

TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

Kittery Town Council April 8, 2024 | 6:00 PM | Council Chambers & Zoom

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_988IIY17Qu-yb7YAh8J4ow

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. Land Acknowledgement & Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - February 12, 2024 – Regular Meeting
 - February 12, 2024 - Executive Session
 - February 26, 2024 – Regular Meeting
 - February 26, 2024 - Executive Session

- March 11, 2024 – Regular Meeting

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.(040124-01) The Kittery Town Council moves to hold a public hearing and vote on the June warrant articles.

b.(040124-02) The Kittery Town Council moves to hold a public hearing on Electric Vehicle Leases.

c.(040124-03) The Kittery Town Council moves to hold a public hearing on a new Liquor License application, Definitive Brewing Company, 318 U.S. Route 1 Kittery.

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.(040124-04) The Kittery Town Council moves to schedule a second workshop for Title 6 – Fowl for April 22, 2024.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

a.Communications from the Chairperson

b.Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: April 4, 2024



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 | www.kitteryme.gov

Town Manager's Report to Town Council April 8, 2024

- 1. Business Park Zone Review Workshop** – The Planning team will be kicking off the Business Park zone review on April 24th with a public input session. The current zoning language was constructed in the 1990s and environmental considerations, market trends, and community needs have evolved since then. The zone has been a priority area for re-examination since 2022.

For a brief recap of this zone, it is the area between Route 236, Denet Road, Martin Road, and Route 95. For approximately 30 years, the community and Town Council viewed this area as a priority location for economic development. The current Comprehensive Plan has it identified as one of the targeted growth areas for the town, and the financing plan and betterment allocation for the sewer main extension was tied to expectations of new development in the zone.

In 2017, the Council requested a review of the zone due to a lack of development and following two years of study and language drafting, the Council amended the zone to be a Mixed-Use Neighborhood zone. In 2022, following the submission of one of the property owners for a site master plan to the Planning Board that proposed up to 900 residential units, the Council received and acted on a petition to revert the zoning back to the 1990s “Business Park” language to effectively stop the potential development.

In 2023, the Town completed a hydrologic study of the watershed in this area to better understand the stormwater, wetland, and vernal pool conditions. The Town also conducted a market study to inform, among other things, the review of the Business Park zone uses and performance standards.

The Business Park Zoning Workshop is the first step in what is expected to be an iterative process to develop zoning language that reflects current climate resiliency and environmental protection objectives and current and future economic development realities. The workshop will provide an overview of the existing conditions, present options for future zoning of the area and gather feedback from residents and property owners to inform next steps.

That information, along with the hydrologic study and market study, will directly shape the drafting of potential zoning amendments. Draft amendments will be reviewed by the Kittery Land Issues Committee, other interested committees such as the Housing Committee, Conservation Committee, and the Economic

Development Committee before being proposed to the Planning Board and Town Council.

The Business Zone Workshop will take place on Wednesday, April 24, 2024, at 6:00 PM at the Kittery Community Center Star Theatre, located at 120 Rogers Road in Kittery. It will also be streamed live on:

- TV Channel 22 (Comcast), the Town of Kittery website here,
- Town of Kittery website - please [click here](#).
- Town Hall Streams - please [click here](#).
- Facebook Live - Kittery Channel 22 - please [click here](#).

The Workshop will also be rebroadcast several times on Channel 22 and Town Hall Streams over the next few weeks.

For those unable to attend the Workshop questions and feedback on Business Park Zoning can be sent via email to Director of Planning & Development Jason Garnham at jgarnham@kitteryme.gov or mailed to/dropped off at the Planning & Development Department at Town Hall, located at 200 Rogers Road in Kittery.

As always, we encourage residents to stay up to date on Town meetings and discussions, and to seek factually accurate information by signing up for our E-Alerts, checking out our website, Facebook page, Channel 22, our Instagram, and bulletin postings at public buildings.

- 2. Walker/Wentworth Sidewalk Project** – Town staff participated in the first pre-construction meeting for the Walker/Wentworth sidewalk project. This project has been in the queue for approximately 10 years and is being funded primarily through state and federal transportation money. The project will result in the reconstruction and addition of sidewalks and bump-outs from the intersection of Walker and State Road, to the Walker/Wentworth/Government intersection, and then up Wentworth to Whipple/Rogers Road Ext.

We do not yet have a construction start date, but the construction must be completed by the end of October. The project is not expected to impede the Kittery Block Party taking place as scheduled.

Town staff have impressed upon the project team that early and frequent communication, limited parking impacts, minimized restrictions during peak PNS commuter times, and protection of the old cork elm on Wentworth are paramount through the project. Staff are meeting with the Foreside Business group in the coming week to update them and develop the plan for communications about project updates and impacts, and to address project issues/conflict resolution.

It must be said, the impact during construction will be real and the patience of our local businesses, our residents, and the commuting workers will be needed. The end result will be better pedestrian conditions and safety in the long-run.

- 3. The Hazel Sinclair (Harbormaster Boat Naming)** – We are pleased to be working with the Black Heritage Trail of New Hampshire on the naming of the Harbormaster’s boat “*The Hazel Sinclair*”. The name recognizes one of the owners of Rock Rest, a rare place of rest for 20th century Black citizens visiting Kittery and Maine. With the naming of the Harbormaster boat, Hazel’s legacy of offering steadfast protection and comfort on land will expand to Kittery’s waters.

The event will include a short speaking program and launch. All are welcome to attend.

- 4. Books and Big Ideas Climate Resiliency** – We are in the final month of our Climate Resiliency focused Books and Big Ideas program. The three month focus on Climate Resiliency has featured a number of fiction, non-fiction, young adult, and children’s books about climate and climate resiliency, films, speaking programs, and engagement opportunities.

The Rice Public Library has scheduled a discussion with author Henry Grabar about his book Paved Paradise on April 11, 2024 at 6:00 PM . We are excited to hear Mr. Grabar discuss the impacts car-centric development has had on our lives and climate.

We are also hosting a Climate Action Pledge raffle. Residents are encouraged to check out the Climate Action Handbook and make a pledge to change, even one habit or activity, to reduce their impact on the environment. Pledges will be entered to win a raffle prize pack of amazing climate-friendly products including a gift card to We Fill Good, reusable snack bags, straw, pollinator starter kit and more. Prizes were generously donated by We Fill Good in Kittery and Kittery Ace Hardware.

To make and submit a pledge, visit Town Hall or www.kitteryme.gov/pledgeit.

- 5. June 11 Election - School Budget Validation Referendum and Warrant Articles** – The annual Town “June Election” for the School Budget Validation Referendum and Warrant Articles will be held on June 11, from 8AM to 8PM at the Kittery Community Center.

The Town Clerk is accepting Absentee Ballot Applications now. The Absentee Ballots will be available 30 days before the election. Applying for an Absentee Ballot now ensures you receive your absentee ballot as soon as they are available.

For more information, registering to vote, or applying for an absentee ballot, please contact Town Clerk Jillian Richards at 207-475-1313 or at jrichards@kitteryme.org.

6. Volunteer Opportunity – Be a Mentor - The Kittery School District is looking for community member mentors at all three schools, K-12. Mentors are matched with a student who could especially benefit from a positive connection during the school day. Mentors meet one-on-one with their student for about an hour each week during the school day and on school grounds- playing games, making crafts, shooting hoops, chatting, whatever the pair decides is their thing.

Giving the gift of time and company is one of the most generous gifts that does not cost any money. The benefit of mentoring youth is not a one-way street.

For more information contact the Kittery School Department’s Mentor Program Coordinator, Kari Economou, at keconomou@kitteryschools.com.

We also have a variety of other volunteer opportunities that arise throughout the year that could use the skills, talents, and passion of our community. To learn about some of our volunteer opportunities and find new and exciting ways to connect with your friends and neighbors throughout Kittery visit www.kitteryme.gov/volunteer.

7. Upcoming Dates:

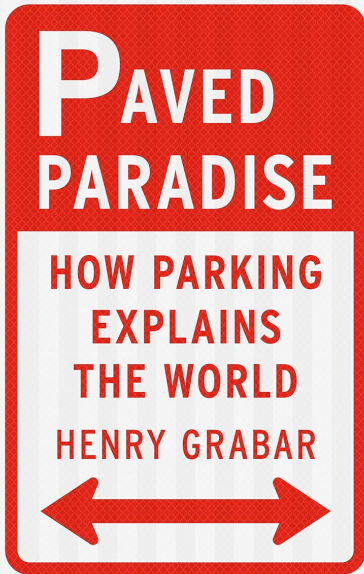
- Paved Paradise with Author Henry Grabar – April 11, 6PM, Rice Public Library
- Town Offices Closed for Patriots Day – April 15
- Educational Scholarship Application Deadline – April 19, Town Clerk
- Business Park Zone Workshop – April 24, 6PM, Kittery Community Center
- Harbormaster Boat Naming Ceremony – April 25, 4:15PM, Safe Harbor Marina, Kittery Point
- “Before and After: From Prevention to Renewal” Sexual Assault Awareness - April 25, 6PM, Kittery Community Center
- Be an Upstander: Bystander Intervention Training (RESCHEDULED) – May 1, 5:30PM, Rice Public Library
- June 11 Election - Absentee Ballot Applications Available – Town Clerk Office
- KEEP Property Tax Payment Plan Application Deadline – June 1, Town Hall
- Senior Municipal Property Tax Credit (Senior Circuit Breaker) Application Deadline – July 1, Town Hall

Respectfully Submitted,



Kendra Amaral
Town Manager

Kittery Books & Big Ideas Presents



“Paved Paradise” **BOOK DISCUSSION**

With Author, Henry Grabar

Parking plays a central role in nearly every aspect of modern life. Parking influences design of new buildings, patterns of traffic and the viability of transit, the quality of public space and so much more.

Is this the best use of our finite resources and space? Is parking really more important than anything?

Join Author, Henry Grabar as he explores these questions and discusses his book, “Paved Paradise”.



April 11, 2024 | 6:00 PM



**Rice Public Library
8 Wentworth Street
Kittery, ME**

Learn more & register by scanning the QR code below or by visiting www.rice.lib.us.



TOWN OF KITTERY



BUSINESS PARK ZONING WORKSHOP



**APRIL 24, 2024
AT 6:00 PM**



**KCC - STAR THEATRE
120 ROGERS ROAD**

ABOUT THE BUSINESS PARK

The Kittery Business Park Zone was established to encourage investment that promotes development of high-quality parklike settings for both the business and residential communities.

Development has been limited in this area and large portions of the zone remain undeveloped. With market trends and community needs evolving, the Town is working to reexamine the Business Park Zone

PUBLIC WORKSHOP

As an important next step, the Town of Kittery will hold a Business Park Zoning Workshop on April 24, 2024 at 6:00 PM at the KCC Star Theatre. The Workshop will:

- Provide an overview of the existing conditions.
- Present options for future zoning of the area.
- Gather feedback from residents and property owners to inform next steps.

To learn more, please scan the QR code here or visit our website below.

SCAN ME



WWW.KITTERYME.GOV/BUSINESSPARK

THE TOWN OF KITTERY INVITES YOU TO THE



Harbormaster Boat Naming Celebration



Join the Town of Kittery as we celebrate the naming and launch of the Harbormaster vessel, in honor of Hazel Sinclair.

Thursday, April 25, 2024 at 4:15 PM

Safe Harbor Marina | 48 Bowen Road, Kittery Point, ME

The event will include a short speaking program, followed by the official naming of the vessel and its launch into the water. Limited parking will be available on site, in addition to street parking.

With the naming of the Harbormaster vessel, Hazel's legacy of offering steadfast protection and comfort on land will now continue into Kittery's waterways.

To learn more about the event and Hazel's impact on Kittery, please visit our website below:

WWW.KITTERYME.GOV/BOATNAMING





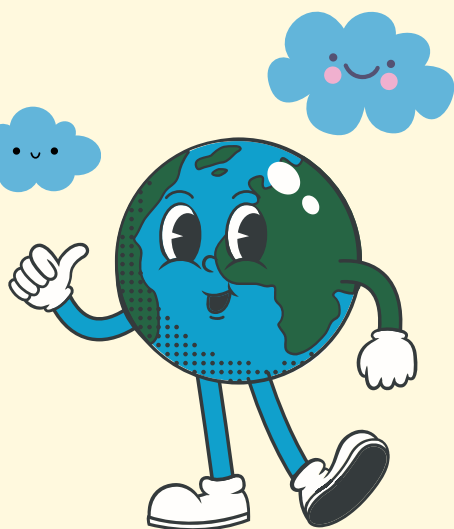
TOWN OF KITTERY

SMALL STEPS, BIG CHANGE WHAT WILL YOU PLEDGE?

Get your green game on and make a climate action pledge to support a more sustainable and resilient Kittery.

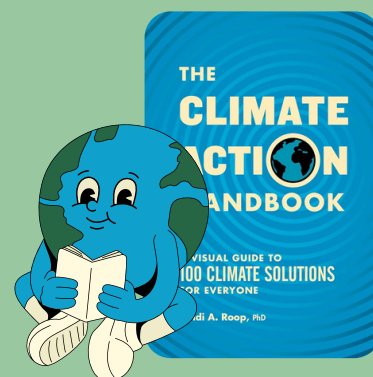
This spring/winter, we are reading about climate action and sustainability in Kittery as part of our Books & Big Ideas Community Read Program.

But why stop there? We invite our community members to read one of our selected titles "The Climate Action Handbook" and become a climate action champion or sustainability superhero by making your very own climate action pledge for Kittery.



READ

Read the Climate Action Handbook by Heidi A. Roop to learn about climate actions and solutions that can be incorporated into your daily life to help reduce the adverse effects of climate change through actions big and small.

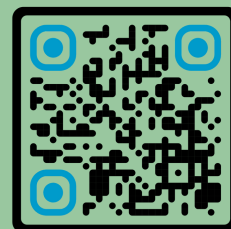


PLEDGE

Select a suggested climate action or solution from the book, or create your own, and pledge to incorporate that action into your daily routines and habits. Submit your pledge at Town Hall and be entered to win 1 of 5 eco-awesome prize packs.

Pledge forms are available online and at Town Hall and should be submitted to hmock@kitteryme.org.

For more info or to submit your pledge, please scan the QR code here for visit visit: www.kitteryme.gov/pledgeit



SCAN ME

THE DEADLINE TO SUBMIT YOUR PLEDGE & BE ENTERED TO WIN IS APRIL 30, 2024.



TOWN OF KITTERY

SMALL STEPS, BIG CHANGE

PLEDGE EXAMPLES

Need some help deciding on what kind of climate action pledge works for you? Here's a few ideas to get you started.

PAGE 13: DRIVE EFFICIENTLY

"I pledge to carpool with my friends or coworkers at least once a week."



PAGE 78: ENJOY CHOCOLATE RESPONSIBLY

"I pledge to consider where my chocolate comes from and support chocolate-makers who adopt sustainable practices."



PAGE 102: SLOW DOWN YOUR SHIPPING

"I pledge to combine online orders & avoid short shipping windows so vehicles making deliveries may reduce their miles traveled."



PAGE 132: GARDEN FOR A GREENER PLANET

"I pledge to plant pollinator-friendly plants this spring and incorporate natural alternatives to pesticides."



PAGE 184: CHAMPION CLIMATE PLANNING

"I pledge to participate in more public climate action planning meetings and events in Kittery this year."





ACCESSORY DWELLING UNIT GRANT PROGRAM



TOWN OF KITTERY ADU GRANT PROGRAM

The Town of Kittery is such a beautiful, vibrant and desirable place to live. As a result, housing is becoming less affordable for families and workers.

To continue our efforts to increase availability of affordable residential units in the community, the Town of Kittery is offering the ADU Grant Program.

RECEIVE UP TO \$75,000 FOR DESIGN, PERMITTING AND CONSTRUCTION TO BUILD AN ADU

- The newly created ADU unit may be inside an existing structure, attached to an existing structure or a totally separate structure on the property.
- The unit must comply with all Town of Kittery code and zoning regulations.
- Property owner(s) must meet income eligibility requirements.
- The ADU must be completed within 2-years of grant award.

APPLY TODAY

A pre-application meeting with the Planning Department staff is required prior to submitting an application. The deadline to apply for the program is May 1, 2024.

For more information about scheduling a pre-application meeting and applying, please scan the QR code here or visit:

WWW.KITTERYME.GOV/ADUGRANT

WHAT IS AN ADU?

An Accessory Dwelling Unit (ADU) is a secondary housing unit on a single-family residential lot. ADUs can be attached to the primary house like a converted garage, or unattached like a freestanding cottage.

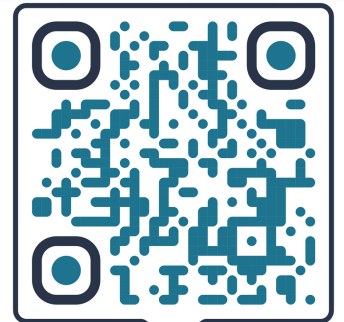
WHAT ARE THE BENEFITS?

Earn Additional Income

An ADU is a great way to earn supplemental income from your property. ADU rentals can bring in a regular stream of revenue to help cover mortgage costs or bolster savings.

Affordable Housing

Finding affordable housing is one of the greatest challenges facing our area. Because they are smaller and share a property with another residence, ADUs can be a more affordable housing option.



SCAN ME

THE TOWN OF KITTERY DIVERSITY, EQUITY & INCLUSION COMMITTEE INVITES YOU TO

BECOME AN UPSTANDER

A BYSTANDER INTERVENTION TRAINING EVENT FACILITATED BY PAC MAINE



Have you ever overheard a biased comment or observed someone being harassed and not known what to do? We've all been there, and **Prevention. Action. Change. Maine** can help.

Join your friends and neighbors for a FREE event to learn how to recognize identity-based harassment and intervene safely and effectively.



WEDNESDAY, MAY 1, 2024
5:30 PM - 8:00 PM



Rice Public Library
8 Wentworth Street, Kittery, ME



SCAN ME



**FOR MORE INFO OR TO REGISTER, SCAN THE QR CODE ABOVE OR VISIT:
WWW.RICE.LIB.ME.US**



Absentee ballot applications are now available at Town Hall for the June 11, 2024 Town Meeting & School Budget Validation Referendum & State Primary Election. Voters can request an absentee ballot until 6:00 PM on June 6, 2024.

- **Request by phone: 207-475-1313**
- **Request online at www.kitteryme.gov/elections.**
- **Request in person at the Customer Service Center:**
 - **Monday - Wednesday: 8:30 AM - 4:00 PM**
 - **Thursday: 8:30 AM - 6:00 PM**
 - **Friday: 8:30 AM - 1:30 PM**

PLEASE NOTE THAT ABSENTEE BALLOTS ARE NOT AVAILABLE AT THIS TIME.

As soon as the Town Clerk receives absentee ballots, they will be mailed out to those who have filed an application, and a notice will be posted online and at Town Hall announcing that they have arrived.

FOR MORE INFORMATION, VISIT: WWW.KITTERYME.GOV/ELECTIONS

YOUR VOTE MATTERS, SO CAST YOUR BALLOT AND LET YOUR VOICE BE HEARD!

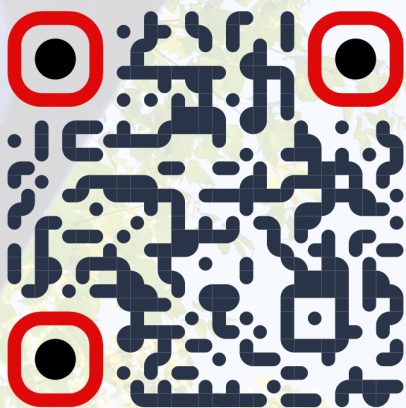


KITTERY EDUCATIONAL SCHOLARSHIP

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

To learn more or fill out an application, please scan the QR Code below or visit:

www.kitteryme.gov/scholarship



DEADLINE TO APPLY: APRIL 19, 2024

Kittery Town Council
February 12, 2024

1. Call to Order

Chair Spiller called the meeting to order.

2. Land Acknowledgement & Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present- Councilor Bragg, Councilor Mason, Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller

Councilors not present- Councilor Hamm (military leave)

5. Agenda Amendment and Adoption

Chair Spiller casts one vote in favor of adoption as presented.

6. Town Manager's Report

Town Manager reported on the Stevenson Road Sidewalk, the Accessory Dwelling Unit Grant Round 2, Books and Big Ideas, Presidential Primary Election and Recreation for All Community Input.

Upcoming Dates:

Absentee Ballots Available – Town Clerk

Real Estate and Personal Property Taxes Due – February 15

Town Offices Closed for Presidents Day – February 19

Voter Registration Night – February 29

Presidential Primary Election – March 5

Movie Night: "2040" – February 22

Recreation for All Input Session – February 27

Traip Academy Storm Chasers Photo Installation – Through April

Shamrock Shindig – March 7

7. Acceptance of Previous Minutes

- January 22, 2024 – Regular Meeting

All were in favor of accepting as presented.

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.

a. (020124-01) The Kittery Town Council moves to receive a presentation from the Town Manager on the FY25 – FY29 Capital Improvement Plan.

Town Manager gave a presentation on the FY25-FY29 Capital Improvement Plan.

Chair Spiller thanked the Town Manager for her presentation and the hard work done by the Town Manager, Department Heads and the Committee, including Vice Chair McGuire.

Vice Chair McGuire also thanked everyone involved in the presentation. Vice Chair McGuire confirmed that the Town would save about \$70,000 by using the unassigned fund balance via the warrant article for the fire apparatus.

Chair Spiller asked for clarification on the life span of the new ladder truck. Town Manager responded.

Chair Spiller asked what the height of the new ladder will be on the new truck. Town Manager responded.

10. PUBLIC HEARINGS

11. DISCUSSION

a. Discussion by members of the public (three minutes per person)

Chair Spiller read an email from Susie Johnson, where she reported that the destruction of Kittery trees has caused a catastrophe in the Town for the birds. She believes that the Town can put more footage of more protected wetland acreage.

Chair Spiller read an email from the Board of the First Congregational Church of Kittery where they state that they are interested in pursuing a Kittery Point Historical and Cultural District and creating a historic preservation commission.

- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

Chair Spiller stated that she does not agree with the statements made by Ms. Johnson and believes that the Planning Board did a very thorough job in the review of the application and she does not believe that habitats have been destroyed.

Chair Spiller responded to the First Congregational Church by saying that they will soon be having a comprehensive plan update and she encourages them to be a part of those meetings.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

- b.(020124-02) The Kittery Town Council moves to approve the Appendix A updates.

Town Manager gave an overview.

Moved to approve by Chair Spiller, seconded by Councilor Clark.

Motion passes
6-0-0

- c. (020124-03) The Kittery Town Council moves to appoint Doug Basnett to the Economic Development Committee for a three-year term to expire December 31, 2027.

Moved to appoint Doug Basnett to the Economic Development Committee for a three-year term to expire December 31, 2027 by Vice Chair McGuire, seconded by Councilor Bragg.

Motion passes
6-0-0

- d.(020124-04) The Kittery Town Council moves to accept the resignation of Kathy Stimson, from the Traffic & Parking Committee.

Move to accept the resignation of Kathy Stimson, from the Traffic & Parking Committee with thanks by Vice Chair McGuire, seconded by Councilor Stevens.

Motion passes
6-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Clark stated that most homeowners have had to remove trees at some point on their property.

Chair Spiller wanted to note that it is Charles Darwin and Abraham Lincolns birthday.

Chair Spiller also thanked Public Works for their hard work in cleaning up Fort Foster.

15. COMMITTEE AND OTHER REPORTS

- a.Communications from the Chairperson
- b.Committee Reports

Councilor Bragg stated that the Emery Field will be going back to passive and individual recreation as soon as the weather allows. She also stated that the teen youth lounge is moving forward with plans.

16. EXECUTIVE SESSION

17. ADJOURNMENT

Motion to adjourn by Councilor Stevens, seconded by Councilor Bragg.

All were in favor.

Submitted by Jennifer Wheeler

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 intended as a verbatim transcript of comments at the meeting, but a refer to the video of the meeting on the Town of Kittery website.

KITTERY TOWN COUNCIL
Regular Meeting – Executive Session
February 12, 2024 5:32 PM

1. Call to Order

Chair Spiller moved to go into executive session at 5:32 p.m., seconded by Vice Chair McGuire

Motion Carried 6-0-0

2. Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present: Chair Spiller, Vice Chair McGuire, Councilor Bragg, Councilor Clark, Councilor Stevens, and Councilor Mason.

Councilors not present- Councilor Hamm (military leave)

5. Executive Session

a. (010322-01) The Kittery Town Council moves to go into Executive Session pursuant to: discuss 36 MRS §841(2) hardship abatement application.

Moved to approve by Councilor Bragg, seconded by Vice Chair McGuire.

Motion passes 6-0-0

6. ADJOURNMENT

Councilor Bragg moved to adjourn at 5:55 p.m., seconded by Councilor Stevens.

All were in favor.

Kittery Town Council
February 26, 2024

1. Call to Order

Chair Spiller called the meeting to order.

2. Land Acknowledgement & Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present- Councilor Bragg, Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller.

Councilors not present- Councilor Hamm (Military Leave) and Councilor Mason (Sick)

5. Agenda Amendment and Adoption

Chair Spiller moves to move item 9 a. (020224-01) The Kittery Town Council moves to recognize Michael Rogers for his 38 years of service with the Kittery Water District, to immediately follow Agenda Amendment and Adoption.

Chair Spiller casts one vote to adopt as presented.

6. Town Manager's Report

Town Manager stated that it has been a pleasure working with Mr. Rogers throughout the years and he would be missed, leaving big shoes to fill.

Town Manager reported on UNE Fellow: Heat Island Inventory, General Assistance Transition, Kittery Community Center Board of Directors Annual Report, Retirement Announcement of Chief David O'Brien, Presidential Primary Election and no Town Managers report on March 11.

Upcoming Events:

Absentee Ballots Available – Town Clerk

Voter Registration Night – February 29

Presidential Primary Election – March 5

Movie Night: "2040" – February 22

Recreation for All Input Session – February 27 and February 29
Traip Academy Storm Chasers Photo Installation – Through April
Shamrock Shindig – March 7
Seacoast Environmental Film Festival- March 23

Councilor Stevens asked about Independent voters at the Primary.
Town Clerk responded

Chair Spiller stated that it their goal to celebrate Chief O'Brien.

7. Acceptance of Previous Minutes

- February 12, 2024 – Regular Meeting
- February 12, 2024 – Executive Session

All were in favor of accepting minutes as presented.

8. Interviews for the Board of Appeals and Planning Board- None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.

- a.(020224-01) The Kittery Town Council moves to recognize Michael Rogers for his 38 years of service with the Kittery Water District.

Chair Spiller read a proclamation from the Town Council to Michael Rogers in which they thanked him for all his years of service to the Town.

Mr. Rogers stated that it has been a pleasure to work with the Town.

10. PUBLIC HEARINGS

- a.(020224-02) The Kittery Town Council moves to hold a public hearing on a new Victualers License application from Harbor Burger Shack, LLC, 355 US Route 1, Kittery.

Move forth the application by Councilor Clark, seconded by Vice Chair McGuire

Motion passes 5-0-0

- b.(020224-03) The Kittery Town Council moves to hold a public hearing on a new Liquor License application from Harbor Burger Shack, LLC, 355 US Route 1, Kittery.

Move to approve Liquor License application for Harbor Burger Shack LLC contingent upon Code Enforcements approval by Vice Chair McGuire, seconded by Councilor Clark.

Motion passes 5-0-0

- c. (020224-04) The Kittery Town Council moves to hold a public hearing on a new Victualers License application from The Good Sauce Co., LLC, 355 US Route 1, Kittery.

Move to approve the license upon Code Enforcements approval by Councilor Stevens, seconded by Vice Chair McGuire.

Motion passes 5-0-0

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)

Deborah Cotter stated that she is representing the Kittery Art Association. She talked about a new show that depicts the town of Kittery and a dedication to a local artist, Mary Margaret Sweeney. All of Mrs. Sweeney's art work will be for sale and will benefit the Art Association. The show will be held March 8th. She went on to request Councils' and the Town Managers attendance for a special gathering on March 6th.

- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

Chair Spiller thanked Ms. Cotter for her invitation and stated that anyone who is available to attend would.

12. UNFINISHED BUSINESS - None

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

- b. (020224-05) The Kittery Town Council moves to approve the FY25-FY29 Capital Improvement Plan.

Move to approve FY25-29 Capital Improvement by Vice Chair McGuire, seconded by Councilor Bragg.

Vice Chair McGuire thanked everyone involved with this committee and stated that he has been thoroughly impressed by the quality of the job done by the CIP.

Councilor Stevens stated that she was also impressed with the work that goes into these reports and thanked all involved.

Motion passes 5-0-0

c. (020224-06) The Kittery Town Council moves to schedule a workshop on Title 6 – Fowl for March 25, 2024 at 5:00pm.

Town Manager gave an overview of the proposed ordinance.

Move to schedule the workshop by Vice Chair McGuire, seconded by Councilor Stevens.

Councilor Stevens asked who the workshop would be with. Town Manager stated Council, Code Enforcement, possibly the ACO or someone from the Police Department and recommends it be open to the public as well.

Motion passes 5-0-0

d.(020224-07) The Kittery Town Council moves to appoint Elizabeth Lallemand, Finance Director, as Acting Town Manager from March 2, 2024 to March 8, 2024, while the Town Manager is on vacation.

Move to appoint by Councilor Clark, seconded by Councilor Bragg.

Motion passes 5-0-0

e. (020224-08) The Kittery Town Council moves to accept the resignation from Susan Foster from the Parks Commission.

Move to accept resignation with thanks by Councilor Clark, seconded by Councilor Stevens.

Motion passes 5-0-0

f. (020224-09) The Kittery Town Council moves to appoint Liz Moore to the Youth Ad Hoc Committee.

Move to appoint Liz Moore by Councilor Bragg, seconded by Councilor Clark.

Motion passes 5-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Clark thanked his friend for coming to the Council meeting tonight.

Vice Chair McGuire talked about NATO and that we remember the importance of our allies and the importance of the alliance to the peace that we all take for granted in the United States.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chair Spiller wished anyone who celebrates the Lunar New Year a Happy New Year.

b. Committee Reports

16. EXECUTIVE SESSION

- a. (020224-08) The Kittery Town Council moves to go into Executive Session in accordance with 1 M.R.S. § 405(6)(D), to discuss labor negotiations.

Move to go into executive session by Vice Chair McGuire, seconded by Councilor Bragg.

Motion passes 5-0-0

17. ADJOURNMENT

Motion to adjourn by Councilor Bragg, seconded by Vice Chair McGuire

All were in favor.

Submitted by Jennifer Wheeler

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 intended as a verbatim transcript of comments at the meeting, but a refer to the video of the meeting on the Town of Kittery website.

KITTERY TOWN COUNCIL
Regular Meeting – Executive Session
February 26, 2024 6:39 PM

1. Call to Order

Vice Chair McGuire moved to go into executive session at 6:39 p.m., seconded by Councilor Bragg.

Motion passes 5-0-0

2. Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present: Chair Spiller, Vice Chair McGuire, Councilor Bragg, Councilor Clark and Councilor Stevens

Councilors not present- Councilor Hamm (military leave) and Councilor Mason (sick)

5. Executive Session

- a. (020224-08) The Kittery Town Council moves to go into Executive Session in accordance with 1 M.R.S. § 405(6)(D), to discuss labor negotiations.

Move to go into executive session by Vice Chair McGuire, seconded by Councilor Bragg.

Motion passes 5-0-0

6. ADJOURNMENT

Councilor Bragg moved to adjourn at 6:55 p.m., seconded by Vice Chair McGuire.

All were in favor.

Kittery Town Council
March 11, 2024

1. Call to Order

Chair Spiller called the meeting to order

2. Land Acknowledgement & Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present- Stevens, Clark, Mason, Bragg, Vice Chair McGuire (remote),
Chair Spiller

Councilors not present- Councilor Hamm (Military Leave)

5. Agenda Amendment and Adoption

Chair Spiller moves to postpone item 9. a. (030124-01) The Kittery Town Council
moves to accept the annual report from the Housing Committee.

Chair Spiller moves to add an item under new business, item 13 f. The Kittery Town
Council moves to send a letter to Governor Mills urging her to reverse her decisions
on York Hospitals funding.

Chair Spiller casts one vote in favor of adoption as amended.

6. Town Manager's Report -None

7. Acceptance of Previous Minutes – None

8. Interviews for the Board of Appeals and Planning Board- None

9. All items involving the town attorney, town engineers, town employees or
other town consultants or requested offices.

a. (030124-01) The Kittery Town Council moves to accept the annual report
from the Housing Committee.

10. PUBLIC HEARINGS

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS -

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

(030124-02) The Kittery Town Council moves to accept a donation from the Lester A. and Dorothy M. Avery Fund to the George Smart Santa Fund, account #1372.

Move to accept donation with thanks by Councilor Clark, seconded by Councilor Stevens.

Motion passes 6-0-0

- b.(030124-03) The Kittery Town Council moves to schedule a public hearing on Title 10 – Seapoint Road Parking Clarification for March 25, 2024.

Chair Spiller gave an overview.

Move to schedule the hearing by Councilor Clark, seconded by Councilor Bragg

All were in favor.

- c. (030124-04) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Conservation Committee to interview Rosemary Charlesworth for a three-year term on the Conservation Committee.

Move to appoint Councilor Bragg along with the Chair of the Conservation Committee to interview Rosemary Charlesworth for a three-year term on the Conservation Committee by Councilor Stevens, seconded by Councilor Clark.

Motion passes 6-0-0

- d.(030124-05) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Parks Commission to interview Antoneil Banton for a three-year term on the Parks Commission.

Move to appoint Councilor Clark along with the Chair of the Parks Commission to interview Antoneil Banton for a three-year term on the Parks Commission by Councilor Stevens, seconded by Councilor Bragg.

Motion passes 6-0-0

- e. (030124-06) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Board of Assessment Review to interview Antoneil Banton for a three-year term on the Board of Assessment Review.

Move to appoint Vice Chair McGuire along with the Chair of the Board of Assessment Review to interview Antoneil Banton for a three-year term on the Board of Assessment Review by Councilor Bragg, seconded by Chair Spiller.

Motion passes 6-0-0

- f. The Kittery Town Council moves to send a letter to Governor Mills urging her to reverse her decisions on York Hospitals funding.

Chair Spiller gave a brief overview of the reasoning for the plea to the Governor.

Move to provide the letter as described by the Chair by Councilor Stevens, seconded by Councilor Bragg.

Vice Chair McGuire stated that it was his understanding that the Legislature was trying to accomplish an increase in the funds going to the various medical providers in the state for Mainecare/Medicaid funding, which have been historically lower than they needed to be. He also stated that York Hospital receives a part of the current set up because so many seasonal folks go to the hospital. He wanted confirmation on these two points.

Chair Spiller replied with thanks for the clarification.

Motion passes 5-1-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Bragg stated that she attended both presentation for The Recreation for All. Councilor Bragg recommended anyone who missed the presentations watch them via the Town website. She stated that it is her belief to act upon these updates of existing assets now due to the consistent increase in costs. She encourages people to get information from reliable sources and that failing to plan is simply planning to fail.

Vice Chair wanted to echo what Councilor Bragg has said. He stated that he too attended the presentations and they were really well done and easy to understand. He encourages folks to test for COVID when they are having cold like symptoms as COVID is very much still out there. He went on to say that we all need to do our part in taking care of our families and neighbors.

Chair Spiller replied to Councilor Braggs comments and noted that this is a Council initiative looking into Youth Athletics, Recreation and the Kittery Community Center. She feels as though it is good that they are working together and not separately trying to obtain funds. She went on to say that what we end up with will be different than what is being discussed at this point but it will be consistent with what the Town Council and community wants for the Town.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chair Spiller stated that she wanted to celebrate the accomplishments of two Traip Academy students, Calen Berry, first year wrestler who completed and undefeated season as well as Olivia Kennedy who was appointed a Maine Principals Association award for academic excellence and citizenship.

Chair Spiller stated that is with sadness that David Lincoln has passed on. She mentioned Mr. Lincolns contributions to the Town and passed on her condolences to Mr. Lincoln's family.

Councilor Stevens stated that it is really great that Mr. Roberge, the athletic director for Traip Academy, was able to provide students with so many opportunities outside of the school's abilities to provide.

Councilor Bragg stated that she wanted to recognize the Traip Academies Dramatic Art for their 3rd place finish at this past weekends MPA One Act Completion at Thorton Academy.

b. Committee Reports

Councilor Bragg stated that Youth Ad Hoc meeting was February 28, 2024, ideas and visuals were discussed and reviewed. She thanked Erin Brochu for the presentation she provided. Councilor Bragg stated that the next meeting will be held March 14 at 1 pm at the KCC.

16. EXECUTIVE SESSION

17. ADJOURNMENT

Move to adjourn by Councilor Bragg, seconded by Councilor Clark.

All were in favor of adjournment.

Submitted by Jennifer Wheeler

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 intended as a verbatim transcript of comments at the meeting, but a refer to the video of the meeting on the Town of Kittery website.

TOWN OF KITTERY
TOWN MEETING WARRANT
June 11, 2024

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 10th day of June 2024, 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 11th day of June, 2024 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?

Explanation:

The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus) to pay for accrued benefits owed when a municipal employee retires or leaves. The reserve account balance is currently \$88,844. The unassigned fund balance (unencumbered surplus) is currently \$11,316,745.

Article 3. Shall the town vote to authorize the Town Council to transfer up to \$25,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$25,000 when necessary for the purpose of paying the town's cost on accepted insurance claims against the town?

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 \$11,316,745.

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?

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 \$11,316,745.

Article 5. Shall the town vote to authorize the Town Council to transfer up to \$80,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$80,000 when necessary for the purpose of covering shortfalls in the town departments' fuel accounts due to the unpredictable fuel pricing markets?

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 \$11,316,745.

Article 6. 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 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?

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 \$11,316,745.

Article 7. 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?

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 \$11,316,745.

Article 8. 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 for a Municipal Property Tax Assistance program to credit property taxes owed by certain residents that meet the program requirements?

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 \$11,316,745.

Article 9.

Shall the town vote to authorize the Town Council to transfer up to \$1,500,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$1,500,000 for the purchase of a replacement ladder truck for the Kittery Fire Department?

Explanation:

The current Ladder Truck is a 2009 Peirce Arrow XT 75ft Quint fire apparatus. It will be at its end of life in 2027-2028. At present, the timeframe to manufacture ladder trucks is exceeding three years from date of order. This funding request, if approved this will allow the Town to order the vehicle now for anticipated delivery in the 2027 – 2028 timeframe as needed. Paying for the vehicle in full at the time of order will also help lock in the cost and avoid future inflationary cost increases, exceeding 10% per year at present for fire apparatus. Finally, paying at time of order comes with discounts on the total cost that help save the Town money on the purchase. The purchase contract will include customary performance guarantees to ensure the receives delivery of the apparatus if it pays up front. The unassigned fund balance (unencumbered surplus) is currently \$11,316,745.

The Registrar of Voters will hold office hours while the polls are open to correct any error in, or change a name or address on, the voting list; to accept registration of any person who becomes 18 years of age on Election Day or after the close of registration prior to it; and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this ____ day of April, 2024.

_____	_____
_____	_____
_____	_____

Municipal Officers

A true copy

ATTEST: _____
Town Clerk



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

REPORT TO TOWN COUNCIL

Meeting Date: March 25, 2024
Update: April 8, 2024
From: Kendra Amaral, Town Manager
Subject: Electric Vehicle Leases – Code/Admin Fleet Cars
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The leases for the two electric vehicles used by Code, Planning and the Town Hall staff are expiring at the end of April. The Town must decide whether to buy out the leases, lease or purchase new vehicles, or some other alternative.

The Town's Climate Action Strategies, Strategy 23 Action Item calls for the transition of municipal, school, and public transit fleets to EVs. The Town currently has three EVs in service, including the two mentioned above, and one EV police admin vehicle. The Town is planning to transition Police cruisers to hybrid and/or hybrid plug-ins as much as possible.

OPTIONS

The two leased EVs were approved by Council in April of 2021. At the time, dealer incentives and Efficiency Maine rebate programs allowed the Town to lease the vehicles for \$609 per year per vehicle, for a total annual cost of \$1,218.

The residual value/buy out cost for each vehicle is \$17,464. Total combined mileage on the vehicles is 13,828 after 34 months of operation.

The two vehicles are used by staff in Town Hall for transportation to inspections, site visits, and meetings. Having two vehicles allows the two Code Enforcement Officers to be out concurrently on inspections, and to have an EV available for other staff to use to go on site visits or attend offsite meetings when one or both of the Code Enforcement Officers are working in office.

The Town issued a bid earlier this year for replacement vehicles, seeking both lease and purchase options. Two bids were received. The lowest bid came from Bill Dodge Auto Group for replacement Nissan Leaf EVs.

Unfortunately, current dealer incentives are significantly less than three years ago. The annual lease cost per vehicle, with Efficiency Maine and dealer incentives, was bid at approximately \$2,868 per vehicle, for a combined annual cost of \$5,736.

The options are:

- **Lease two EVs** for \$5,736 annually for three years. Maine's Climate Council is advocating for more funding to go towards electrification of vehicles and fleets. It is possible lease terms will improve by 2027. COST: \$5,736 per year.
- **Buyout existing EVs.** The vehicles are in good shape and have relatively low mileage. There is no dedicated funding to pay for the buy-out; these vehicles were expected to be more advantageous as leases in general.

To accomplish a buyout, Council would have to authorize the repurposing of funding from other vehicle reserve funds. The reason Kittery uses the reserve fund approach to capital is for the flexibility to act and react to the market and operational needs, such as this. Possible funds include the KCC Vehicle Reserve, with a balance of \$23,050. The KCC van will not need to be replaced for a number of years, allowing sufficient time to rebuild that fund until needed. The DPW Equipment Reserve can cover the remaining \$12,000 with its projected year-end surplus. Typically that surplus helps buffer against price variation between estimates and final bids each year. The surplus is built into the calculated funding needs in future years, and could impact the CIP funding request in a future year. COST: \$17,463 per vehicle or a total of \$34,926.

- **Reduce the EV fleet to 1 vehicle and Lease or Buyout.** This would impact the productivity of the Planning and Development Department, as well as increase greenhouse gas emissions in Town operations. When the one vehicle is in use, others needing transportation for inspections, site visits, or meetings would need to either forgo until the EV becomes available, reducing the number of inspections/site visits that can be done in a day, or more likely, use their personal vehicle (which are currently predominately combustion engine). COST: Annual lease cost for one vehicle is \$2,868, buyout of one vehicle is \$17,463; plus negotiated vehicle stipend and/or mileage reimbursement for staff using their own vehicles for Town purposes.
- **Release the vehicles and not replace** – This would require staff to use their own vehicles for Town purposes. It is expected impact bargaining for Code Enforcement staff will be needed, as it is a change in work conditions requiring them to use their personal vehicles for a significant portion of their work duties. For those who use their vehicles intermittently for work purposes, staff can be reimbursed in accordance with the IRS reimbursement rate, which is currently at \$0.67 per mile. This option would likely increase greenhouse gas emissions in Town operations for the reasons noted above. COST: TBD but likely \$5,000 or more annually for vehicle stipends and mileage reimbursements.

PROPOSED SOLUTION/RECOMMENDATION UPDATE

It is recommended the Council authorize the lease of two new EVs.

In either case, a public hearing is needed in accordance with Town Charter. Use of reserve funds for equipment not specified in the CIP is being treated as a transfer for the purposes of adhering to the Charter.

ATTACHMENTS

- EV Lease Bid
- EV Lease Enactment
- Other Funds Report
- April 2021 - EV Lease RTC (for background/history)
- Town Charter

**KITTERY TOWN CODE –
ELECTRIC VEHICLE
LEASE AUTHORIZATION**

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter,
3 Federal law, and Maine Revised Statutes, and more particularly where set forth in
4 Maine Revised Statutes Title 30-A, Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as
6 specified in Sections 1.01, 2.07(3), and 6.11(3) of the Town Charter; and 30-A MRS §3001,
7 pursuant to its powers that authorize the town, under certain circumstances, to
8 provide for the public health, welfare, morals, and safety, and does not intend for this
9 Ordinance to conflict with any existing state or federal laws; and

10 **WHEREAS**, the Town of Kittery is interested in leasing two electric vehicles to
11 replace two electric vehicles whose leases are expiring; and

12 **WHEREAS**, by leasing the vehicles the Town may take advantage of various rebates
13 and financial incentives available through Efficiency Maine and the vehicle
14 manufacturers;

15 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
16 CHARTER §§2.14 and 6.11(3), THE TOWN OF KITTERY HEREBY ORDAINS APPROVAL
17 FOR THE TOWN MANAGER TO EXECUTE LEASE AGREEMENTS FOR TWO ELECTRIC
18 VEHICLES.

19 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
20 _____, 20____, by:_____ {NAME} Motion to approve by Councilor
21 _____ {NAME}, as seconded by Councilor _____ {NAME} and
22 passed by a vote of _____.

23 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
24 Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____ ,
25 Chairperson

26 **Attest:** {NAME}, _____Town Clerk



Lease Agreement

NISSAN LEAF S Model
Lease option

Todd Hilton
Bill Dodge Auto Group
2 Saunders Way
Westbrook, ME 04092

Buyer	Co-Buyer	Vehicle
Town Of Kittery Maine Town of Kittery Maine 200 Rogers Rd Kittery, ME 03904 D: (207) 475-1309, E: (207) 475-1309 kamaral@kitteryme.org		2024 Nissan LEAF VIN: 1N4AZ1BV2RC550939 Stock #: NS150398 Mileage: 9 Color: Deep Blue Pearl

Amount Paid by Customer		
0.00	3,000.00	4,000.00

Term	Residual	Payments		
36	53%	\$214 to \$239	\$118 to \$143	\$86 to \$111

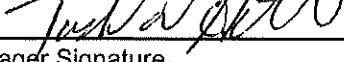
Lease Details	
Retail Price:	29,985.00
Sales Price:	28,809.00
Savings:	1,176.00
Accessories:*	374.00
Service Contract:	0.00
Government Fees:	52.50
Proc/Doc Fees:	599.00
Capitalized Taxes:	0.00
Security Deposit:	0.00
Acquisition Fee:	695.00
Gross Cap Cost:	30,529.50
Trade Allowance:	0.00
Trade Payoff:	0.00
Trade Equity:	0.00
Rebate:	12,250.00
Cash Down:	0.00
Net Cap Cost:	18,279.50

Mileage	
Plan:	12,000 mi 0%
Expected:	

Selected Terms	
Term:	36 Monthly
Residual:	53%
Payment:	\$214 to \$239
Upfront Taxes:	0.00
Amount Due:	213.93

X _____
Customer Signature

Date

X 
Manager Signature
02/09/24

Date

Disclaimer:

Printed 2/1/24 1:42 PM



Purchase Agreement

*Nissan Leaf 5 Model
purchase option*

Todd Hilton
Bill Dodge Auto Group
2 Saunders Way
Westbrook, ME 04092

Buyer	Co-Buyer	Vehicle
Town Of Kittery Maine Town of Kittery Maine 200 Rogers Rd Kittery, ME 03904 D: (207) 475-1309, E: (207) 475-1309 kamaral@kitteryme.org		2024 Nissan LEAF VIN: 1N4AZ1BV2RC550939 Stock #: NS150398 Mileage: 9 Color: Deep Blue Pearl

Purchase Details	
Retail Price:	\$29,985.00
Sales Price:	\$28,809.00
Savings:	\$1,176.00
Accessories*:	\$374.00
Service Contract:	\$0.00
Government Fees:	\$52.50
Proc/Doc Fees:	\$599.00
Total Taxes:	\$0.00
Total Sales Price:	\$29,834.50
Trade Allowance:	\$0.00
Trade Payoff:	\$0.00
Trade Equity:	\$0.00
Rebate:	\$9,000.00
Cash Down:	\$0.00
Cash Price:	\$20,834.50

X _____
Customer Signature

X *Todd Hilton*

Manager Signature

Date

02/08/24

Date

* Accessories: WHEEL LOCKS: \$125.00, ALL WEATHER FLOOR MATS: \$249.00

Disclaimer:

Printed 2/8/24 10:10 AM



2024 NISSAN LEAF

S - EPA Range up to 149 miles+++

Scan QR code for general model information & options



100% ELECTRIC

Standard Equipment Included at No Extra Charge

MECHANICAL & PERFORMANCE

- 147HP (110KW) AC Synchronous Motor
- 40 kWh Lithium-Ion Battery
- 5.6 kW Onboard Charger
- Quick Charge Port
- Portable Charge Cable (120V/240V EVSE)
- Regenerative Braking System
- e-Pedal Mode & Hill Start Assist

SAFETY & SECURITY

- Nissan Safety Shield 360
- High Beam Assist
- Automatic Emergency Braking with Lane Departure Warning
- Lane Departure Warning
- Blind Spot Warning
- Rear Automatic Braking
- Rear Cross Traffic Alert

COMFORT & CONVENIENCE

- Intelligent Auto Headlights
- Rear View Monitor
- Rear Door Alert
- Nissan Intelligent Key® System w/ Charge Port Door Release

AUDIO & INFOTAINMENT

- NissanConnect
- Apple CarPlay™
- Android Auto™
- Steering Wheel Audio w/ Advanced Audio Features
- Smart Eyes Frontview™
- Bluetooth® Hands-Free Phone System
- Streaming Audio Via Bluetooth®
- Send-File™ Text Messaging Assistant

EXTERIOR FEATURES

- 16" Steel Wheels w/ Wheel Covers
- Dual Power Outside Mirrors
- 5.6 kW Onboard Charger
- Charge Port Light and Lock

For More Information, See Dealer Owner's Manual or www.NissanUSA.com/connectlegal

Actual Range Will Vary With Trim Levels, Options, & Driving Conditions. See Customer Disclosure Form For Details.

Manufacturer's Suggested Retail Base Price:	\$28,140.00
Options Included by Manufacturer:	245.00
Spash Guards	285.00
Carpeted Floor Mats & Cargo Area Mat	120.00
Rear Cupholders	100.00
3-Speakers	
Safety Kit	
First Aid Kit	
Emergency Kit	
DESTINATION CHARGES	1,095.00
Total	\$29,985.00

Does not include dealer installed options and accessories, local taxes or license fees. This label has been applied pursuant to federal law. Do not remove prior to delivery to the ultimate purchaser.

†Not actual Monroney Label. Provided for informational purposes only. Vehicle features, pricing and other information subject to change, may vary from actual vehicle content and/or Monroney Label description. While Nissan makes reasonable efforts to ensure accuracy of information, Nissan is not responsible for changes, errors or omissions. See actual vehicle and/or verify information in question with your Nissan dealer.

EPA Fuel Economy and Environment DOT

Electric Vehicle

Fuel Economy

111

MPGe 123 city 99 highway

149 miles per charge
123 city 99 highway
30 kWh per 100 miles
Charge Time: 8 hours (2,00V)

Annual fuel cost \$700

123 city 99 highway
149 miles per charge

Fuel Economy & Greenhouse Gas Rating (mpge, gha)

100 100 100
100 100 100
100 100 100

You Save \$3,500

in fuel costs over 5 years compared to the average new vehicle.

Actual results will vary for many reasons, including driving conditions and how you drive and maintain your vehicle. The EPA-estimated 23 MPGe and costs \$9,250 to fuel over 5 years. Cost estimates are based on 15,000 miles per year at \$0.15 per kWh. MPGe is miles per gasoline gallon equivalent. Vehicle emissions are a significant cause of climate change and smog.

Calculates personalized estimates and compare vehicles



GOVERNMENT 5-STAR SAFETY RATINGS

Overall Vehicle Score ★★★★★
Based on the combined ratings of frontal, side and rollover. Should ONLY be compared to other vehicles of similar size and weight.

Frontal Crash ★★★★★
Driver Passenger ★★★★★

Side Crash ★★★★★
Front seat Rear seat ★★★★★

Rollover ★★★★★
Based on the risk of rollover in a single-vehicle crash.

Star ratings range from 1 to 5 stars (★★★★★) with 5 being the highest. Source: National Highway Traffic Safety Administration (NHTSA) www.safercar.gov or 1-888-327-4226

PARTS CONTENT INFORMATION FOR VEHICLES IN THIS CABLINE:

U.S./CANADIAN PARTS CONTENT: 30%
MAJOR SOURCES OF FOREIGN PARTS CONTENT: JAPAN: 45%

NOTE: PARTS CONTENT DOES NOT INCLUDE FINAL ASSEMBLY, DISTRIBUTION OR OTHER NON-PARTS COSTS.

FOR THIS VEHICLE:
FINAL ASSEMBLY POINT: SMYRNA, TN, USA
COUNTRY OF ORIGIN: ENGINE: JAPAN
TRANSMISSION: JAPAN

Security+Plus Extended Protection Plan

The only service agreement backed by Nissan Extended Services North America. Ask your dealer for details, or call 1-800-NISSAN-1 for more information.

Dealer	Phone	Address
DEALER NAME	800-XXX-XXXX	123 Main St, City, State
DEALER NAME	800-XXX-XXXX	456 Main St, City, State
DEALER NAME	800-XXX-XXXX	789 Main St, City, State



2024 NISSAN LEAF

S - EPA Range

up to 149 miles***

100% ELECTRIC

Scan QR code for general model information & options



Standard Equipment Included at No Extra Charge

MECHANICAL & PERFORMANCE

- 147HP (110kW) AC Synchronous Motor
- 40 kWh Lithium-Ion Battery
- 5.6 kWh Onboard Charger
- Quick Charge Port
- Regenerative Braking System
- 4-Door Mode & Hill Start Assist

SAFETY & SECURITY

- Nissan Safety Shield 360
- High Beam Assist
- Autonomic Emergency Braking with Pedestrian Detection
- Lane Departure Warning
- Blind Spot Warning
- Rear Automatic Braking
- Rear Cross Traffic Alert

COMFORT & CONVENIENCE

- Intelligent Auto Headlights
- RearView Monitor
- Rear Door Alert
- Nissan Intelligent Key® System w/ Charge Port Door Release

AUDIO & INFOTAINMENT

- NissanConnect®
- Apple CarPlay®
- Android Auto™
- SiriusXM® Radio w/ Advanced Audio Features
- 8" HD Eyes Free™
- Bluetooth® Hands-Free Phone System
- Streaming Audio via Bluetooth®
- Hands-Free Text Messaging Assistant

EXTERIOR FEATURES

- 16" Steel Wheels w/ Wheel Covers
- Dual Power Outside Mirrors
- Charge Port Light and Lock

***For More Information, See Dealer Owner's Manual or www.NissanUSA.com/connectlegal

***Actual Range Will Vary With Tire Levels, Options, & Driving Conditions See Customer Disclosure Form For Details

Manufacturer's Suggested Retail Base Price: \$28,140.00

Options Included by Manufacturer*

- Spash Guards 245.00
- Carpeted Floor Mats & Cargo Area Mat 285.00
- Rear Cupholders & Storage Tray 120.00
- Safety Kit 100.00
- First Aid Kit
- Emergency Kit

DESTINATION CHARGES

Total \$29,985.00

EPA Fuel Economy and Environment

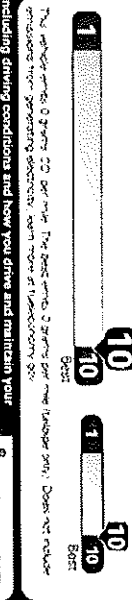
Electric Vehicle

Fuel Economy
 MIDSE CARS range from 15 to 122 MPGe. The best vehicle rate is 149 MPGe.

MPGe 123 99 30
 city highway kWhrs per 100 miles

combined city/hwy
 Driving Range
 Charge Time: 8 hours (220V)

Annual fuel cost \$700



You save \$3,500

in fuel costs over 5 years compared to the average new vehicle.

Actual results will vary for many reasons, including driving conditions and how you drive and maintain your vehicle. The average new vehicle gets 23 MPGe and costs \$9,750 to fuel over 5 years. Cost estimates are based on 15,000 miles per year at \$0.15 per kWh. MPGe is miles per gasoline gallon equivalent. Vehicle emissions are a significant cause of climate change and smog.

fuel economy.gov

Calculate personalized estimates and compare vehicles

GOVERNMENT 5-STAR SAFETY RATINGS

Overall Vehicle Score ★★★★★
 Based on the combined ratings of frontal, side and rollover. Should ONLY be compared to other vehicles of similar size and weight.

Frontal Crash	Driver Passenger	★★★★★	★★★★★
Side Crash	Front seat Rear seat	★★★★★	★★★★★
Rollover		★★★★★	

Star ratings range from 1 to 5 stars (★★★★★) with 5 being the highest. Source: National Highway Traffic Safety Administration (NHTSA) www.safercar.gov or 1-888-327-4226

PARTS CONTENT INFORMATION FOR VEHICLES IN THIS CARLINE:

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NOTE: PARTS CONTENT DOES NOT INCLUDE FINAL ASSEMBLY, DISTRIBUTION, OR OTHER NON-PARTS COSTS.

FOR THIS VEHICLE:
 FINAL ASSEMBLY POINT: SMYRNA, TN, USA
 COUNTRY OF ORIGIN: JAPAN
 ENGINE: JAPAN
 TRANSMISSION: JAPAN

This Vehicle qualifies for Nissan's **Security+Plus Extended Protection Plan**

The only service agreement backed by Nissan Extended Services North America! Ask your dealer for details, or call 1-800-NISSAN-1 for more information!

Dealer: [Name]
 VIN: [VIN]
 MFR: [MFR]
 DPT: [DPT]

BT: [BT]
 NT: [NT]
 BS: [BS]

Does not include dealer installed options and accessories, local taxes or license fees. This label has been applied pursuant to federal law. Do not remove prior to delivery to the ultimate purchaser.

*Not actual Monroney Label. Provided for informational purposes only. Vehicle features, pricing and other information subject to change. May vary from actual vehicle content and/or Monroney Label description. While Nissan makes reasonable efforts to ensure accuracy of information, Nissan is not responsible for changes, errors or omissions. See actual vehicle and/or verify information in question with your Nissan dealer.

Bill Dodge Auto Group

Clarifications

- 1) Actual vehicles submitted for bid are subject to change. We will do our best to keep replacement vehicles at the same figures.
- 2) Vehicles are not held until bids are awarded.
- 3) Current bids are based on February incentives with Nissan. These incentives are honored through March 4th of 2024. If the lease or purchase takes place after the 4th of March, new incentives will come into play and awarded bid prices are not guaranteed.
- 4) Lease options are based upon Nissan approval. Your payments could fluctuate up or down based upon approval through Nissan.
- 5) Only 1 bid for lease and purchase is enclosed for the S model and SV Plus model. Each bid will be the same per unit of same model. In other words, if you go with the SV Plus model, each vehicle is priced the same.
- 6) Leases require 1st payment due at signing.
- 7) Purchase option payment is expected at signing. Exceptions can be made with advance notice.

Bill Dodge Auto Group
Incentives for Purchasing

1) Efficiency Maine Rebates \$7,500.00

2) Nissan Rebate \$1,500.00 Fleetail Government Rebate

Total \$9,000.00



2024 Nissan LEAF Features and Specifications
 Printed 02/08/2024

Warranty Coverage (limited)*	
New Vehicle	
Basic coverage	3/36,000
Powertrain coverage	5/60,000
Corrosion coverage (original body panels/perforation)	5/Unlimited
Lithium-ion battery coverage	8/100,000
<p>The Nissan lithium-ion battery and battery capacity limited warranty includes coverage for defects in materials or workmanship for 96 months/100,000 miles (whichever occurs first) as well as protection against capacity loss below 9 segments of capacity (out of 12) as shown on the vehicle's capacity gauge for a period of 96 months/100,000 miles (whichever occurs first). For complete information concerning coverage, conditions, limitations, and exclusions, see your Nissan dealer and read your vehicle's Warranty Information Booklet.</p>	
<p>* Expressed in years/miles (whichever occurs first). For complete information concerning warranty coverage, conditions and exclusions, see your Nissan dealer or INFINITI retailer and read your vehicle's Warranty Information Booklet.</p>	
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<p>This website is intended for general descriptive and informational purposes only. It is subject to change and does not constitute an offer, representation or warranty (express or implied) by Nissan North America, Inc. Interested parties should confirm the accuracy of any information in this website as it relates to a vehicle directly with Nissan North America, Inc. before relying on it to make a purchase decision. Nissan North America, Inc. reserves the right to make changes, at any time, without prior notice, in prices, colors, materials, equipment, specifications, and models and to discontinue models or equipment. Due to continuous product development and other pre- and post-production factors, actual vehicle, materials and specifications may vary from this website. Some vehicles shown with optional equipment. See the actual vehicle for complete accuracy. Availability and delivery times for particular models or equipment may vary. Specifications, options and accessories may differ in Hawaii, U.S. territories and other countries. For additional information on availability, options or accessories, contact your Nissan dealer or INFINITI retailer, or Nissan North America, Inc.</p>	

Town of Kittery FISCAL YEAR 2024
Fund Balances - Capital Projects and Special Revenues
Through: March 14, 2024

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2023	CIP Appropriation 7/1/2024	Transfers FY24	YTD Expense	YTD Revenue	Ending Fund Balance
SR	5504	ARPA	441,103.49			(441,103.49)		-
SR	5505	PREPA Grant	2,050.62					2,050.62
SR	5506	Affordable Housing	100,000.00		50,000.00			150,000.00
SR	5507	PFAS Support	(173,709.55)		341,103.49	(905,524.92)	24,701.08	(713,429.90)
SR	5508	375th Celebration	4,757.32			(12,839.70)	224.55	(7,857.83)
SR	5024	COVID-19 Vaccine Clinics	13,644.91					13,644.91
SR	5509	Real Estate Transactions	898,925.81					898,925.81
SR	5511	Bike/Ped Master Plan	97,705.88			(2,162.93)		95,542.95
SR	5513	Gorges Road Fire Station	480,463.23			(976,493.15)		(496,029.92)
SR	5514	Fiscal Agent Fund	6,000.00			(5,231.60)	1,000.00	1,768.40
Total Special Revenue			3,141,678.72	-	1,011,179.49	(3,288,892.45)	725,508.80	2,565,967.71

CIP Programs

CP	2057	Open space	25,000.00					25,000.00
CP	2903	Invasives Fort Foster	22,581.00		97,000.00	(19,180.00)		100,401.00
CP	4002	Right of Way Reserve	144,605.53	600,000.00		(837,504.89)	171,670.50	78,771.14
CP	4011	KCC Vehicle Reserve	23,049.66					23,049.66
CP	4012	Public Works Vehicles/Equipment	(11,901.82)	450,000.00		(192,621.38)		245,476.80
CP	4013	Fire Apparatus Reserve	-	50,000.00				50,000.00
CP	4017	MS4 Compliance	40,190.78	40,000.00		(39,027.82)	523.00	41,685.96
CP	4018	Harbormaster Boat Reserve	18,324.68	40,000.00		(42,367.01)	4,000.00	19,957.67
CP	4019	KCC Equipment Reserve	64,078.95	40,000.00		(19,560.84)		84,518.11
CP	4020	Municipal Technology Reserve	120,915.58	70,000.00		(86,021.87)		104,893.71
CP	4022	Police Vehicle/Equipment	110,099.77	155,000.00		(230,160.96)		34,938.81
CP	4026	Records Preservation	15,510.13	15,000.00				30,510.13
CP	4027	Municipal Facility Reserve	352,550.70	75,000.00		(67,162.73)		360,387.97
CP	4043	Parks Building & Grounds	26,806.61	20,000.00		(14,806.00)		32,000.61
CP	4051	KCC Facility Reserve	49,106.98	25,000.00				74,106.98
CP	4055	Harbormaster Equipment Reserve	(1,304.47)	15,000.00		(1,043.08)		12,652.45
CP	4056	Fire Dept Equipment Reserve	241,529.14	60,400.00		(224,726.00)		77,203.14
CP	4100	Fire Dept Facility Reserve	37,318.84	25,000.00				62,318.84
CP	4116	Harbormaster Facility Reserve	6,362.98	10,000.00				16,362.98
CP	4060	Rice Rehab/Expansion	119,268.07			(44,944.97)	199,444.69	273,767.79
CP	4123	LED Conversion	49,686.58	-	100,000.00	(156,663.50)		(6,976.92)
CP	4129	Police Equipment Reserve	2,000.00	15,000.00		(10,040.00)		6,960.00
CP	5512	Roadside Landscaping	36,138.80			(906.18)		35,232.62
CP	5510	Memorial Field Assessment	7,366.00			(7,206.00)		160.00
CP	2904	Legion Pond Restoration	14,609.00			(13,592.00)		1,017.00



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

REPORT TO TOWN COUNCIL

Date: April 12, 2021
From: Kendra Amaral, Town Manager
Subject: Electric Vehicle Leases – Code Cars
Councilor Sponsor: Vice Chairperson Judy Spiller

EXECUTIVE SUMMARY

The Town of Kittery is engaged in a multi-pronged approach to improve the community's climate sustainability and coastal resiliency. One of the objectives, under the category of mobility, is to reduce greenhouse gas emissions from municipal operations by prioritizing electric vehicles for the municipal fleet.

The Town currently needs to replace the administrative vehicle (Code Enforcement vehicle). The condition of the car is deteriorated to a point where it is becoming very expensive to keep on the road. In accordance with the objective noted above, this vehicle should be replaced with an electric vehicle (EV).

An EV is ideal for this type of vehicle because it is primarily used for transportation to site inspections and onsite meetings with residents, contractors, and vendors. It is not needed to haul equipment or construction material, and is not used in emergency response settings or sand and ice operations. Travel in this vehicle is primarily within the Town borders.

Given current rebates and financial incentives the Town can lease an EV for \$608.79 per year per vehicle. The recommendation is to lease two EVs for 36 months each, for a combined annual cost of \$1,217.58.

PROPOSED VEHICLES

Efficiency Maine is offering rebates for governmental agencies to convert to EVs. The rebates apply to both purchases and leases. Additionally, the vehicle manufactures are providing financial incentives for EVs through qualified dealers.

The Town is proposing that two Nissan Leaf vehicles be leased as part of this effort. With two Code Enforcement staff, inspections cannot occur concurrently using municipal vehicles. When both staff need to be out of the office, one is required to use their own vehicle which creates a financial liability. With both staff members having access to EVs to perform their work, we increase productivity without increasing greenhouse gas generation.

The residual value at the end of the lease will be \$17,463.60 per vehicle, which the Town can pay at any time during the lease; or the Town can trade in the vehicles for new leases at the end of the 36 months.

The Town has also been awarded a \$16,000 grant from CMP for four, Level 2, EV chargers. Implementation of the chargers is being schedule. The Town will be able to use standard plugs for charging the new EVs until the charging stations are installed.

PROPOSED SOLUTION/RECOMMENDATION

Approve the Town Manager to enter into lease agreements for two electric vehicles

ATTACHMENTS

- Lease Authorization Enactment
- Lease Price Sheets and details
- Kittery - 2020 Sustainability and Coastal Resilience Assessment

**KITTERY TOWN CODE –
ELECTRIC VEHICLE
LEASE AUTHORIZATION**

1 **AN ORDINANCE** relating to the municipality’s authority for Town governance to give due and
2 proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine
3 Revised Statutes, and more particularly where set forth in Maine Revised Statutes Title 30-A,
4 Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as specified in
6 Sections 1.01, 2.07(3), and 6.11(3) of the Town Charter; and 30-A MRS §3001, pursuant to its
7 powers that authorize the town, under certain circumstances, to provide for the public health,
8 welfare, morals, and safety, and does not intend for this Ordinance to conflict with any existing
9 state or federal laws; and

10 **WHEREAS**, the Town of Kittery is interested in leasing two electric vehicles to replace an
11 existing internal combustion engine vehicle that has exceeded its end of useful life; and

12 **WHEREAS**, by leasing the vehicles the Town may take advantage of various rebates and
13 financial incentives available through Efficiency Maine and the vehicle manufacturers;

14 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
15 CHARTER §§2.14 and 6.11(3), THE TOWN OF KITTERY HEREBY ORDAINS APPROVAL
16 FOR THE TOWN MANAGER TO EXECUTE LEASE AGREEMENTS FOR TWO ELECTRIC
17 VEHICLES.

18 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,
19 20____, by: _____ {NAME} Motion to approve by Councilor
20 _____ {NAME}, as seconded by Councilor _____ {NAME} and
21 passed by a vote of _____.

22 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,
23 Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

24 **Attest:** {NAME}, _____ Town Clerk



WESTBROOK (207) 854-3200
 BRUNSWICK (207) 721-8300
 SACO (207) 283-3999

WWW.BILLDODGEAUTOGROUP.COM

WESTBROOK • BRUNSWICK • SACO

BUYER

Name: Suzanne Esposito
 Home #: (207) 475-1309
 Cell #:
 Email: seposito@kitteryme.org

CO-BUYER

Name:
 Home #:
 Cell #:

SALES INFORMATION

Print Time: 04/01/2021 03:38 PM
 Manager: Nissan Saco Manager
 Client Advisor:

VEHICLE INFORMATION

New Used Certified Pre-Owned

Stock#: NS158936 VIN: 1N4BZ1BV3MC552793
 Mileage: 6
 Description: 2021 Nissan LEAF

TRADE-IN INFORMATION

VIN: Mileage:
 Year:
 Make:
 Model:

CASH OPTION

MSRP: \$39,690.00
Discount: \$0.00
Sale Price: \$39,690.00

Options / Accessories
 WHEEL LOCKS : \$99.00

Sales Price Sub-Total: \$39,789.00

Rebate: \$22,100.00

Trade Allowance: \$0.00

Difference: \$17,689.00

Tax: \$0.00

Tag & Title Fees: \$34.00

Inspection Fee: \$18.50

Documentation Fee: \$549.00

Trade Payoff:

LEASE PAYMENTS (ESTIMATED)

Out of pocket	36 months	months	months
+ 1st	\$78.51		
+ 1st	\$78.51		
+ 1st	\$78.51		
Lease Cash	\$22,100.00		
Mileage (Per Year)	12,000	12,000	12,000
Residual	44 %		

Residual Value
 \$17,463.60

This is an initial proposal. The figures presented are based on estimates. Rates subject to credit approval.

Customer

Date

Manager

Date

Tom Hilton

04/01/21



WESTBROOK (207) 854-3200
 BRUNSWICK (207) 721-8300
 SACO (207) 283-3999

WWW.BILLDODGEAUTOGROUP.COM
 WESTBROOK • BRUNSWICK • SACO

BUYER

Name: Suzanne Esposito
 Home #: (207) 475-1309
 Cell #:
 Email: seposito@kitteryme.org

CO-BUYER

Name:
 Home #:
 Cell #:

SALES INFORMATION

Print Time: 04/01/2021 03:36 PM
 Manager: Nissan Saco Manager
 Client Advisor:

VEHICLE INFORMATION

New Used Certified Pre-Owned
 Stock#: NS159061 VIN: 1N4BZ1BV5MC553086
 Mileage: 6
 Description: 2021 Nissan LEAF

TRADE-IN INFORMATION

VIN: Mileage:
 Year:
 Make:
 Model:

CASH OPTION

MSRP: \$39,690.00
Discount: \$0.00
Sale Price: \$39,690.00

Options / Accessories
 WHEEL LOCKS : \$99.00

Sales Price Sub-Total: \$39,789.00
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Lease Cash	\$22,100.00		
Mileage (Per Year)	12,000	12,000	12,000
Residual	44 %		

Residual Value
 \$17,463.60

This is an initial proposal. The figures presented are based on estimates. Rates subject to credit approval.

Customer

Date

Manager

Date

Kendra Amaral

From: Todd Hilton <todd.hilton@billdodgeautogroup.com>
Sent: Thursday, April 1, 2021 4:44 PM
To: Kendra Amaral
Subject: Re: Nissan Leaf's

100% correct. Just remember, the check back for \$1,000 is once the deal is funded by Nissan. Usually take about 3 weeks to get funded. We will mail it to you once we get funded. It will show on paperwork that we owe it to you.

Todd Hilton
Commercial & Fleet Manager
Bill Dodge Auto Group
207-857-4949 Westbrook
207-710-2616 Saco
207-400-0084 Cell

From: Kendra Amaral <KAmaral@kitteryme.org>
Sent: Thursday, April 1, 2021 4:08 PM
To: Todd Hilton
Subject: RE: Nissan Leaf's

Thank you Todd.

Just to confirm these new rates would work out to (based on the original price sheets):

78.51 X 36 Months = \$2,826.36
- \$1000 check back = \$1,826.36
Divided by three years = \$608.79 per year to vehicle

The Council will be voting on the lease authorization on April 12th.

Thank you again!
Kendra

-----Original Message-----

From: Todd Hilton <todd.hilton@billdodgeautogroup.com>
Sent: Thursday, April 1, 2021 3:55 PM
To: Kendra Amaral <KAmaral@kitteryme.org>
Subject: Nissan Leaf's

?Hi Kendra, attached are the new price sheets for the 2 Nissan Leaf's. Aprils incentives changed a little but in your favor. It actually lowered the monthly payment by about \$5 per month. Let me know if you need anything else to help you out in presenting to the Town Council. Otherwise, I'll wait to hear back from you mid month.

Good luck.



§ 6.09. Amendments after adoption.

- (1) Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess, but not to exceed an aggregate amount of \$125,000.
- (2) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 2.15. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year must be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (3) Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one or more appropriations.
- (4) **Transfer of appropriations.** At any time during the fiscal year or within 60 days of the fiscal year closure, the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance transfer a part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (5) Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

§ 6.11. Administration of budget.

- (1) Work programs and allotments. At such time as the manager may specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager must review and authorize such allotments with or without revision as early as possible in the fiscal year. The manager may revise such allotments during the year if the manager deems it desirable and revise them to be in accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to § 6.09.
- (2) Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be

available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and the officer shall also be liable to the town for any amount so paid.

- (3) **Issuance of bonds and multi-year contracts.** Except where prohibited by law, nothing in this charter may be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action was made or approved by ordinance. Where a non-appropriation of funds clause is incorporated into a contract with termination and there is no penalty if not appropriated, and any renewal year is automatic with an approved appropriation, the contract is not considered multi-year.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
 Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): DBC Kittery	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 318 US Route One, Kittery, ME 03904
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 35 Industrial Way, Portland, ME 04103
Mailing address, if different from DBA address:	Email Address: mrankin@definitivebrewing.com
Telephone # Fax #:	Business Telephone # Fax #: 207-536-1288 N/A
Federal Tax Identification Number: 84-4351088	Maine Seller Certificate # or Sales Tax #: 1206511
Retail Beverage Alcohol Dealers Permit: Not Required (per Mr. Larry Sanborn)	Website address: www.definitivebrewing.com

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. 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 with auxiliary and mobile cart options
(Class I, II, III, IV) | | <input type="checkbox"/> Tavern
(Class IV) |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |
| <input type="checkbox"/> Other: _____ | | |

Refer to Section V for the License Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

05/01/2024

5. Business records are located at the following address:

35 Industrial Way, Portland, ME 04103

6. 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

7. 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
DBC Kittery	SMB-2020-12664	318 US Route One, Kittery, ME 03904

8. 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
DBC Kittery	01/06/2020	Kittery, ME

Residence address on all the above for previous 5 years

Name **DBC Kittery** Address: **318 US Route One, Kittery, ME 03904**
 Name Address:
 Name Address:
 Name Address:

9. Is the licensee/applicant(s) citizens of the United States? Yes No

10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

11. 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

12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

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:

Simon Properties

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)

The licensed premises consist of the brewery's tasting room, as described more fully in the diagram attached hereto.

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: Shapleigh School

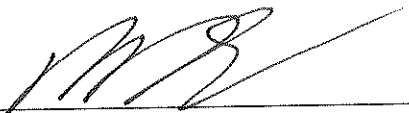
Distance: 1

Section II: Signature; Fee; Delivery of application

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: 03/20/2024



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Michael Rankin, Chief Executive Officer
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

Section III: For use by Municipal Officers and County Commissioners only
Approval of an application for an on-premises liquor license

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 on this date: _____.

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 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 Approval Expires in 60 Days

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.

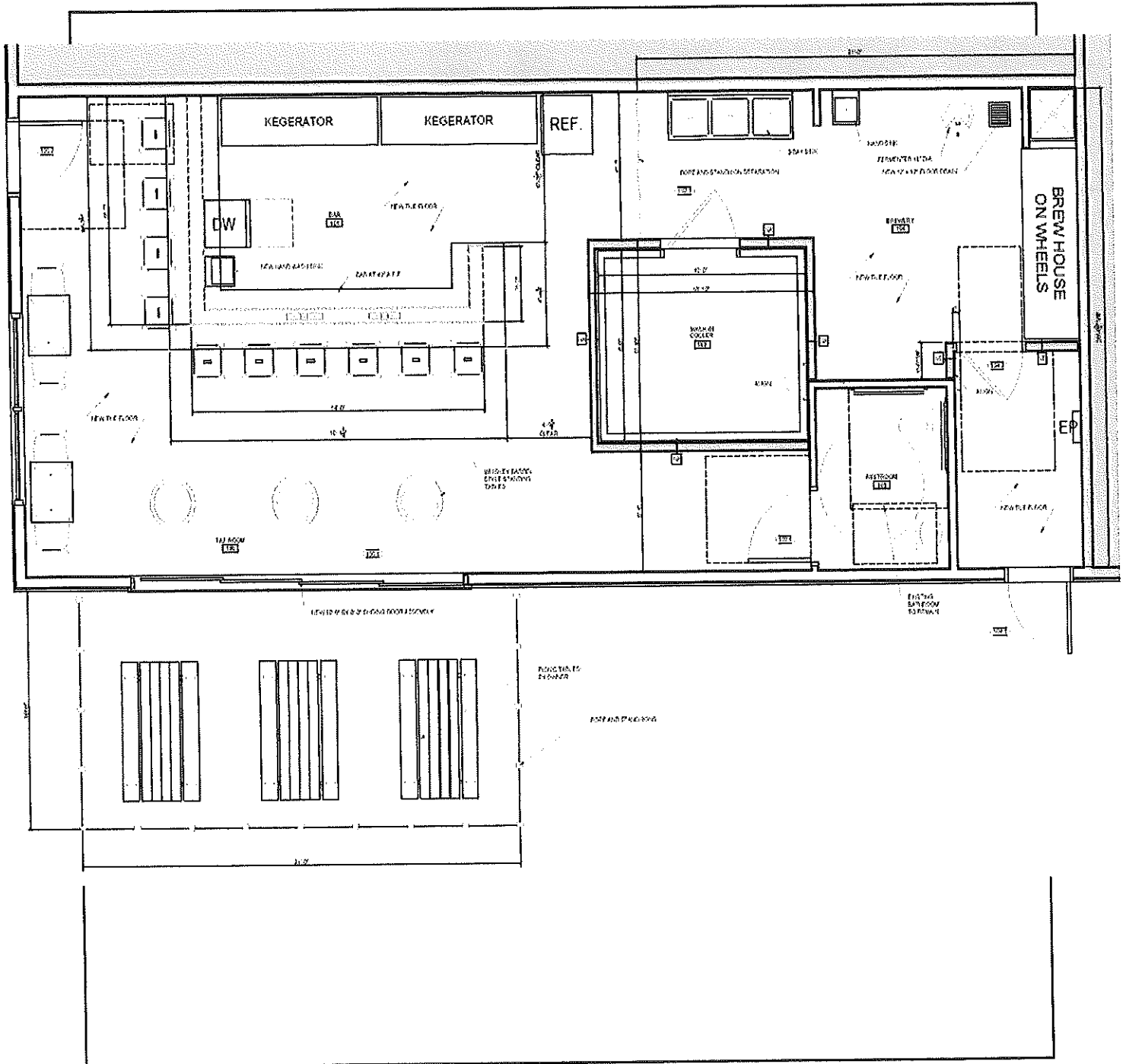
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together 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
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

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: DBC Kittery
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 01/06/2020 State in which you are formed: ME
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
Please see attached.				

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

DBC Kittery

Application for an On-Premises License:

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

<u>Name</u>	<u>Address (5 years)</u>	<u>Date of Birth</u>	<u>Title</u>	<u>OWNERSHIP %</u>
Michael Herrick	9 Daniel Finn Circle, Billerica, MA 01821	2/23/61	Member	30.26%
Michael Rankin	487 Gray Rd, North Yarmouth, ME 04097	11/21/89	Managing Member	17.02%
Wayne Rankin	401 Sorrento Ranches Dr., Nokomis, FL 34275	10/14/33	Member	9.80%
Gerrie Rankin	401 Sorrento Ranches Dr., Nokomis, FL 34275	12/21/33	Member	9.80%
Josh Roberts	360 Willey Point Rd, Oakland, ME 04963	6/13/79	Member	10.60%
Wayde Rankin	23 Williamson Rd, Manchester, ME 04351	11/15/59	Member	5.43%
Donna Davis-Rankin	23 Williamson Rd, Manchester, ME 04351	1/8/62	Member	5.43%
David Connaughton	115 Walnut St. #1, Brookline, MA 02445	6/22/85	Member	5.76%
Walter White	4 Norwich Place, Andover, MA 01810	12/15/61	Member	5.90%
				<hr/> 100.00%

MISCELLANEOUS PAYMENT RECPT#: 790008
TOWN OF KITTERY
200 ROGERS ROAD

KITTERY, ME 03904

DATE: 03/26/24 TIME: 15:40:21
CLERK: 220jwheel DEPT:
CUSTOMER#:

PARCEL:

CHG: CLERK	CLERK FEES	25.00
<hr/>		
REVENUE:		
1 1111	43120	25.00
TOWN CLERK FEES		
REF1: LIQ LIC	REF2:	
CASH:		
1000	11011	25.00
CHECKING		
<hr/>		

AMOUNT PAID: 25.00

PAID BY: DBC KITTERY
PAYMENT METH: CHECK
600

REFERENCE:

AMT TENDERED: 25.00
AMT APPLIED: 25.00
CHANGE: .00



TOWN OF KITTEERY, MAINE

200 Roger Road, Kittery, ME 03904
Telephone: (207) 439-0452 Fax: (207) 439-6806

Date issued to the Chief: 03/27/2024


TO: JILLIAN RICHARDS, TOWN CLERK
FROM: ROBERT RICHTER, CHIEF OF POLICE
RE: BUSINESS LICENSE BACKGROUND CHECK

NAME OF BUSINESS: DBC Kittery, DBA Definitive Brewing
BUSINESS LOCATION: 318 US Route One

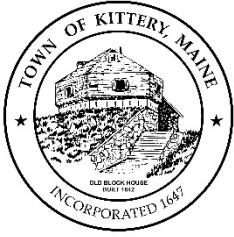
- VICTUALERS LICENSE
 LIQUOR LICENSE
 SPECIAL ACTIVITY AMUSEMENT PERMIT
 OTHER

A local records check and a check on any previous problems with the establishment listed above has been conducted. I recommend that the Town Council/Town Manager grant the license contingent on the applicant passing the background check through the State of Maine.

A local records check and a check on any previous problems with the establishment listed above have been conducted, and I do not recommend the Town Council/Town Manager approving the above mentioned license/permit. Please see my attached comments.


Robert Richter, Chief of Police
JOHN BROSNIHAN

3/27/24
Date



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

Kittery Town Council Workshop
Title 6 - Fowl
March 25, 2024 | 5:00 PM | Council Chambers & Zoom

Workshops 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 watch via Zoom webinar. **To register for the Zoom webinar, click this link:**

https://us02web.zoom.us/webinar/register/WN_0ndKKAtBTgK0uXLbdmpe8A

The Town Council intends to welcome public discussion at this workshop on the stated workshop topic: Title 6 – Fowl.

Posted: March 21, 2024



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 | Fax: (207) 439-6806
towncomments@kitteryme.org | www.kitteryme.gov

REPORT TO TOWN COUNCIL

Meeting Date: February 26, 2024
Update: March 25, 2024
From: Kendra Amaral, Town Manager
Subject: Title 6 - Fowl
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The Council has requested an ordinance to address the safe and sanitary keeping of chickens for domestic, non-farming purposes. The request was brought forward due to growing complaints from different neighborhoods where chickens and roosters are causing real and perceived negative community impacts relative to noise, odor, and increased rodents and predators.

Title 16 Land Use Code currently includes regulations regarding Poultry Facilities; however these regulations only pertain to the keeping of 10 or more chickens.

Maine Law 7 MRS §§151 – 164 provides for the protection of farming and agricultural operations in general.

The Town's Climate Action Strategies includes the preservation of local farms/food producers which includes food from the keeping of domestic fowl (e.g.: eggs).

These existing laws and strategies, in addition to example ordinances from other communities in Maine were used to develop the proposed ordinance.

PROPOSED ORDINANCE

The ordinance as currently drafted:

- covers several types of fowl, in recognition and understanding that domestic fowl raising is regaining popularity and expanding to ducks, geese and turkeys.
- applies to the keeping of 9 or fewer fowl; addressing the regulatory gap that currently exists in Town Code.
- prohibits roosters for domestic fowl keeping.
- establishes a pen or enclosure is a structure, thereby requiring it to conform to Title 16 setback requirements.
- provides for minimum standards for safe keeping of the fowl, and maintenance of the pen or enclosure to limit unsanitary conditions, rodents, and odor.
- sets a means by which impacts to abutters can be identified and verified,

namely by establishing that noise, odor, or other adverse impact must be perceptible at the property boundary.

The Council is asked to articulate its expectations or thoughts on initial implementation of the ordinance, if adopted. Specifically, the administration needs direction on how the Council expects staff to handle situations of existing fowl and fowl enclosure that may not be in compliance upon adoption of the proposed ordinance. Staff are mindful that fowl are often kept as pets and families often have an emotional bond with their fowl.

UPDATE

The text has been updated to address two specific issues. Updated language is highlighted in yellow.

The first makes the ordinance applicable to all non-commercial keeping of fowl; and thereby makes the maintenance standards and securing of fowl applicable regardless of the number of fowl.

The second is to clarify that the rooster prohibition only impacts noncommercial keeping of fowl. Commercial operations, which fall under Title 16.4 as a Land Use are exempted from the rooster prohibition, but must meet all of the §16.4 performance standards.

Included in the packet is additional information requested by a Councilor. The additional information provides the number of lot sizes, categorized as either under 1 acre or 1 acre + in size, for various zones in Kittery. Also included is the average lot size by zone as well.

ATTACHMENTS

- Draft Title 6.15 - Keeping of Fowl
- Draft Title 6.15 – Keeping of Fowl Enactment
- §16.5.7 Land Use General Performance Standards – Poultry Facility
- Lot Size analysis by Zone

TITLE 6: ANIMALS

KEEPING OF FOWL

1. ADD Fowl definition to Title 6.1.2 Definitions as follows:

FOWL

Domestic fowl such as chickens, turkeys, ducks, or geese.

2. ADD Keeping of Fowl as 6.1.15 as follows, and renumber subsequent sections in 6.1 accordingly:

6.1.15.1 KEEPING OF FOWL FOR NONCOMMERCIAL USE

A. The following applies to the keeping of **no more than nine** fowl for noncommercial use.

B. The keeping **of Raising** of more than nine fowl is **also** subject to §16.4 Land Use Regulations and §16.5.7 General Performance Standards Poultry Facility.

C. This section does not pertain to farming operations protected by the Maine Agricultural Act (7 MRS §151 et seq.)

D. Roosters are prohibited unless the property lot is more than one acre in size **for noncommercial use.**

6.1.15.2 FOWL ENCLOSURES

A. An enclosure or pen shall be provided for the fowl.

B. Fowl shall be secured in the enclosure during non-daylight hours. During daylight hours fowl can be located within the enclosure or outside of the enclosure in a securely fenced yard or portable pen.

C. Enclosures shall be considered a building in accordance with §16.3.2 and must meet all applicable land use standards and regulations, including setback standards.

6.1.15.3 MAINTENANCE

A. The fowl enclosure must be kept clean, neat, and in a sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to perceptible noise and odor at the property boundary, or other adverse impacts directly related to the keeping of fowl.

B. All manure, uneaten feed, and other waste or trash associated with the keeping of fowl shall not be allowed to accumulate or provide for a breeding place for insects or rodents.

C. The fowl enclosure must provide adequate ventilation and be impermeable to rodents and predators, including dogs and cats.

KITTERY TOWN CODE
TITLE 6
ANIMAL CONTROL
KEEPING OF FOWL

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give
2 due and proper attention to its many demands pursuant to the Town Charter,
3 Federal law, and Maine Revised Statutes, and more particularly where set forth in
4 Maine Revised Statutes Title 30-A, Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as
6 specified in Sections 1.01 and 2.07(3) of the Town Charter; 30-A MRS §3001, pursuant
7 to its powers that authorize the town, under certain circumstances, to provide for
8 the public health, welfare, morals, and safety, and does not intend for this Ordinance
9 to conflict with any existing state or federal laws; and

10 **WHEREAS**, the Town of Kittery seeks to improve the control of animals for the safe
11 and sanitary keeping of domestic fowl for non-farming purposes;

12 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
13 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO TITLE
14 6 OF THE TOWN CODE, AS PRESENTED.

15 **INTRODUCED** and read in a public session of the Town Council on the ____ day of
16 _____, 20____, by:_____ {NAME} Motion to approve by Councilor
17 _____ {NAME}, as seconded by Councilor _____ {NAME} and
18 passed by a vote of _____.

19 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of
20 Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____ ,
21 Chairperson

22 **Attest:** {NAME}, _____Town Clerk

§ 16.5.7. Agriculture, poultry facility.

- A. Number of animals. These standards apply to the keeping of 10 or more poultry animals that are six months old or older in zoning districts in which agriculture, poultry facility is either a permitted use or a special exception use.
- B. Setbacks. The following distances are from the identified nearest property not owned or controlled by the operator/owner of the poultry facility:
 - (1) Structure, including barn or coops: 50 feet.
 - (2) Feed lots, pens and extensively used areas: 100 feet.
- C. Erosion and sediment control. The property owner shall demonstrate to the Code Enforcement Officer that erosion and sediment runoff will not enter an abutting property.
- D. Spreading or disposal of manure. All spreading or disposal of manure shall be accomplished in conformance with the, "Manual of Best Management Practices for Maine Agriculture," published by the Maine Department of Agriculture in January 2007 and as this may be amended or superseded.

**LOT SIZE ANALYSIS
BY ZONE**

Zone	Lots		Grand Total
	< 1 Acre	1+ Acre	
BUSINESS LOCAL	90	14	104
BUSINESS LOCAL 1	36	10	46
COMMERCIAL 1	8	29	37
COMMERCIAL 2	19	19	38
COMMERICAL 3	61	30	91
CONSERVATION	6	34	40
MIXED USE	191	38	229
MIXED USE BADGERS ISL	73	2	75
MIXED USE KITTEERY FORESIDE	285	6	291
BUSINESS PARK	1	3	4
RES KITTEERY POINT VILLAGE	360	138	498
RES RURAL	662	885	1,547
RES RURAL CONSERV	57	158	215
RESIDENTAL SUBURBAN	371	176	547
RESIDENTAL VILLAGE	270	6	276
URBAN RESIDENTAL	832	100	932

Zone	Average Lot Size (acres)
BUSINESS LOCAL	0.66
BUSINESS LOCAL 1	0.75
COMMERCIAL 1	3.24
COMMERCIAL 2	1.56
COMMERICAL 3	1.22
CONSERVATION	21.47
MIXED USE	1.80
MIXED USE BADGERS ISL	0.16
MIXED USE KITTEERY FORESIDE	0.20
BUSINESS PARK	29.41
RES KITTEERY POINT VILLAGE	0.91
RES RURAL	3.63
RES RURAL CONSERV	2.74
RESIDENTAL SUBURBAN	1.33
RESIDENTAL VILLAGE	0.28
URBAN RESIDENTAL	0.69

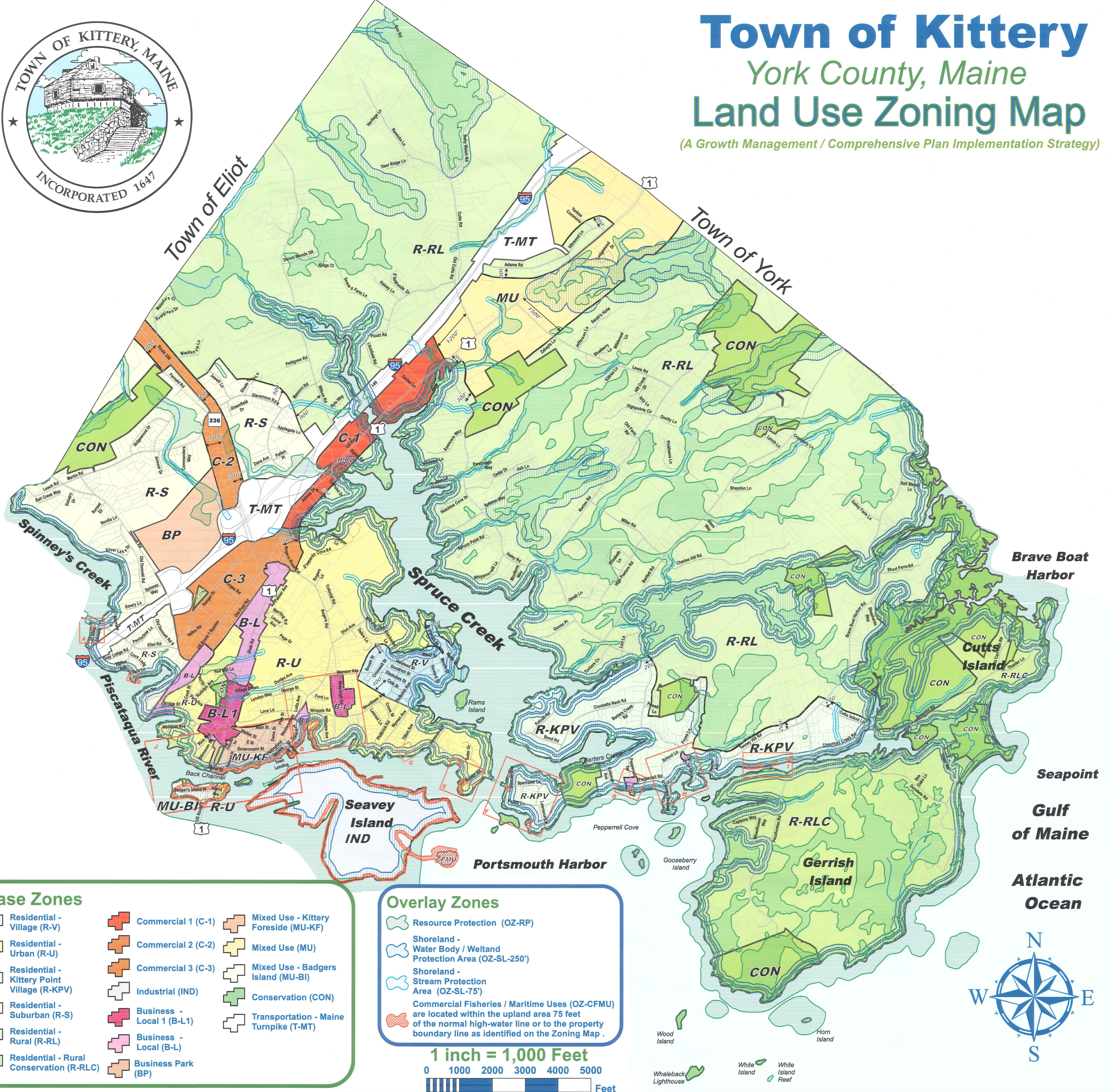


Town of Kittery

York County, Maine

Land Use Zoning Map

(A Growth Management / Comprehensive Plan Implementation Strategy)



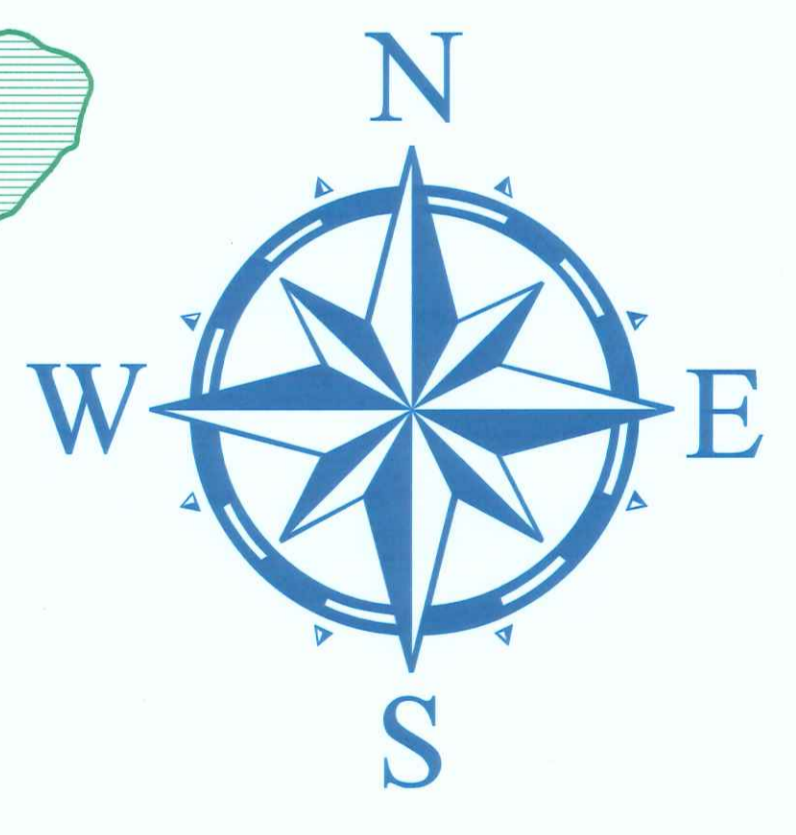
Base Zones

Overlay Zones

- Resource Protection (OZ-RP)
- Shoreland - Water Body / Wetland Protection Area (OZ-SL-250')
- Shoreland - Stream Protection Area (OZ-SL-75')
- Commercial Fisheries / Maritime Uses (OZ-CF) are located within the upland area 75 feet of the normal high-water line or to the property boundary line as identified on the Zoning Map.

1 inch = 1,000 Feet

0 1000 2000 3000 4000 5000 Feet



Offshore Island Inset

Duck Island Eastern Rocks
Mingo Rocks

Gulf of Maine
Atlantic Ocean

Appledore Island
Smuttynose Island
Malaga Island
Cedar Island

1 inch = 1,000 feet

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 Feet

I hereby certify this Zoning Map, referred to in the Town Land Use and Development Code, is the Official Zoning Map for the Town of Kittery, Maine. It includes all prior revisions and is current as of this date.

The precise location of property, boundary lines, and natural resources as shown on this Official Zoning Map is not warranted. Where there exists any doubt in the accuracy of any such property, boundary lines, or natural resources, the property owner is responsible to demonstrate the exact lot line or natural resource locations with respect to the zone boundaries. Such accuracy may be established through a licensed survey or appropriate state certified professional consistent with the Town Code.

Adopted by the Kittery Town Council and Effective this July 17, 2023.

J. Dickards
Town Clerk

Map prepared by the
Kittery Planning & Development Department
Director: Jason Garnham, AICP