



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

February 22, 2021

6:00PM

The public may submit public comments for the DISCUSSION agenda item via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to TownComments@kitteryme.org.

The public may also participate in the meeting via Zoom webinar. **Register in advance for the webinar at** https://us02web.zoom.us/webinar/register/WN_OJagsrBbTiyU5PeOFIGICA

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

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - January 11, 2021
 - January 25, 2021
 - February 8, 2021
8. Interviews for the Board of Appeals and Planning Board

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
 - a. (020221-1) The Kittery Town Council moves to receive a report from Central Maine Power regarding power outages and grid investments.
10. PUBLIC HEARINGS
 - a. (020221-2) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 06.09(4) of the Kittery Town Charter to transfer appropriations between accounts.
 - b. (020221-3) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from Maciej Gorski for Kasha's Kitchen located at 435 US Route 1, Kittery.
11. DISCUSSION
 - a. The public may submit public comments in writing or raise their hand in the webinar for the DISCUSSION agenda.
 - b. Chairperson will read written comments into the record.
 - c. Chairperson's response to public comments.
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition

(020221-4) The Kittery Town Council moves to accept a donation from York Hospital in the amount of \$10,000 to be deposited into the York Hospital Scholarship account.
 - b. (020221-5) The Kittery Town Council moves to accept a donation of a Fire Boat.
 - c. (020221-6) The Kittery Town Council moves to approve a renewal Liquor License application from Sunrise Grill located at 182 State Road, Kittery.
 - d. (020221-7) The Kittery Town Council moves to approve a renewal Liquor License application from Maine Beer Café located at 439 US Route 1 Suite 1, Kittery.
 - e. (020221-8) The Kittery Town Council moves to affirm that seasonal, temporary and elected positions are exempt from participation in MainePERS retirement system.

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.

14. COUNCILOR ISSUES OR COMMENTS
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION
17. ADJOURNMENT

Posted: February 18, 2021

Due to the Declaration of a State of Emergency for the State of Maine and Town of Kittery, this meeting will be held remotely in accordance with LD 2167. The meeting will be broadcast on Channel 22, Facebook, and live broadcast from the Town's website.



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council February 22, 2021

- 1. Electric Vehicle and Charging Station** – The Town has applied for a grant to install four Level 2 electric vehicle (EV) charging stations at Town hall. The charging stations would be available for public use. The Town is in the review phase with CMP which can result in a \$16,000 grant for the installation costs. The Town would need to match this grant with approximately \$12,000 to cover the remainder of the costs.

We also need to replace the administrative vehicle (Code Enforcement vehicle). The condition of the car is deteriorated and will not likely pass inspection again. We are seeking to replace the vehicle with an EV. Efficiency Maine has recently increased its rebate program. An EV would cost approximately \$24,000 after rebate if purchased. As an alternative, there are currently lease options that would work out to a near \$0/month cost, due to the Efficiency Maine programs and dealer incentives. We would need a charging station at Town Hall for the EV.

I am interested in Council reaction to the concept of moving forward with the charging stations with the match achieved using the Municipal Facility reserve or undesignated fund grant match, and pursuing a lease for an EV for Code Enforcement. This coordinated plan would achieve two objectives (charging station and EV Code Car replacement) for a total cost of less than \$20,000.

- 2. Boston Post Cane** – The Town Clerk is working with the Kittery Historic and Naval Museum on identifying the Town's oldest living citizen for presentation of the Boston Post Cane. The gold-headed cane was originally received by the Town in 1909 by Edwin A. Grozier, Publisher of the Boston Post, and was first awarded to Joseph P. Jenkins in 1910. The Boston Post Cane is displayed at Town Hall, along with a copy of the proclamation and a photo of the recipient for the remainder of the recipient's life or until they move from the Town of Kittery. People are encouraged to contact Town Clerk Karen Estee if they have a recommendation or for questions.

3. Upcoming Dates:

- Mooring Renewals Open

Respectfully Submitted,

Kendra Amaral
Town Manager

KITTERY TOWN COUNCIL Unapproved Minutes

January 11, 2021

Remote Meeting

6:00 PM

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

5 Councilors present: Charles Denault, Jeffrey Pelletier, Chair Jeffrey Thomson, Vice
6 Chair Kenneth Lemont, Cyrus Clark., and Judith Spiller. Councilor Absent: George
7 Dow.

8 5. Agenda Amendment and Adoption

9 Chair Thomson moved to accept the agenda as presented, seconded by Councilor
10 Spiller.

11 Motion Carried 6-0-0

12 6. Town Manager's Report

13 The Town Manager reported on: Congratulations to Detective Ryan Sanford, COVID-19
14 vaccinations, petition to extend sewer on Route 236, Library Building Project, and
15 Marijuana Ordinance proposal.

16 Upcoming Dates: Town Hall Closed for Martin Luther King Jr. Day - January 18, Dog
17 License Renewal – January 31, Town Hall, Real Estate Taxes Due – February 16,
18 Town Hall or Online, and Mooring Renewals Open.

19 7. Acceptance of Previous Minutes

20 • July 27, 2020

21 • August 10, 2020

22 • August 24, 2020

23 • September 14, 2020

24 Vice Chair Lemont stated any corrections to the minutes were made prior to the January
25 11, 2021 meeting.

26 Chair Thomson requested the time of the adjournment be noted on the future minutes.

27 Chair Thomson moved to approve July 27, August 10, August 24, September 14, 2020,
28 seconded by Councilor Pelletier.

29 Motion Carried 6-0-0

30 8. Interviews for the Board of Appeals and Planning Board

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

33 a. (010121-1) The Kittery Town Council moves to receive the Audit Presentation from
34 Assistant Town Manager and Finance Director, Patricia Moore.

35 Assistant Town Manager and Finance Director, Patricia Moore and Christina Howe from
36 RHR Smith and Company gave the Audit Presentation.

37 10. PUBLIC HEARINGS

38 a. (010121-2) The Kittery Town Council moves to hold a public hearing on Title 16 –
39 Outdoor dining.

40 The Town Manager gave an overview of Title 16 – Outdoor dining amendment.

41 Moved by Councilor Pelletier, seconded by Councilor Clark.

42 Motion Carried 6-0-0

43 b. (010121-3) The Kittery Town Council moves to hold a public hearing on a new Liquor
44 License application from Loco Coco's Tacos located at 36 Walker Street Kittery.

45 Moved by Councilor Spiller, seconded by Councilor Clark.

46 Motion Carried 6-0-0

47 c. (010121-4) The Kittery Town Council moves to hold a public hearing on a new
48 Victualer's License application from Loco Coco's Tacos located at 36 Walker Street
49 Kittery.

50 Moved by Councilor Denault, seconded by Councilor Spiller.

51 Motion Carried 6-0-0

52 11. DISCUSSION

53 a. The public may submit public comments in writing or raise their hand in the webinar
54 for the DISCUSSION agenda.

55 b. Chairperson will read written comments into the record.

56 Shaye Robbins, 24 Heron Point Lane, Kittery Point, ME - Ms. Robbins stated she was
57 opposed to the recreational marijuana market.

58 Julie Cutting-Kelley, President Green Blossom, L.L.C., DBA Emerald Elevation – Ms.
59 Cutting-Kelley wrote requesting BL-1 zone also be included for allowing retail cannabis
60 stores to be permitted by special exception.

61 Emily Flinkstrom, Director of Fair Tide, 15 State Road Kittery, ME – Ms. Flinkstrom
62 strongly encouraged the Town Council to include the goal of advancing affordable
63 housing strategies and expanding the Title 16 affordable housing amendments to
64 additional zones, utilizing town owned property for affordable housing, and more
65 generally, supporting the work of the Kittery Housing Committee.

66 c. Chairperson's response to public comments.

67 Chair Thomson responded to Ms. Robbins and Ms. Cutting-Kelley by stating a proposed
68 ordinance has been drafted and is currently in the hands of the Planning Board. The
69 time frame is to be determined.

70 Chair Thomson responded to Ms. Flinkstrom by stating he would be suggesting an
71 amendment that he believes will address her concerns later in this meeting.

72 12. UNFINISHED BUSINESS

73 13. NEW BUSINESS

74 a. Donations/gifts received for Council disposition

75 (010121-5) The Kittery Town Council moves to receive the following donations to be
76 deposited into the Kittery Community Center Donation's Account.

77 • Meeting House Village - \$100.00

78 • J.A.F & M.D.M. Corgan - \$150.00

79 Moved by Councilor Pelletier, seconded by Council Clark.

80 Motion Carried 6-0-0

81 b. (010121-6) The Kittery Town Council moves to approve a renewal Liquor License
82 application from When Pigs Fly, located at 460 US Route 1, Kittery.

83 Moved by Councilor Spiller, seconded by Councilor Pelletier.

84 Motion Carried 6-0-0

85 c. (010121-7) The Kittery Town Council moves to establish and vote on the 2021 Goals.

86 Chair Thomson requested adding the following under "give attention to Councilor
87 expressed priorities": Work with Housing Committee on furtherance on its said
88 committees' roles.

89 Chair Thomson moved to accept the slightly amended 2021 goals, seconded by
90 Councilor Pelletier.

91 Motion Carried 6-0-0

92 14. COUNCILOR ISSUES OR COMMENTS

93 Councilor Clark stated he loved Republicans, and he hoped Republicans loved him.

94 Councilor Denault stated that the KCC with the assistance of DPW created an ice-

95 skating rink.

96 Councilor Pelletier wished everyone a Happy New Year.

97 Vice Chair Lemont thanked Chair Thomson for a well-run meeting.

98 15. COMMITTEE AND OTHER REPORTS

99 a. Communications from the Chairperson

100 Chair Thomson spoke about the Kittery Water District elections on January 26, 2021 for

101 Trustee. Chair Thomson also expressed his concerns with the current issues at the

102 Kittery Water District.

103 b. Committee Reports

104 16. EXECUTIVE SESSION

105 17. ADJOURNMENT

106 Councilor Pelletier moved to adjourn at 6:55 p.m., seconded by Councilor Clark.

107 Motion Carried 6-0-0

Submitted by Kim Tackett

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 summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

KITTERY TOWN COUNCIL Unapproved Minutes

January 25, 2021

Remote Meeting

6:00 PM

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

5 Councilors present: Charles Denault, Jeffrey Pelletier, Chair Jeffrey Thomson, Vice
6 Chair Kenneth Lemont, George Dow, Cyrus Clark, and Judith Spiller.

7 5. Agenda Amendment and Adoption

8 Chair Thomson moved to accept the agenda as presented, seconded by Councilor
9 Spiller.

10 Motion Carried 7-0-0

11 6. Town Manager's Report

12 The Town Manager reported on: Bond rating increase, COVID-19 vaccination clinics,
13 Short Term Rentals.

14 Upcoming Dates: Kittery Schools Visioning Event – January 28, 6PM, Online, Dog
15 License Renewal – January 31, Town Hall, Town Hall Closed for Presidents' Day –
16 February 15, Real Estate Taxes Due – February 16, Town Hall or Online, Mooring
17 Renewals Open.

18 7. Acceptance of Previous Minutes

19 • September 28, 2020 – The Council requested line 10 be amended to read “agenda
20 adoption was moved by Councilor Thomson”. The Council requested that “approved as
21 written” be removed from lines 21 and 22. The Council requested the time of
22 adjournment be added to line 143.

23 • October 14, 2020

24 • October 26, 2020

25 Chair Thomson moved to accept the September 28 minutes as amended, and the
26 October 14 and 26 minutes as presented, seconded by Councilor Spiller.

27 Chair Thomson, Vice Chair Lemont, Councilor Pelletier, Councilor Denault, Councilor
28 Clark, and Councilor Spiller voted to approve.

29 Councilor Dow abstained.

30 Motion Carried 6-0-1

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

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

34 a. (010221-1) The Kittery Town Council moves to receive a report from the Taylor
35 Building Committee.

36 Taylor Building Committee Chair, Dianne Fallon presented a report from the Taylor
37 Building Committee.

38 10. PUBLIC HEARINGS - None

39 11. DISCUSSION

40 a. The public may submit public comments in writing or raise their hand in the webinar
41 for the DISCUSSION agenda. - None

42 b. Chairperson will read written comments into the record. - None

43 c. Chairperson's response to public comments. - None

44 12. UNFINISHED BUSINESS - None

45 13. NEW BUSINESS

46 a. Donations/gifts received for Council disposition - None

47 b. (010221-2) The Kittery Town Council moves to schedule a Public Hearing on
48 February 8, 2021 on Title 8 – Property Maintenance.

49 Chair Thomson moved to schedule a Public Hearing on February 8, 2021, seconded by
50 Councilor Spiller.

51 Motion Carried 7-0-0

52 c. (010221-3) The Kittery Town Council moves to schedule a Public Hearing on
53 February 8, 2021 on a Petition to Extend Sewer Service on Route 236 to MacKenzie
54 Lane.

55 The Town Council had questions for the Town Manager, Ryan McCarthy of Tidewater
56 Engineering and Survey, Inc., and Aaron Wiswell in regards to the Petition to Extend
57 Sewer Service on Route 236 to MacKenzie Lane.

58 Moved by Councilor Dow, seconded by Councilor Spiller.

59 Chair Thomson, Vice Chair Lemont, Councilor Clark, Councilor Spiller, Councilor
60 Pelletier, and Councilor Dow voted yes.

61 Councilor Denault voted no.

62 Motion Carried 6-1-0

63 d. (010221-4) The Kittery Town Council moves to approve a renewal Liquor License
64 application from 1828 Bistro at Pepperrell Cove LLC, for Bistro 1828 located at 88
65 Pepperrell Road, Kittery Point ME.

66 Moved by Councilor Dow, seconded by Councilor Pelletier.

67 Motion Carried 7-0-0

68 14. COUNCILOR ISSUES OR COMMENTS

69 Councilor Spiller spoke about a zoom meeting the Kittery Climate Action Now
70 Organization is holding on February 4, 2021 at 5:30 p.m., and stated that it's an
71 overview of Maine's action plan.

72 Councilor Denault mentioned he was working with Chair Thomson, Vice Chair Lemont,
73 and the Town Manager on ideas for the dump stickers. Councilor Denault recognized
74 Kittery Fire Chief, Dave O'Brien for working so hard along with York Hospital, to get the
75 first responders inoculated with the COVID-19 vaccine.

76 15. COMMITTEE AND OTHER REPORTS

77 a. Communications from the Chairperson

78 Chair Thomson mentioned that the Budgeting 101 Workshop had been rescheduled to
79 Monday, March 1, 2021. Chair Thomson also stated that Hadley Barndollar, reporter for
80 the Portsmouth Herald was leaving and taking a position with USA Today and he
81 wished her well.

82 b. Committee Reports – None

83 16. EXECUTIVE SESSION - None

84 17. ADJOURNMENT

85 Councilor Pelletier moved to adjourn at 7:04 p.m., seconded by Councilor Spiller.

86 Motion Carried 7-0-0

Submitted by Kim Tackett

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summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

KITTERY TOWN COUNCIL Unapproved Minutes

February 8, 2021

Remote Meeting

6:00PM

1 1. Call to Order

2 2. Introductory

3 3. Pledge of Allegiance

4 4. Roll Call

5 Councilors present: Charles Denault, Jeffrey Pelletier, Chair Jeffrey Thomson, Vice
6 Chair Kenneth Lemont, George Dow, Cyrus Clark, and Judith Spiller.

7 Councilor Spiller spoke in remembrance of former Council and Planning Board member
8 Ann Grinnell who passed away February 2, 2021.

9 5. Agenda Amendment and Adoption

10 Chair Thomson moved to accept the agenda as presented, seconded by Vice Chair
11 Lemont.

12 Motion Carried 7-0-0

13 6. Town Manager's Report

14 The Town Manager reported on: Joint Land Use Implementation Project, Regional
15 Climate Assessment, and Fiscal Year 2021 Q2 Report.

16 Upcoming Dates: Heart Aglow Skate Event – Frisbee On Ice at the KCC, February 12
17 and 13, Town Hall Closed for Presidents' Day – February 15, Taylor Building Reopen –
18 February 16, Real Estate Taxes Due – February 16, Town Hall or Online and Mooring
19 Renewals Open.

20 7. Acceptance of Previous Minutes

21 • November 9, 2020

22 • November 23, 2020

23 • December 3, 2020 – Special Meeting

24 • December 14, 2020

25 Councilor Spiller moved to accept the November 9, November 23, December 3, and
26 December 14, 2020 minutes as presented, seconded by Councilor Pelletier.

27 Motion Carried 7-0-0

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

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

31 a. (020121-1) The Kittery Town Council moves to receive a presentation from the Town
32 Manager on the 2022-2026 Capital Improvement Plan.

33 The Town Manager presented the 2022-2026 Capital Improvement Plan.

34 Capital Improvement Plan Committee members, Jeff Clifford, Chris Perkins as well as
35 Finance Director/Assistant Town Manager, Patricia Moore and School Superintendent,
36 Eric Waddell joined the meeting to answer any questions about the Capital
37 Improvement Plan as presented.

38 10. PUBLIC HEARINGS –

39 a. (020121-2) The Kittery Town Council moves to hold a public hearing on Title 8
40 Property Maintenance.

41 The Town Manager gave an overview of Title 8 Property Maintenance.

42 Shawn Harris, 40 Cutts Road, Kittery, ME – Mr. Harris spoke about co-ownership of a
43 property and the responsibilities of each party.

44 Moved by Councilor Dow, seconded by Councilor Denault.

45 Motion Carried 7-0-0

46 b. (020121-3) The Kittery Town Council moves to hold a public hearing regarding the
47 proposed Sewer Expansion on Route 236.

48 Timothy Bascom, 10 Fernald Road, Kittery, ME – Mr. Bascom spoke about his concerns
49 with having to tie into the sewer line.

50 Chair Thomson responded to Mr. Bascom and said the sewer expansion was going to
51 be privately funded, and that the requirement to tie into the line would not be necessary
52 at this time.

53 The Town Council inquired whether the sewer main could be expanded in the future,
54 expressed concerns including: the line only being 2 inches in diameter, the long-term
55 cost to the residents in the area and too many aspects of the project that were
56 undefined.

57 Ryan McCarthy, Tidewater Engineering and Surveying Inc. Engineer responded by
58 stating the developer was proposing to take off the permitting, engineering, design, and
59 construction. Mr. McCarthy also stated the sewer main could be expanded in the future,
60 and that there were environmental benefits

Councilor Spiller moved to approve based on the staff recommended approval of the application, seconded by Vice Chair Lemont.

The Staff recommended approval of the application with the following conditions:

- Applicant must bear the full cost of the design, permitting, and installation of the extension (“the project”). Applicant will not be reimbursed for the cost of the extension by the Town or by the benefiting property owners.
- Applicant must build a sewer line to the Town’s public sewer main in accordance with design and performance standards set by the Sewer Department.
- Applicant must legally transfer the assets to the Town within 30 days of the completion of the project.
- Benefited property owners will receive a 90-day notice to connect upon transfer of the assets to the Town. The Town will automatically grant deferrals for any property where their septic system is less than 20-years old per Title 13; however, abutting benefited properties must be permitted to connect to the project during construction, if they so desire. Those qualifying for an exemption will be notified accordingly.
- Benefited property owners will be required to obtain a connection permit, and pay permit fees, entrance and impact fees to the Town in accordance with Title 13 and Appendix A.
- Benefited properties along the extension will be reviewed by the Town Assessor upon completion of the project and have a valuation adjustment accordingly.

Motion Failed Without Prejudice 0-7-0

11. DISCUSSION

a. The public may submit public comments in writing or raise their hand in the webinar for the DISCUSSION agenda.

Arthur Corso, 8 Phelps Street, Kittery, ME – Mr. Corso stated he would love for this sewer line go by his property.

Timothy Bascom, 10 Fernald Road, Kittery, ME – Mr. Bascom stated he would like to have the option to connect to the line, or not to connect.

Shawn Harris, 40 Cutts Road, Kittery, ME – Mr. Harris asked if approved, when Title 8 Property Maintenance would go into effect and could it be amended.

b. Chairperson will read written comments into the record.

c. Chairperson’s response to public comments.

Chair Thomson responded to Mr. Bascom by stating, per the ordinance, if the property is within 100’, they must connect per the requirements of Title 13, Chapter 13.1.

Chair Thomson responded to Mr. Harris and stated that if the ordinance was approved it would go into effect 30-days after approval, and it could be amended.

12. UNFINISHED BUSINESS - None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(020121-4) The Kittery Town Council moves to accept a grant in the amount \$50,000 from the Stephen and Tabitha King Foundation to be deposited into the new Rice Public Library Building account.

Moved by Councilor Dow, seconded by Councilor Denault.

Motion Carried 7-0-0

(020121-5) The Kittery Town Council moves to approve a donation recognition proposal from the Rice Public Library Corporation for:

- Rosamond Thaxter Foundation
- The Alvord Family in memory of Graham and Jean Alvord

Moved by Councilor Spiller, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (020121-6) The Kittery Town Council moves to approve the 2022-2026 Capital Improvement Plan in accordance with Town Charter Section 6.05 and Council Policy, as presented.

Moved by Councilor Dow, seconded by Councilor Clark.

Motion Carried 7-0-0

c. (020121-7) The Kittery Town Council moves to accept and endorse the fiscal year 2022 Capital Improvement Plan budget in accordance with Town Charter Section 6.04 (2) and Council Policy, in the amount of \$1,588,900.

Moved by Councilor Denault, seconded by Councilor Pelletier.

Motion Carried 7-0-0

d. (020121-8) The Kittery Town Council moves to approve a renewal Liquor License application from Kittery Food Truck Pod – Paved Paradise, located at 230 US Route 1 Bypass, Kittery.

Moved by Councilor Dow, seconded by Councilor Pelletier.

Motion Carried 7-0-0

126 e. (020121-9) The Kittery Town Council moves to approve a Special Activity Permit for
127 Kittery Food Truck Pod – Paved Paradise, located at 230 US Route 1 Bypass, Kittery.
128 Moved by Councilor Spiller, seconded by Councilor Dow.
129 Motion Carried 7-0-0

130 f. (020121-10) The Kittery Town Council moves to approve a renewal Liquor License
131 application from Tasty Thai located at 182 State Road, Kittery.
132 Moved by Councilor Denault, seconded by Councilor Pelletier.
133 Motion Carried 7-0-0

134 g. (020121-11) The Kittery Town Council moves to approve a renewal Liquor License
135 application for Ore Nell's BBQ located at 2 Badgers Island West, Kittery.
136 Moved by Councilor Pelletier, seconded by Councilor Clark.
137 Motion Carried 7-0-0

138 h. (020121-12) The Kittery Town Council moves to accept the Annual Report from the
139 Kittery Community Center.
140 Moved by Councilor Pelletier, seconded by Councilor Dow.
141 Motion Carried 7-0-0

142 i. (020121-13) The Kittery Town Council moves to appoint a Councilor to interview
143 Maureen Bilodeau along with Chair Rich Demarco for an appointment to the Parks
144 Commission for a three-year term to expire 12/31/2023.
145 Chair Thomson moved to appoint Chair Thomson to do the interview, seconded by
146 Councilor Pelletier.
147 Motion Carried 7-0-0

148 j. (020121-14) The Kittery Town Council moves to discuss recommendations to the
149 Taylor Building and determine next steps.
150 Councilor Denault moved to authorized the Council to recommend putting the Taylor
151 Building on the June ballot as a warrant article for sale, seconded by Vice Chair
152 Lemont.
153 Motion Carried 7-0-0

154 k. (020121-15) The Kittery Town Council moves to schedule a Public Hearing on
155 February 22, 2021 for mid-year transfers in accordance with Town Charter Section 6.09.
156 Moved by Chair Thomson, seconded by Councilor Pelletier.
157 Motion Carried 7-0-0

158 14. COUNCILOR ISSUES OR COMMENTS
159 Councilor Clark spoke about Ann Grinnell.
160 Councilor Spiller spoke about an article in the New York Times, Councilor Spiller
161 remarked on how much paper was used for the Council packet and suggested
162 alternatives.
163 Councilor Dow wished Town Clerk, Karen Estee a happy birthday.
164 Vice Chair Lemont praised DPW for their work on plowing and snow removal.
165 15. COMMITTEE AND OTHER REPORTS - None
166 a. Communications from the Chairperson
167 b. Committee Reports - None
168 16. EXECUTIVE SESSION - None
169 17. ADJOURNMENT
170 Chair Thomson used the privilege of the Chair to declare the meeting adjourned at 8:01
171 p.m., in respect and gratitude for the life and service of Ann H. Grinnell.
172 Motion Carried 7-0-0

Submitted by Kim Tackett

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Report to Council
 Fiscal Year 2021
 Capital Transfers
 Mid-Year Transfers

OTHER FUNDS TRANSFERS

FROM CAPITAL PROJECT				TO CAPITAL RESERVE		
2069	Boat Infrastructure Grant	\$ 1,583		4055	KPA Equipment Reserve	\$ 1,583
2036	Kittery Community Center Bonds	\$ 373		4027	Municipal Facility Reserve	\$ 373
2085	2016 Municipal Projects	\$ 30,949		4027	Municipal Facility Reserve	\$ 30,949
2057	Open Space	\$ 6,889		4027	Municipal Facility Reserve	\$ 6,889
2078	Athletic Field Master Plan (Design)	\$ 2,142		4027	Municipal Facility Reserve	\$ 2,142
4031	Public Safety Base Station Radio	\$ 20,845		4056	Fire Dept Equipment Reserve	\$ 20,845
4053	Pepperrell Cove Paving/Utilities	\$ 1,495		4116	KPA Facility Reserve	\$ 1,495
4122	Zoning Recodification and GIS Upgrade	\$ 7,637		4020	Municipal Technology Reserve	\$ 7,637
Total Other Funds Transfers		\$ 71,913				\$ 71,913



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1313 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

Applicant's Name Maciej Gorski
please print

Applicant's Address 1248 Carl Broggi Hwy, Lebanon ME
please print

Applicant's mailing address if different from above: _____

Applicant's Email address (required) Katarzyna.Czado1@gmail.com

Date of Birth 6/21/1994 Applicant's Telephone Number: 603 507 7924

Business Name: Kasha's Kitchen
please print

Business Address: 435 US 1 Kittery ME 03904
please print

Business Telephone Number: 207 994 3068

Signature of Applicant [Signature] DATE: 2/5/2021

LICENSE FEE: \$ 50

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

Council
Approval

Deposit into
5003-43600
York Hospital
Scholarship



LOVING-KINDNESS
15 Hospital Drive
York ME 03909

DATE

01/25/2021

Ten Thousand And 00/100 Dollars*****

PAY TO THE ORDER OF KITTERY COMMUNITY CENTER

KITTERY COMMUNITY CENTER
120 ROGERS ROAD
KITTERY, ME 03904



KENNEBUNK SAVINGS BANK

KENNEBUNK, ME 04043

CHECK AMOUNT

10,000.00

Treasurer MP

Cashier MP
TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000
VOID AFTER 180 DAYS

22 Feb 2021

Good Evening Council:

It is with pleasure I give this presentation. Just before Thanksgiving, Mrs. Betty Fiore presented the Kittery Firefighters Association a substantial donation in memory of her son, Richard Johnson. Her wishes were simple in that the money was to be used to purchase equipment that is needed in support of the good and welfare of our fire department and the town. The remaining balance would go towards the completion of the Town of Kittery Firefighter Memorial soon to be constructed at the Gorges Road Station.

Many of you remember "Dick" Johnson. Upon graduation from Traip Academy in 1971 he started his own contracting business which he grew into a very successful Kittery based company. He was a friend and supporter of the Fire Department and the Town of Kittery as a whole.

The Kittery Firefighters Association in discussion with Chief O'Brien decided the most prudent purchase would be a small rescue boat that is capable of being launched in the river and other tributaries that larger watercraft are unable to access. This includes Spinney Creek, Chauncy Creek and Barter's Creek. With this in mind the Association bought a Zodiac Milpro ribbed inflatable with a 30 horse-power outboard. The boat and motor are light enough for four firefighters to carry into hard to reach waterways.

The Association is outfitting the boat with the proper safety and rescue equipment and will begin training when the boat is properly outfitted.

The Kittery Firefighters Association thanks Mrs. Fiore for the substantial donation in memory of Dick Johnson and at this time is pleased to donate the boat and equipment to the Town of Kittery Fire Department.

Kellie Huddleston
President; Kittery Firefighters Association

Photos of the boat, motor and trailer are included:







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): <u>Sunrise Grill Inc</u>	Business Name (D/B/A): <u>Sunrise Grill</u>
Individual or Sole Proprietor Applicant Name(s): <u>MARTIN P CONNOR</u>	Physical Location: <u>182 State Rd Kittery ME 03907</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <u>11 ESSEX ST DORSET NH 03820</u>	Email Address: <u>SunriseGrill92@gmail.com</u>
Telephone # Fax #: <u>207 436 5239</u>	Business Telephone # Fax #: <u>207 439 5748</u>
Federal Tax Identification Number: <u>82-0544902</u>	Maine Seller Certificate # or Sales Tax #: <u>1068098</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>Sunrisegrillinc.com</u>

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 3/8/2021

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

Food: 221,605.00 Beer, Wine or Spirits: 9,138.00 Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

182 State RD Kittery me 03904

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
MARTIN P CONNOR	07/04/1965	Lynn, MA
Residence address on all the above for previous 5 years		
Name	Address:	
MARTIN P CONNOR	11 ESSEX ST DOVER NH 03820	
Name	Address:	
Name	Address:	
Name	Address:	

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: MARTIN P CONNOR Date of Conviction: 1999

Offense: DWI Location: Hudson, MA

Disposition: Fine / Loss License

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:

M-H. Parsons & Sons P.O. Box 450 York ME 03909

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)

(70) Seat dining area with counter

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: Trip Academy

Distance: 1.3 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 2/4/2021

Martin P Connor
Signature of Duly Authorized Person

Signature of Duly Authorized Person

MARTIN P CONNOR
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

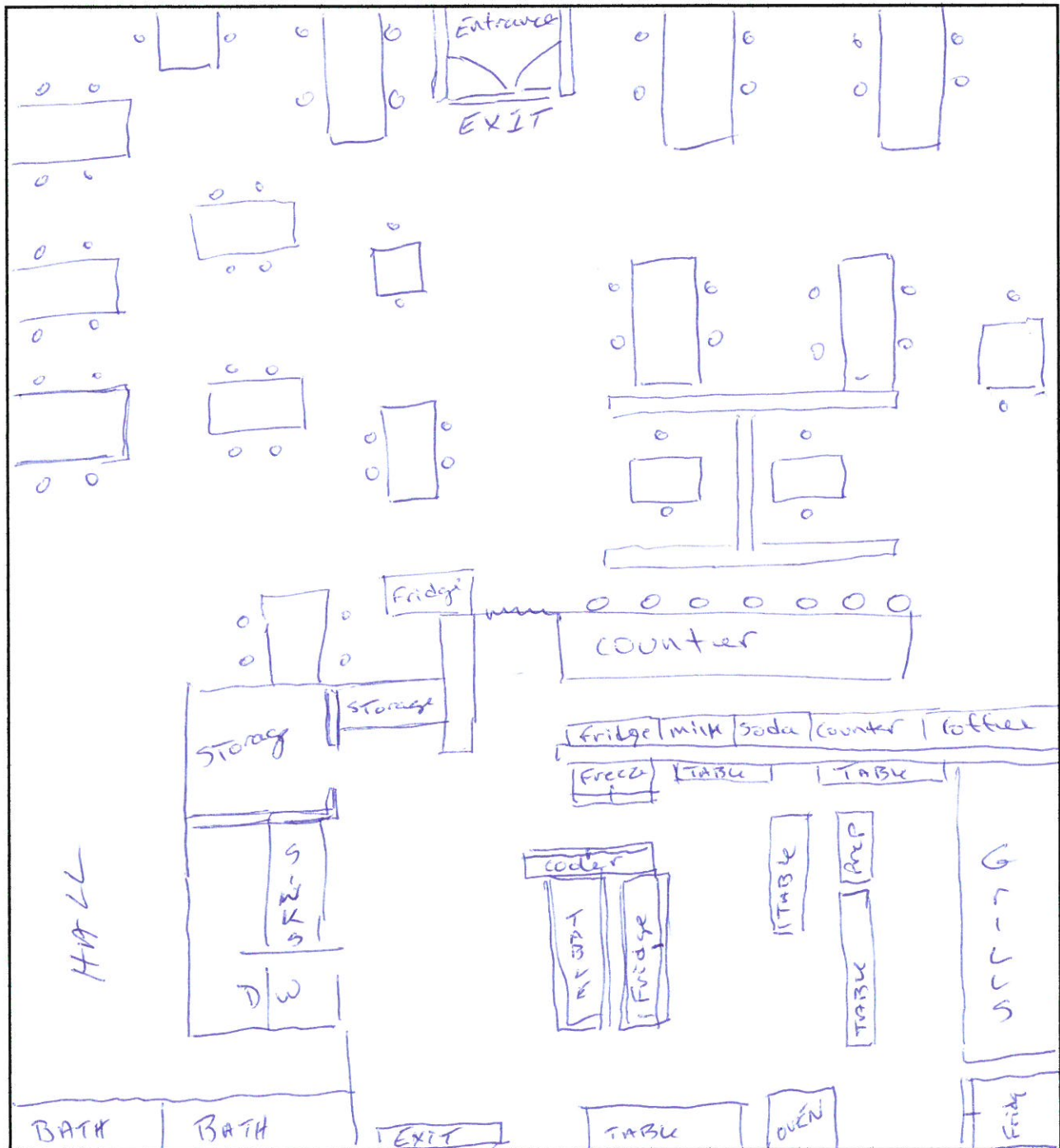
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Sunrise Grill Inc
2. Doing Business As, if any: Sunrise Grill
3. Date of filing with Secretary of State: 4/12/2002 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
MARTIN P CONNOR	11 ESSEX ST Dover NH 03820	7/4/1965	President	100%

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



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): <u>York Harbor Brewing Corp</u>	Business Name (D/B/A): <u>Maine Beer Cafe</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>439 US Rt 1 Ste 1 K.H. ME 03904</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>dave@mainebeercafe.com</u>
Telephone # Fax #: <u>207-703-8060</u>	Business Telephone # Fax #: <u>207-475-5655</u>
Federal Tax Identification Number: <u>46-134 6619</u>	Maine Seller Certificate # or Sales Tax #: <u>1165843</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>www.mainebeercafe.com</u>

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

If a renewal, please provide the following information:

Your current license expiration date: 3/21/2021

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

Food: 165,000 Beer, Wine or Spirits: 150,000 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)

- ☒ Restaurant (Class I, II, III, IV) ☐ Class A Restaurant/Lounge (Class XI) ☐ Class A Lounge (Class X)
- ☐ Hotel (Class I, II, III, IV) ☐ Hotel – Food Optional (Class I-A) ☐ Bed & Breakfast (Class V)
- ☐ Golf Course with auxiliary and mobile cart options (Class I, II, III, IV) ☐ Tavern (Class IV)
- ☐ Qualified Caterer ☐ Self-Sponsored Events (Qualified Caterers Only)
- ☐ 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:

5. Business records are located at the following address:

439 US Rt 1 Ste 1 U. Henry, ME 03904

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

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
David D'Auteuil	2/6/71	Lewiston, ME USA

Residence address on all the above for previous 5 years

Name	Address:
David D'Auteuil	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:

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)

We are a full service restaurant offering bar seating, table seating and outdoor seating. We offer a full lunch and dinner menu.

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: Church at Spruce Creek


Distance: 1.3 miles

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: 2/11/2021


Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

David D'Auteuil
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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: _____.

Name of City/Town/Unorganized Territory: _____

☐ **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

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>

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.

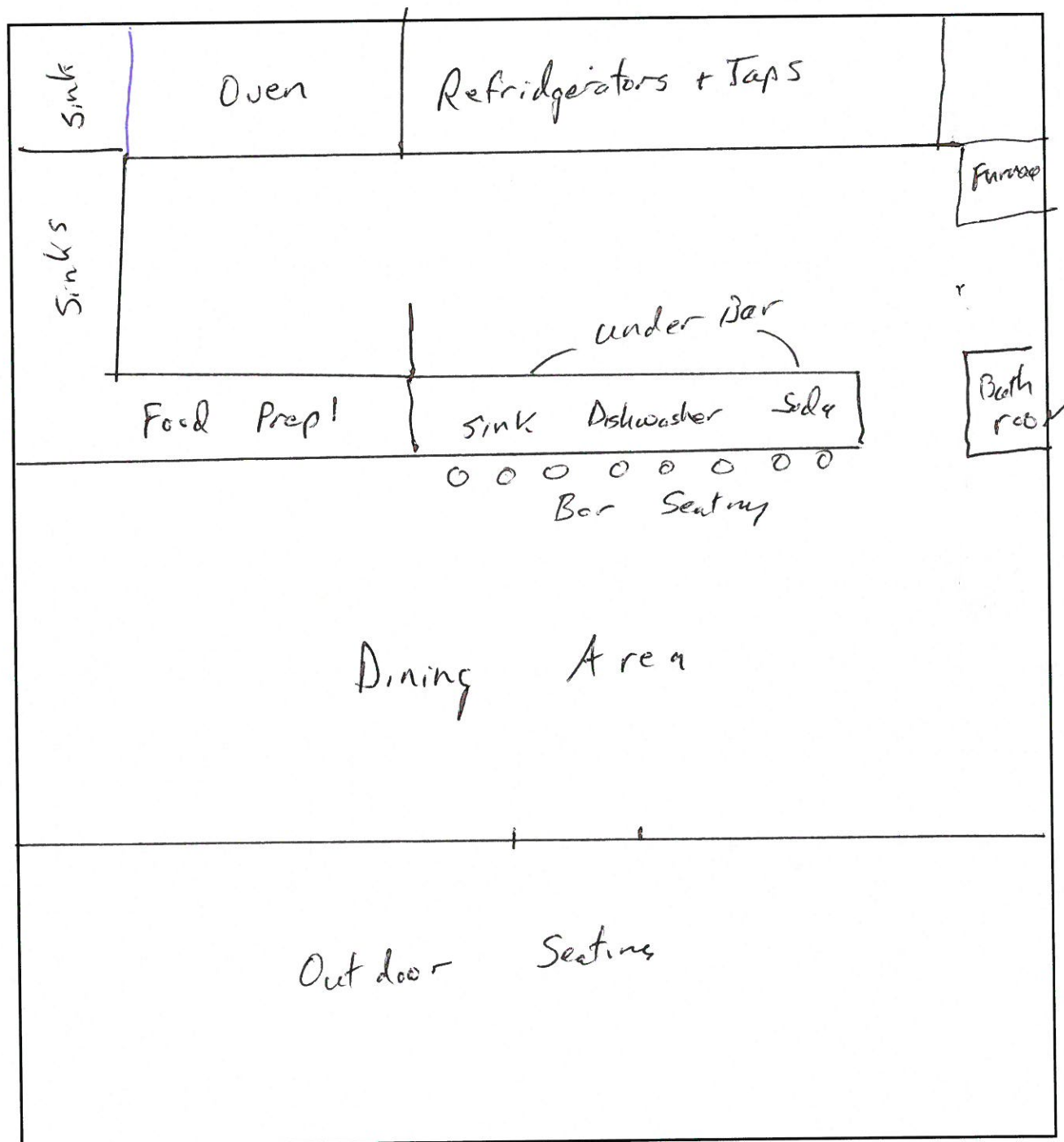
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together 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: York Harbor Brewery Corp
2. Doing Business As, if any: Maine Beer Cafe
3. Date of filing with Secretary of State: 10/2012 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
David DiAteui	16 Fernald Rd Kittery, ME 47 US RT / By Pass K. Har. ME 8 Blueberry Lane K. Har.	2/6/71	VP	100

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



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

REPORT TO TOWN COUNCIL

Date: February 22 2021
From: Kendra Amaral, Town Manager
Subject: Maine PERS Affirmation of Exclusion
Councilor Sponsor: Chairperson Thomson

SUMMARY

Maine Public Employee Retirement System (MPERS) has been conducting an audit of their program and is ensuring it has records for all its member communities reflect accurate exclusions in accordance with State law.

MPERS is requesting the Town Council affirm that the Town's vote to join the Maine Public Employees Retirement System (f.k.a. the Maine State Retirement System) as a Participating Local District effective April 1, 1946 intended to exclude employees who work less than 30 hours per week; employees who are seasonal or temporary and its Town Council members from participation in the retirement plan and to authorize the Town Manager, to sign the clarified Agreement between the Town and Maine Public Employees Retirement System.

The exclusion is consistent with Title 2 Personnel System Scope and Coverage. This was provided to MPERS as evidence of the exclusion, but they have requested an affirmation vote of the Council.

This action does not change the Town's position with MPERS.

PROPOSED SOLUTION/RECOMMENDATION

Approve as recommended.

ATTACHMENTS

- Title 2.3.3 Personnel System - Scope and Coverage

§ 2.3.3. Scope and coverage.

- A. The provisions of the personnel classification and compensation plan apply to all positions in the Town except as follows:
- (1) All elected officials and members of boards and commissions;
 - (2) Employees under the control of the school committee;
 - (3) Volunteer personnel and personnel appointed to serve without pay/salary, including those personnel who are merely reimbursed for out-of-pocket expenses associated with the performance of their responsibilities. This exception does not apply to department heads and other employees with significant supervisory responsibility whose positions require significant independence in the completion of their work;
 - (4) Consultants and counsel rendering temporary professional services;
 - (5) Positions which involve seasonal or part-time employment. Seasonal employment is defined as employment that does not continue for at least one continuous calendar year (365 days), and part-time employment is defined as employment consisting of less than 30 hours of work per week, regardless of the length of employment;
 - (6) Employees under separate union contracts, except that the provisions of this section apply to those areas not covered by union contract;
 - (7) Management employees with separate employment agreements.
- B. Nothing herein, however, prohibits reference to this plan for assistance in determining the compensation and benefits of Town employees not covered by the plan.