



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL COUNCIL CHAMBERS

November 13, 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_crvGbt17SCGpE1BVkaY6vg

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. Oath of Office to Newly Elected Officials
5. Roll Call
6. Election of Council Chair and Council Vice Chair
7. Agenda Amendment and Adoption
8. Town Manager's Report
9. Acceptance of Previous Minutes

10. Interviews for the Board of Appeals and Planning Board
11. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
12. PUBLIC HEARINGS
 - a.(110123-01) The Kittery Town Council moves to hold a public hearing on a new Liquor License for Board LLC, 5 Shapleigh Rd, Kittery.
13. 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
14. UNFINISHED BUSINESS -
15. NEW BUSINESS
 - a. Donations/gifts received for Council disposition.
 - b.(110123-02) The Kittery Town Council moves to discuss Council Rules for the ensuing year.
 - c.(110123-03) The Kittery Town Council moves to discuss appointments of Council members to standing and ad hoc committees.
 - d.(110123-04) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Shellfish Conservation Committee to interview Barry Hayes for a three-year term on the Shellfish Conservation Committee.
 - e.(110123-05) The Kittery Town Council moves to approve a request from the Fire Department to conduct a boot drive on November 25 at the Resource Recovery Facility, and December 9 on the Mall Road/Route 1, to raise funds for local, holiday-related charities.
16. COUNCILOR ISSUES OR COMMENTS
17. COMMITTEE AND OTHER REPORTS
 - a.Communications from the Chairperson
 - b.Committee Reports
18. EXECUTIVE SESSION

19. ADJOURNMENT

Posted: November 9, 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 November 13, 2023

1. **November 7 Election** – Congratulations to our newly elected Councilor Scott Mason and to our reelected Councilor Cameron Hamm.

Please help me in thanking our wonderful elections team including Warden Joyce Tobey, Deputy Warden Sandra Lutts, Town Clerk Jillian Richards, Deputy Town Clerk Jennifer Wheeler, Assistant Town Clerk Laura Yow, Assistant Town Clerk Mary Beth Muccio, and all of our poll workers.

We also wish to thank the Kittery Police Department for their assistance on Election Day, and the Kittery Community Center and the Public Works team for their assistance with setting up, supporting, and breaking down the polling site.

We had a total of 3,308 ballots cast in this election, inclusive of absentees. A total of 1,166 absentee ballots were requested, and of that 1,111 were received back.

We work each election season to make the process the best it can be. Our team is already planning for the major elections coming up next year.

2. **Walker/Wentworth/Gate 1** – I have received some questions and seen some misinformation about what is going on with the signalized intersection at Walker and Gate 1 of the Portsmouth Naval Shipyard. I wanted to take this opportunity to provide the correct information.

The Town has consistently worked with the PNS on the signal timing to assist them in clearing the yard at Gate 1 for the afternoon commute. A few weeks ago that signal started failing, resulting in 10 and 25 second green cycles for the Walker/Gate 1 approaches. After multiple attempts to fix various components of the signal system, including emergency calls to Electric Light on a daily basis, we ran out of short fix options and had to replace the full signal controller. This was at a cost of over \$30,000, exclusive of the labor costs for the multiple Electric Light emergency calls. The PNS was not able to contribute to this cost.

The signal at this intersection is one of the oldest in Kittery; and has needed replacement. The project to replace it, along with rebuilding and adding sidewalks on Walker and Wentworth, has been on the MDOT docket since before 2016. I have reported on the progress of the design, right-of-way, and bidding of that project in my Town Manager reports in May 2017, September 2017, December 2017, May 2018, December 2018, December 2020, May 2022, June 2022, September 2022, and September 2023.

We are estimating the Town will be responsible for approximately \$360,000 of the Walker/Wentworth project costs. To offset this, the Town applied for a DCIP grant through OLDCC (Dept of Defense) last year, with a letter of support from the PNS. We were not successful and did not receive funding. There are no funds coming from the PNS or the Department of Defense for this project. The Town has been successful in advocating through KACTs and directly with MDOT for additional state

funding to help cover more of the project costs.

Pre-COVID, at the PNS request, the Town developed a proposal to provide a daily police detail at Gate 2 to assist the Shipyard in clearing the yard in afternoon peak traffic. The PNS suggested it would be a possible IGSA project they would pursue. However, the PNS ultimately chose not to pursue it, because they did not have funding to contribute.

Additionally, the Town of Kittery has financially supported the sustaining of the COAST bus through the Foreside to replace the bus service that used to go to the PNS for shipyard employees. The Town was successful in receiving a grant from MDOT to help offset that cost. MDOT recently agreed to contribute additional funding. The PNS was not able to contribute to the cost of this service.

The Town helped tee up the establishment of the Simon Mall property for a Park and Ride; which was completed a few years back. That was done because the Town was able to exercise great relationships with MDOT.

The Town has taken an active role in trying to bring both expertise and resources to the table to address the traffic and vehicle congestion associated with the PNS. We are grateful for the engagement and collaboration of the PNS on the challenge of traffic and congestion. We know improvements will benefit the town and the employees of the PNS.

- 3. Misinformation Worthy of Correction** – It is unfortunate, but necessary to restate the facts once again on another matter that was misrepresented the last few weeks. Two former Councilors did **not** catch employees using town time for personal errands or “stealing time” from the taxpayers. What they did was surveil two female employees, following their vehicles and photographing them, while they were on their authorized breaks.

All full-time employees are entitled to a total of one hour of break time each work-day, consisting of a half hour of paid and a half hour of unpaid time. How that breaktime is scheduled and used is governed by policy, Collective Bargaining Agreements, and department operations.

As administrative staff, in an office setting, both employees had flexibility on whether to take smaller breaks throughout the day or take one hour-long break. Neither employee was required to remain on the premises for their breaks. What the unauthorized surveillance actually proved was that the employees were conscientious and used no more than the allotted hour for their breaktime.

No employee of any organization, public or private, should endure being accused of or inferred to have “stolen time” for using their allotted breaktime; it does not matter if they are sitting in a staff break room, eating at a restaurant, running an errand, or taking care of other personal needs, so long as they stay within their allotted breaktime.

Anyone interested in reading the full report of the accusations, official investigation, and findings may find it in the March 22, 2021 Council Agenda posted on our website in the Council Agendas section.

Upcoming Dates:

- Used Coat & Boot Drive – November 19, 10AM to 2PM, Kittery Community Center
- Housing Advocacy Boot Camp – November 15, 5:30PM, Kittery Community Center
- Freebie Barn – Closed in December
- Holiday Parade and Tree Lighting – December 2, 3PM

- Town Offices and Services Closed Thanksgiving – November 23, 24

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K. Amaral', with a long horizontal flourish extending to the right.

Kendra Amaral
Town Manager



TOWN OF KITTERY

HOUSING ADVOCACY BOOTCAMP

BECOME AN EFFECTIVE HOUSING ADVOCATE IN THE COMMUNITY



NOVEMBER 15, 2023 | 5:30 PM – 8:00 PM



**Kittery Community Center
120 Rogers Road, Kittery, ME**

Presented by the Kittery Housing Committee in collaboration with the Seacoast Workforce Housing Coalition, the Housing Advocacy Bootcamp provides a unique opportunity to develop tools, techniques and confidence when discussing the topic of affordable housing.

The event is FREE, refreshments will be provided and no experience is necessary to participate. Join us to learn what you can do to advocate for housing affordability, availability and diversity in the community.



SCAN ME

FMI: WWW.KITTERYME.GOV/HOUSINGBOOTCAMP



TOWN OF KITTERY

USED WINTER COAT & BOOTS DRIVE

Neighbors Helping Neighbors

It's time to clear out your coat closets to support members of the Kittery Community. The Town of Kittery will be collecting used coats, boots, snow pants and other winter/snow gear for all ages.

DONATIONS ACCEPTED (OCT 16 - NOV 11)

Donation bins located at:

Kittery Town Hall | 200 Rogers Road

Kittery Community Center | 120 Rogers Road

Rice Public Library | 8 Wentworth Street

NEED WINTER ITEMS?

All donated items will be available for FREE to community members in need on the following dates:

November 12, 2023 & November 19, 2023

10:00 AM - 2:00 PM

Kittery Community Center

Let's help keep Kittery warm this winter!



Kittery
HOLIDAY
Parade



Saturday, December 2, 2023 | 3:00 PM
Beginning at Traip Academy

This year's theme: holiday songs and carols

The Kittery Climate Action Plan Task Force Presents

PROPOSED CLIMATE ACTION STRATEGIES & SURVEY

Kittery's Climate Action Plan Task Force has been working to develop a plan to reduce greenhouse gas emissions and adapt to the impacts of climate change. 29 proposed climate action strategies have been identified by community input, and are now available for review and feedback.

REVIEW THE 29 PROPOSED CLIMATE ACTION STRATEGIES & TAKE THE SURVEY TO PROVIDE YOUR COMMENTS.



To review the strategies and take the survey, please scan the QR code below or visit: www.kitteryme.gov/CAP.

Kittery's Climate Action Plan Task Force has been working to develop a plan to reduce greenhouse gas emissions and adapt to the impacts of climate change. The full plan will go to the Town Council for adoption in December 2023.



For more info about how to get involved, visit:
www.kitteryme.gov/CAP



**SOUTHERN MAINE
CAP COHORT**

**KITTERY TOWN COUNCIL
CHAIRPERSON and VICE CHAIRPERSON
ELECTION PROCESS**

The election of Chair and Vice Chair will proceed in accordance with the Council Rules.

I will open the floor for nominations for the Chair. Nominations will require a motion and a second. Nominations will be accepted until no further nominations are offered. According to Robert's Rules, a motion to close nominations is out of order.

By roll call, each Councilor will indicate their vote by **stating the name of one nominee or by abstention**. In the cases of a tie, the vote will be taken again. In the case of another tie, the Council may either take another vote or continue the matter to the next Council meeting. If continued to the next meeting, the Immediate Past Chair will conduct the meeting.

We will follow the same process for the Vice Chair.

THE FLOOR IS OPEN FOR NOMINATIONS FOR COUNCIL CHAIRPERSON

COUNCILOR _____, NOMINATED BY _____, SECONDED BY _____

OTHER NOMINATIONS?

COUNCILOR _____, NOMINATED BY _____, SECONDED BY _____

OTHER NOMINATIONS?

COUNCILOR _____, NOMINATED BY _____, SECONDED BY _____

COUNCILOR _____ IS ELECTED CHAIRPERSON with _____ votes.

**KITTERY TOWN COUNCIL
CHAIRPERSON and VICE CHAIRPERSON
ELECTION PROCESS**

THE FLOOR IS OPEN FOR NOMINATIONS FOR COUNCIL VICE CHAIRPERSON

COUNCILOR _____, NOMINATED BY _____, SECONDED BY _____

OTHER NOMINATIONS?

COUNCILOR _____, NOMINATED BY _____, SECONDED BY _____

OTHER NOMINATIONS?

COUNCILOR _____, NOMINATED BY _____, SECONDED BY _____

COUNCILOR _____ IS ELECTED VICE CHAIRPERSON with _____ votes.

CONGRATULATIONS!

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

18 Mendum Ave. Kittery, Maine, 03904

6. Is the licensee/applicant(s) citizens of the United States? Yes No
7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Chloe Scala	04/18/1996	Portsmouth, N.H.
Residence address on all the above for previous 5 years		
Name	Address:	
Chloe Scala	18 Mendulum Ave. Kittery, M.E 03904	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Debbie Driscoll

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Dining room + Bar Area, excluding retail area that is indicated on diagram.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Robert W. Traip Academy

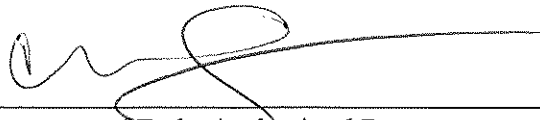
Distance: 0.2 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 10/12/23



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Chloe M. Scala
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

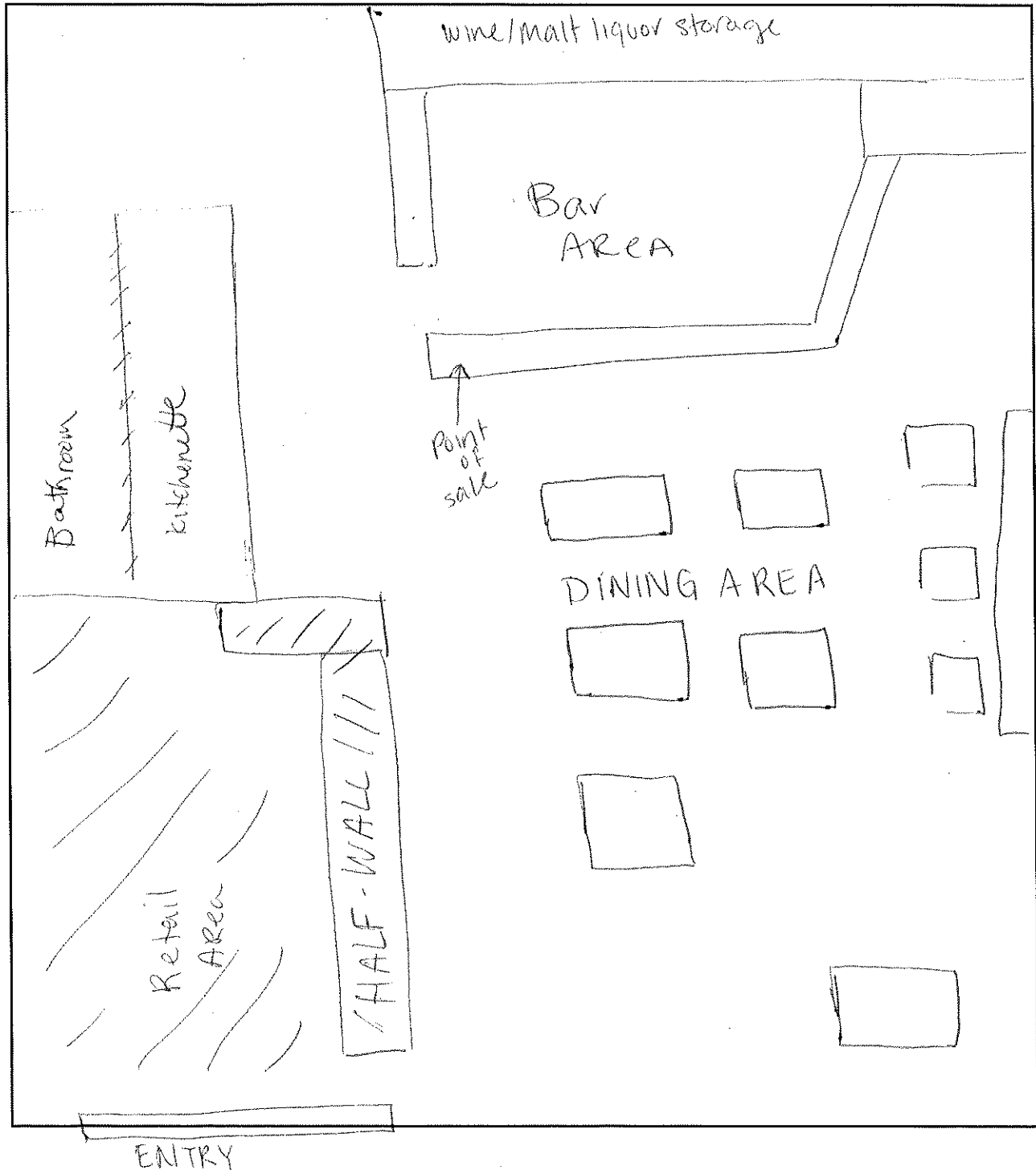
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Board, LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: May 30 2023 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Chloe Scala	18 Mendum Ave Kittery, ME 03904	04/18/96	Member	100%

(Ownership in non-publicly traded companies must add up to 100%.)

The State of Maine is an Equal Opportunity Provider and Employer.

MISCELLANEOUS PAYMENT RECPT#: 768805
TOWN OF KITTEERY
200 ROGERS ROAD

KITTEERY, ME 03904

DATE: 10/17/23 TIME: 12:35:27
CLERK: 220jwheel DEPT:
CUSTOMER#:

PARCEL:

CHG: CLERK	CLERK FEES	50.00
<hr/>		
REVENUE:		
1 1111	43120	50.00
TOWN CLERK FEES		
REF1: LIQ LIC	REF2:	
CASH:		
1000	11011	50.00
CHECKING		
<hr/>		

AMOUNT PAID: 50.00

PAID BY: BOARD LLC
PAYMENT METH: CHECK
 926084

REFERENCE:

AMT TENDERED: 50.00
AMT APPLIED: 50.00
CHANGE: .00



TOWN OF KITTEY COUNCIL RULES

DRAFT: November 13, 2023

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 -

Vice Chair -

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 –

Council Vice Chair –

Economic Development Committee (1 Council Rep)

Celestyne Bragg

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 –

Kittery Land Issues Committee (1 Council Rep)

Judy Spiller

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

Colin McGuire

Cyrus Clark

Celestyne 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 Advisory Committee (1 Council Rep)

Judy Spiller

Housing Committee (1 Council Rep)

Cameron Hamm

School – Social Emotional Learning Committee (1 Council Rep)

Celestyne Bragg

School - Diversity Equity & Inclusion Committee (1 Council Rep)

Mary Gibbons Stevens

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

Celestyne Bragg

Mary Gibbons Stevens

Youth Committee (Ad Hoc) (2 Council Reps)

Celestyne Bragg

Cyrus Clark

Traffic and Parking Committee (Ad Hoc) (2 Council Reps)

Cyrus Clark

Cameron Hamm

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

Mary Gibbons Stevens

VACANT (recommend not filling as remaining component of project is the Children's Garden installation, which is already designed and to be constructed in 2024)



TOWN OF KITTERY

Office of the Town Clerk

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1313 | Fax: 207-439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Barry W. Hayes

RESIDENCE: 76 Piccott Road

MAILING (if different) SAME

E-MAIL ADDRESS: lowhayes@comcast.net

PHONE #: (H) (207) 439-6522 (W) _____ (C) _____

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

- | | |
|--|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <input type="checkbox"/> Comprehensive Plan Committee | <input checked="" type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Kittery Land Issues Committee |
| <input type="checkbox"/> Kittery Housing Committee | <input type="checkbox"/> Kittery Climate Adaptation Committee |
| <input type="checkbox"/> KCC Board of Directors | <input type="checkbox"/> Library Advisory Committee |
| | Other _____ |

EDUCATION/TRAINING: forestry UMO (76) Quality Assurance PNSY (30 yrs) English USM (78)

RELATED EXPERIENCE (Including other Boards and Commissions): Orchard Grove Cemetary Board
Working w/ Blue Ocean Society (Portsmouth) Beach Clean-up, Plastic Sampling
and Discarded Fishing Line Dispenser

PRESENT EMPLOYMENT: Retired

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): None

REASON FOR APPLICATION TO THIS BOARD: Lifelong Kittery Resident and Coastal interest.
lifelong hunting, fishing and boating interest Subsistence Farmer (50+yrs)

I HAVE HAVE NOT ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION

IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

B. Mr. Hayes

SIGNATURE OF APPLICANT

10/23/23

DATE

Title 30-A: MUNICIPALITIES AND COUNTIES

§2605. Conflicts of interest

1. Voting. The vote of a body is voidable when any official in an official position vote on any question in which that official has a direct or an indirect pecuniary interest.

4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.