010223-09) The Kittery Town Council moves to adopt the 2023 Annual Goals.
218 219 220	Moved to adopt by Councilor Dow, seconded by Vice Chair McGuire. Motion passes 6-0-0
221 222 223	f. (010223-10) The Kittery Town Council moves to authorize the Kittery Little League to place a banner across Rogers Road in front of the Kittery Community Center between February 1, 2023 and March 1, 2023.
224	Moved to approve by Councilor Clark, seconded by Councilor Stevens.
225 226 227	Chair Spiller asks if there are any concerns about the banner being hung during winter months. Town Manager responded.
228 229	Councilor Bragg suggests hanging the sign on the fence at the Kittery Community Center.
230 231 232	Vice Chair McGuire stated that he does not feel as though Council should change and accept these applications during off season unless there was a change the ordinance.
232 233 234	Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller voted yes. Councilor Dow and Councilor Bragg voted no.

235236237238	Motion passes 4-2-0 Chair Spiller asks the Town Manager to draft some language for the ordinance to prohibit requests for signage during particular time frame with no exceptions.
239	14. COUNCILOR ISSUES OR COMMENTS
240 241 242	Councilor Stevens thanked everyone involved in the Short Term Rental process including the residents who have come to meetings and the workshop. She stated that everyone's input has really helped in implementing the ordinance.
243 244 245	Councilor Clark thanked the Town Clerk, Jillian Richards, for all her hard work in assisting residents with General Assistance. He also stated that he read an article about the amount of waste that was saved by having chickens.
246 247 248 249 250	Councilor Bragg stated that the DEI Committee will be reviewing the executive summary of the comp plan for discussion about timeline and strategy for identifying needs and opportunities to address diversity, equity and inclusion in it's update which is likely to start late 2023 to early 2024. She also stated that they are working on distributing a survey to the community. She went on to say that the KCC board met and discussed new equipment.
251 252	Councilor Dow thanked Mrs. Mason and Mrs. Copeland for joining the Board of Appeals and encouraged more residents to join different boards.
253 254 255	Vice Chair McGuire appreciates all the local feedback in regards to Short Term Rentals. He also thanked the Town Employees, specifically the DPW, for all their hard work with all the recent storms.
256 257 258	Chair Spiller asked the Town Manager a question about the Village Partnership program. Town Manager responded.
259	15. COMMITTEE AND OTHER REPORTS
260 261	a.Communications from the Chairperson b.Committee Reports
262 263 264 265	Councilor Stevens stated that the Housing Committee is continuing to look at the Housing Reserve Fund and how best to use it. Town Manger spoke about the Genesis fund and their future meeting next week.
266 267	Vice Chair McGuire stated that the CIP committee has reviewed all the proposals from the different departments and would have more for the next meeting.
268 269 270	Chair Spiller stated the Climate Committee is continuing with the committee outreach phase. She stated that the Library Committee has a consultant who will be working with the committee on a strategic plan. The Chair noted that the York Wild and Scenic Study Committee, who is in

271 the process of recruiting members for the York Wild and Scenic Stewardship Committee, is in need of two members and an alternate from Kittery. She asked if the Town Manger will post, 272 collect and forward applications to the Stewardship Committee. 273 274 Vice Chair Spiller asked for a description on who they are looking for to fill these positions. 275 Chair Spiller responded. 276 277 16. EXECUTIVE SESSION 278 279 17. ADJOURNMENT 280 281 Motion to adjourn made by Councilor Clark at 7:48 PM, seconded by Councilor Bragg. All were in favor. 282 283 284 Submitted by Jennifer Wheeler 285 286 287 Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst 288 every effort has been made to ensure the accuracy of the information, the minutes are not

intended as a verbatim transcript of comments at the meeting, but a refer to the video of the

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meeting on the Town of Kittery website.

1 2 3		KITTERY TOWN COUNCIL February 13, 2023
4		6:00PM
5 6	1.	Call to Order
7	Cha	ir Spiller calls the meeting to order at 6:00 PM.
8	2.	Introductory
9	3.	Pledge of Allegiance
10 11 12	4.	Roll Call Councilors present- Councilor Stevens, Councilor Clark, Councilor Dow, Councilor Bragg, Vice Chair McGuire, Chair Spiller. Councilors absent- Councilor Hamm (Military leave)
13 14	5.	Agenda Amendment and Adoption
15	Cha	ir Spiller moves to amend to item 13F to include a rain date of April 29th.
16	Cha	ir Spiller casts one vote to accept Agenda as amended.
17	6.	Town Manager's Report
18 19		on Manager reported on the Property Tax Stabilization Program, The Freebie Barn & The Inmunity Swap as well as the Bike/Ped Master Plan Demonstration Projects.
20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37	AAF Tow The Free Mur Sea Yorl Cou	oming Dates: RP Tax Aide – Begins February 8 In Hall Closed – Observance of Presidents' Day – February 20 Stigma of Substance Abuse Free Lecture – February 23 Sebie Barn Community Swap – February 26 Inicipal Career Event – March 1 Coast Environmental Film Festival – March 4 K River Partnership Stewardship Committee Applications Due – April 14 Incilor Dow commented on the Municipal Career Event. Sir Spiller asked the Town Manger about the Eastern Trail and the possibility of an off-road on Manager responded.

39 September 12, 2022 - Regular Meeting September 26, 2022 – Regular Meeting 40 October 12, 2022 - Regular Meeting 41 October 12, 2022 - Executive Session 42 43 October 24, 2022 - Regular Meeting 44 November 14, 2022 - Regular Meeting 45 November 14, 2022 – Executive Session November 28, 2022 - Regular Meeting 46 December 12, 2022 - Regular Meeting 47 48 January 9, 2023 - Regular Meeting 49 50 All were in favor of approval as presented. 51 52 8. Interviews for the Board of Appeals and Planning Board. - None 53 54 9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices. 55 56 a.(020123-01) The Kittery Town Council moves to receive a presentation from the 57 Town Manager on the FY 2024-2028 Capital Improvement Program. 58 Town Manager gave a presentation of the FY 2024-2028 Capital Improvement Plan. 59 Councilor Stevens asked about the Shapleigh Track and previous repairs done. 60 Town Manager responded. 61 Councilor Dow asked if the report was adjusted for inflation and questioned the debt service 62 63 level amount. He also questioned CIP funding by category. 64 Town Manager responded. 65 66 Vice Chair McGuire talked about the amount of work that goes into this report and how much 67 planning is involved and thanked all who were involved. 68 69 Chair Spiller thanked the Town Manager for her hard work on the presentation. 70 71 10. PUBLIC HEARINGS 72 a. (020123-02) The Kittery Town Council moves to hold a public hearing and vote on 73 Title 10 – Badgers Island West Parking. 74 Town Manager gave a review.

Darren LaPierre, owner of Badgers Island Marina, stated that he is in full support of Title 10

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7.

Acceptance of Previous Minutes

76 and appreciates the Town Manager, the Police Chief and the Fire Chief for coming down and 77 talking to everyone about their concerns. He also stated that he is getting a lot of questions 78 about bottle necking from condo owners. 79 Councilor Dow moves that in accordance with Title 30A MRS §3001 and Town Charter §2.14, the Town of Kittery hereby ordains the amendment to Title 10 of the Town Code as presented. 80 81 Seconded by Councilor Clark. 82 Vice Chair McGuire thanked Mr. Lapierre for coming out to speak. He stated that as an observer, it seems as though it was really well run and it is nice to see how everyone came 83 together to work on it. 84 85 Motion passes 6-0-0 86 11. DISCUSSION 87 a. Discussion by members of the public (three minutes per person) 88 89 Chair Spiller read an email from Elizabeth Scholes who reported on Short Term Rentals. 90 91 Chair Spiller read an email from Christine Barstow and family in response to a previous concern made by Mr. Treshinsky about roosters and chickens. She reported that she has 92 93 chickens and enjoys them and has not heard any complaints about them from other neighbors. 94 95 b. Response to public comment directed to a particular Councilor 96 c. Chairperson's response to public comments 97 Chair Spiller responded to Mrs. Barstow's email. 12. UNFINISHED BUSINESS - None 98 13. NEW BUSINESS 99 100 a. Donations/gifts received for Council disposition. 101 b. (020123-03) The Kittery Town Council moves to appoint a Councilor along with the 102 Chair of the Board of Assessment Review to interview Christine Spinella for a three-103 year term to the Board of Assessment Review.

Chair Spiller moves to appoint Councilor Stevens to interview Christine Spinella, seconded by

c. (020123-04) The Kittery Town Council moves to appoint John Pratt to the Kittery

Community Center Board of Directors for a three-year term to expire December 31,

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Councilor Clark.
All were in favor.

2026.

111 112 113 114	Chair Spiller moves to appoint John Pratt to the Kittery Community Center Board of Directors for a 3-year term, seconded by Vice Chair McGuire. All were in favor. Motion passes
115 116 117	d.(020123-05) The Kittery Town Council moves to accept the resignation of Tara Price from the Parks Commission effected immediately.
118 119 120	Moved to accept resignation by Councilor Clark, seconded by Vice Chair McGuire. All were in favor. Motion passes
121 122 123	 e.(020123-06) The Kittery Town Council moves to approve a request from the Project Graduation Parent Group to hold a dump toll on April 8, 2023 between 7:15am and 2:15pm.
124 125 126	Moved to approve the request by Councilor Stevens, seconded by Councilor Dow. Motion passes 6-0-0
127 128	f. (020123-07) The Kittery Town Council moves to approve the FY 2024-2028 Capital Improvement Program in accordance with Town Charter § 6.05 as presented.
129 130 131 132	Moved to implement FY 2024-2028 Capital Improvement Program as presented by Vice Chair McGuire, seconded by Councilor Stevens. Motion passes 6-0-0
133 134	g.(020123-08) The Kittery Town Council moves to accept a report from the Kittery Housing Committee.
135	Town Manager gave an overview of the report.
136 137 138	Vice Chair McGuire asked about the grants and the progress in terms of the timelines given. Town Manager responded.
139	14. COUNCILOR ISSUES OR COMMENTS
140 141 142 143 144	Councilor Bragg stated that she stands for the youth of the community and will ask for the approval of the Council to create an Ad Hoc Committee to brainstorm how to continue to support our youth in some way through social recreational opportunities. If approved, she stated, the committee will reach out to the students and parents to see what they would like to see.
145 146	Councilor Stevens stated that she has looked at the proposal from Councilor Bragg and thanked her for her hard work.
147 148	Councilor Clark stated he looks forward to working with Councilor Bragg on the Add Hawk Committee.

149 Vice Chair McGuire thanked Councilor Bragg for her advocacy for the youth and the Add Hawk 150 Committee. He also stated that the Seacoast Environmental Film Festival is terrific and very informative, he encouraged residents to check it out. Lastly, he mentioned the Cyber Security 151 152 concerns and how proactive Kittery has been in this department. 153 Chair Spiller thanked Councilor Bragg for taking action for the youth of our community. 15. COMMITTEE AND OTHER REPORTS 154 155 a. Communications from the Chairperson 156 b. Committee Reports 157 Councilor Stevens spoke about the Housing Committee and the most recent meeting with the 158 Genesis Fund. She also encouraged people to learn more about Maine Spring Project led by 159 Footprints Food Pantry and Fair Tide. 160 Chair Spiller stated that the DEI and the Library Committee are meeting soon and she will have more to report on after those meetings. She asked Council if they would like a formal 161 162 motion appointing the Climate Adaptation Committee to function as the Task Force for the Climate Action Planning. 163 164 Vice Chair McGuire and Councilor Stevens agree that it should be a formal appointment. Chair Spiller stated that they will formally appoint at the next meeting. 165 166 167 16. EXECUTIVE SESSION 168 17. ADJOURNMENT 169 Motion to adjourn by Councilor Bragg at 7:16 PM, seconded by Councilor Clark. 170 All were in favor. 171 172 173 174 Submitted by Jennifer Wheeler 175 176 Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not 177 178 intended as a verbatim transcript of comments at the meeting, but a refer to the video of the 179 meeting on the Town of Kittery website.

TOWN OF KITTERY TOWN MEETING WARRANT **JUNE 13, 2023**

To Robert V. Richter, a Constable of the Town of Kittery, in the County of York, State of Maine.

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

To meet, in said town, on Monday the 12th day of June 2023, at 6:00 p.m. to hold a public hearing on Articles 2 through 10.

To hold a Municipal Election at the Kittery Community Center Gymnasium, in said town, on Tuesday, the 13th day of June, 2023 at 8 a.m. to:

Act on Article 1 to elect a moderator by written ballot and to act on Articles 2 through 10 by secret ballot

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

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

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

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

Town Council Recommends – Vote: Yes No	
Explanation: The purpose of this article is to provide funds from the town's unassigned funds (unencumb pay for accrued benefits owed when a municipal employee retires or leaves. The reserve accurrently \$289,739. The unassigned fund balance (unencumbered surplus) is currently \$10,2	ount balance is
Article 3. Shall the town vote to authorize the Town Council to transfer up to \$25,000 from (unencumbered surplus) and appropriate and expend up to \$25,000 when necessary for the put town's cost on accepted insurance claims against the town?	_
Town Council Recommends – Vote: Yes No	
Explanation:	

The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay the deductible and other associated costs on insurance claims that may be made in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.

Article 4. Shall the town vote to authorize the Town Council to transfer up to \$500,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$500,000 when necessary for the purpose of providing the town's match to federal, state, and non-profit grants?

Town Council	Recommends –	Vote:	Yes	No	

Explanation: Grant applications are filed by different town departments to assist with the operations and capital projects of the Town. These grants, if successful, often require a local match to be raised. The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) when and if necessary, for the purpose of meeting grant match requirements. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.
Article 5. Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of covering shortfalls in the town departments' fuel accounts due to the unpredictable fuel pricing markets?
Town Council Recommends – Vote: Yes No
Explanation: The purpose of this article is to provide departments, who have exhausted their allocated fuel budgets in the fiscal year, access to funds for fuel needs. The Town Council favored keeping the fiscal year fuel and utility accounts as low as possible, with this article making available surplus funds as a safety net in case of an unstable market for fuel. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.

<u>Article 6.</u> Shall the town vote to authorize the Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of providing for the town's General Assistance Program as required by town, state, and federal laws in the fiscal year?

Town Council Recommends – Vote: Yes No

Explanation:

The General Assistance Program is budgeted from the town's operational budget each year. The program assists town citizens with welfare type services by following very strict state and federal guidelines for income eligibility within the General Assistance Ordinance. The purpose of this article is to create a method for the Town Council to supplement the General Assistance budget if needed. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.

<u>Article 7.</u> Shall the town vote to authorize the Town Council to transfer up to \$50,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 when necessary for the purpose of paying for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the regular fiscal year operating budget?

Town Council Recommends – Vote: Yes ___ No ___

Explanation:

Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy efficiency projects are being identified to further save the town funds. The purpose of this article is to allow the Town Council to make unplanned emergency facility repairs and undertake energy efficiency projects that may arise in the fiscal year. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.

funds (unencumbered surplus) and appropriate and expend up to \$50,000 for a Municipal Property Tax Assistance program to credit property taxes owed by certain residents that meet the program requirements?
Town Council Recommends – Vote: Yes No
Explanation: The Senior Tax Credit program allows for taxpayers that qualify to receive a credit on their property taxes each year. The program assists seniors with their property tax obligations. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.
Article 9. Shall the town vote to authorize the Town Council to transfer up to \$100,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$100,000 to convert the Town Hall Complex light fixtures to efficient LED light fixtures?
Town Council Recommends – Vote: Yes No
Explanation: This purpose of this article is to fund the LED conversion of interior and site lighting for the Town Hall Complex (including School Administration Offices, Police, and DPW). Once complete the project is expected to reduce annual electrical consumption for lighting by approximately 70% for these buildings. The average return on investment for the project is 9.32 years. The estimated project cost is net of anticipated rebates and incentives from Efficiency Maine. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.
Article 10. Shall the town vote to authorize the Town Council to transfer up to \$97,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$97,000 to complete the Fort Foster Invasive Plant Management Project?
Town Council Recommends – Vote: Yes No
Explanation: The Invasive Plant Management Project was developed in collaboration with the Parks Commission and the Conservation Commission. The project includes a combination of mechanical, chemical, and hand removal of identified invasive plants that are impacting the native plants and animals at Fort Foster. The first two years of the project were funded through the grants and the Capital Improvement Plan. The purpose of this article is to fund the remaining three years of the project implementation. The unassigned fund balance (unencumbered surplus) is currently \$10,273,357.
Article 11. Shall the town vote to authorize the Town Council to transfer up to \$250,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$250,000 to resurface the Shapleigh Field running track?
Town Council Recommends – Vote: Yes No
Explanation: The purpose of this article is to fund the resurfacing of the running track at Shapleigh Field at the Shapleigh

The purpose of this article is to fund the resurfacing of the running track at Shapleigh Field at the Shapleigh Middle School. The track is in need of replacement due long-term wear and tear. The Shapleigh Field track is used by students during the school day and for athletic competitions, and by the broader community as a

Article 12.			
Shall the town vote to authorize the Town			
(unencumbered surplus) and appropriate	and expend up to \$275,0	000 to construct the playground at Eme	<mark>ry</mark>
Field park?			
Town Council Recommends – V	ote: Yes No		
Explanation:			
The Town is nearly complete with constr			
The total project cost, excepting the plays	1 ,	, , , , , , , , , , , , , , , , , , , ,	_
orders. The Town raised at total of \$725.	-	· · · · · · · · · · · · · · · · · · ·	
does not cover the cost of the playground			
equipment and installation is \$265,342. The poured in place surfaces that improve accounts are the surfaces that improve accounts are the surfaces and the surfaces that improve accounts are the surfaces are the			
balance (unencumbered surplus) is currer	<u> </u>	modifity charlenges. The unassigned it	ana
cumies (unensumeered surprus) is curren	ing ψ10,275,557.		
TI D : (CX/ , :111 11 CC 1	1.11 .1 11		
The Registrar of Voters will hold office hame or address on, the voting list; to acc			
Election Day or after the close of registra	1 0	,	
Election Day of after the close of registra	tion prior to it, and to at	seept new emonments.	
A person who is not registered as a voter	may not vote in any ele	ection.	
D 1 1 W 1: 20th 1 CM 1 2	022		
Dated at Kittery this 28 th day of March, 2	023.		
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	-		
	-		
Municipal Officers			
A true copy			
ATTEST:			
Town Clerk			

safe outdoor surface to run and walk on. The unassigned fund balance (unencumbered surplus) is currently

\$10,273,357.

RETURN ON THE WARRANT

County of York of Maine	State
Pursuant to the within warrant to me directed, I have	ve notified and warned the inhabitants of
Kittery, qualified as herein expressed, to meet at sa	aid time and place, and for the purposes thereir
named, by posting an attested copy of said warrant	at the Kittery and Kittery Point Post Offices,
Kittery Municipal Office, Kittery Community Cen	ter, and Kittery Resource Recovery Facility in
said town, being public and conspicuous places in	said town on
, 2023, bein	g at least seven days before the meeting.
Robert V. Richter	-
	-
Date	

-RC113/2



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904 Telephone: (207) 475-1313 Fax: (207) 439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Douglas Basnett	
RESIDENCE: 37 Mill Pond Rd	
MAILING (if different) Same	
E-MAIL ADDRESS: doug00@comcast.net	
PHONE #: (H)(W)	_(C) (603) 848-7186
Please check your choices and list in orde	Er of priority by marking 1,2,3, etc.: Board of Assessment Review Board of Trustces of Trust Funds Shellfish Conservation Committee Economic Development Committee Kittery Port Authority Kittery Land Issues Committee Kittery Climate Adaptation Committee Library Advisory Committee
Other EDUCATION/TRAINING: _Architectural Engineerin RELATED EXPERIENCE (Including other Boards and Co Board member for Special Oympics of NH, Pre , Member of Epoch Corporation Board of Direct	esident of Epoch Corporation
PRESENT EMPLOYMENT: Preferred Building System	
ARE YOU A REGISTERED VOTER OF THE TOWN OF K ANY KNOWN CONFLICT OF INTEREST (please read b	ITTERY X Yes D No
REASON FOR APPLICATION TO THIS BOARD: LOOKING HAVE/HAVE NOT X ATTENDED AT LEAST TWO IS BEING MADE. I AGREE TO ATTEND ALL MEETING ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO	MEETINGS OF THE BOARD FOR WHICH APPLICATION S. EXCEPT FOR SICKNESS OF EMERGENCY AND WILL
Please read the back of	this application before signing.
SIGNATURE OF APPLICANT	1/13/22 DATE



March 20, 2023

Kittery Town Council 200 Rogers Road Kittery, ME 03904

Re: Yard Signs

Dear Kittery Town Council,

I am writing to request permission to place "POST OFFICE FOOD DRIVE" yard signs out on Kittery property for one week beginning on Sunday, May 7th. The US Post Office Stamp Out Hunger food drive is being held on Saturday, May 13th this year.

I'm happy to discuss in more detail and would appreciate the ability to post these signs in various public locations.

Thanks so much!

Respectfully,

Megan Shapiro-Ross

Footprints Food Pantry 37 Old Post Road Kittery, ME 03904 207 - 439 - 4673 footprints1992@gmail.com



TOWN OF KITTERY 200 Rogers Road, Kittery, ME 03904 Telephone: 207-475-1329

REPORT TO TOWN COUNCIL

Date: March 27, 2023

From: Kendra Amaral, Town Manager

Subject: SAFER Grant Support Councilor Sponsor: Chairperson Judy Spiller

SUMMARY

The Town of Kittery has applied for the Staffing for Adequate Fire and Emergency Response Grant (SAFER Grant) for the past three years, to support the transition to a full-time, career Fire Department. The Fire Chief is working on applying again in 2023, to support the anticipated needs of the community for fire and emergency response services.

With each application, we have gathered feedback that is helping us make the next version more successful. Though not part of the grant requirements, it has been identified that a vote of the Town Council in support of the grant application is important relative to the evaluation of the grant application.

SAFER GRANT

The Federal Emergency Management Agency offers the SAFER Grant to fund the hiring and retention of firefighters and emergency response personnel for up to three years. It is specifically targeted to increasing the number of community firefighters to industry minimum standards and to support 24-hour firefighter availability in a community, for fire suppression and emergency response.

The Town applied in 2020, 2021, 2022 with the hope of obtaining funding to support the transition to full-time firefighter service in Kittery. The applications were not chosen for awards.

The SAFER grant funds a percentage of personnel costs for three years. The most recent two rounds offered 100% of costs to be federally funded through the grant period, meaning there was no match requirement.

We acknowledge that the eight career firefighters we currently have are important step to providing fire and emergency response for Kittery and greatly improve the safety of the community. With that, we still fall well behind in having adequate 24/7 service for immediate response.

Below is an update of the call firefighter response through calendar year 2022. As is obvious, the availability and response of call firefighters continues to drop off. What is not obvious in the averages provided, are the limitations or restrictions on of some of our most reliable and committed call firefighters. To make sure this point is not lost in the averages, we will begin to track call firefighters response relative to SCBA qualified. SCBA qualified means the firefighter can don breathing apparatus and engage in the fire suppression or rescue operation directly. Our non-SCBA-qualified firefighters are long serving first responders and serve a vital role on the team, operating the fire apparatus/trucks, however they cannot enter a building, or engage in the suppression and rescue operations on the scene.

Call Firefighter Response

	Firefighters per Call					
Month	2017	2018	2019	2020*	2021	2022
January	13.2	9.3	9.8	9.5	9.1	5.2
February	12.0	10.2	9.6	7.8	7.8	4.6
March	11.9	9.9	9.1	10.8	8.7	5.8
April	12.7	10.7	8.3	10.6	8.3	5.5
May	11.6	9.1	9.4	10.7	8.2	4.7
June	11.5	9.5	8.2	9.3	7.8	7.0
July	11.5	9.6	8.7	8.3	6.5	5.3
August	9.5	9.5	8.9	8.5	7.2	4.6
September	9.7	8.2	10.8	7.4	7.4	5.9
October	10.0	8.9	8.9	8.6	7.3	5.3
November	9.9	8.4	9.1	10.0	8.2	4.6
December	10.5	9.0	9.5	9.7	8.5	5.1

	2017	2018	2019	2020*	2021	2022
AVG Call Firefighters per Call	11.2	9.4	9.2	9.3	7.9	5.3
AVG SCBA Call Fighters per Call						2.7

The Fire Chief seeks to apply for the 2023 grant round to add between four and eight firefighters to the roster. If awarded, the grant is expected to pay 100% of the base salary, FICA, retirement, and benefits for the firefighters for three years. As noted above, we have eight career firefighters currently, four per shift. Adding four more firefighters will provide more hours of coverage each day, while adding a total of eight more firefighters will provide 24/7 coverage.

With Council support, the Town is able to signal to Reviewers that the Town is committed to achieving industry standard staffing and that it will endeavor to retain any firefighters hired with grant funds. To note, the declaration does not constitute a legal obligation or a multi-year agreement per our Charter.

When we first proposed integrating career firefighters into our service, we discussed bringing the ambulance operation in-house to offset costs. That analysis is still ongoing, but initial results are not encouraging. So far, it appears revenue will likely only cover the cost of the EMS equipment, consumables, and EMS specific operations; and may in fact be a loss leader. Critical to the analysis is Medicare reimbursement rates, which are woefully behind the current cost of providing ambulance transport. We continue to gather more run data and to model options. Once we have enough data to feel confident in the projection, a report will be provided to Council.

PROPOSED SOLUTION/RECOMMENDATION

Approve the declaration as proposed.

ATTACHMENTS

SAFER Grant declaration



TOWN OF KITTERY

Office of the Town Manager 200 Rogers Road, Kittery, ME 03904 Telephone: 207-475-1329 Fax: 207-439-6806

Staffing for Adequate Fire and Emergency Response Grant

This is to certify that the Kittery Town Council hereby authorizes the Town Manager to apply for financial assistance under the provisions of FEMA's Staffing for Adequate Fire and Emergency Response (SAFER) grant.

This further certifies that the Kittery Town Council recognizes that public safety is an integral part of the quality of life for the community and is committed to ensuring Kittery has the staffing for adequate fire and emergency response for the safety of its residents, businesses, and property.

This further certifies that the Kittery Town Council understands that the Town will be responsible for providing any match funds, as may be required, in the grant agreement with FEMA.

This further certifies that if awarded the SAFER grant, the Town will endeavor to retain any staff hired as a result of the grant.

Approved: March 27, 2023			