



TOWN OF KITTERY

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

September 23, 2019

Kittery Town Council
Regular Meeting
6:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
 - a. (090219-1) The Kittery Town Council moves to hold a public hearing to Amend Title 10 – No Parking at Walker and Main Streets.
 - b. (090219-2) The Kittery Town Council moves to hold a public hearing for a new Victualer's License for Baker Bobby Pizzaiolo – Mobile Food Unit to be located at 230 US Route 1 Bypass 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
 - (090219-3) The Kittery Town Council moves to accept a donation in the amount of \$250 from an anonymous donor to be deposited into the Thresher Memorial Fund.

- b. (090219-4) The Kittery Town Council moves to approve the disbursement warrants.
- c. (090219-5) The Kittery Town Council moves to approve the FY 20 Senior Tax Credit Transfer.
- d. (090219-6) The Kittery Town Council moves to approve a renewal Liquor License application from the Black Birch, 2 Government St. Kittery.
- e. (090219-7) The Kittery Town Council moves to approve a renewal Liquor License application from When Pigs Fly Pizzeria, 460 US Route 1 Kittery.
- f. (090219-8) The Kittery Town Council moves to approve and sign the Municipal Warrant for the November 05, 2019 Municipal and State election.
- g. (090219-9) The Kittery Town Council moves to approve the Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2019-2020.
- h. (090219-10) The Kittery Town Council moves to approve a request from The Kiwanis Club of the Seacoast to hold their annual Kittery Holiday Parade on Saturday December 7, 2019 with a rain date of December 8.
- i. (090219-11) The Kittery Town Council moves to approve a request from the Traip Athletic Boosters to hang a banner from October 21st through October 25th to promote their craft fair.
- j. (090219-12) The Kittery Town Council moves to adopt the Annual General Assistance Appendices A-D and Appendix H 2019-2020 year.
- k. (090219-13) The Kittery Town Council moves to approve and to set its December meeting to December 9.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

- a. (090219-14) The Kittery Town Council moves to go into Executive Session to complete the Town Manager's Annual Review.

17. ADJOURNMENT

Posted: September 19, 2019



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 September 23, 2019

- 1. Joint Land Use Study** – The strategies analysis phase of the Joint Land Use Study kicked off last week. This phase included a meeting on Sep 16th of 30 people representing the PNSY, Kittery, SMPDC, NHDOT, MDOT, COAST, surrounding regional planning agencies, cities and town, and others with expertise and resources to support the goal of reducing the impact of traffic from the PNSY.

The Policy Committee will be reviewing the strategies prioritized in that meeting and working with the consultants to finalize a report and plan. We have already begun working with our OEA administrator to identify funding opportunities at the federal level to assist with implementation of some of the strategies.

- 2. Route 236 Study** – Gorrill Palmer has completed the Route 236 Traffic Study. The recommendations include creating an intermittent center turning lane down Route 236 to provide safe turning space for cars coming onto and off of the road. The plan also includes recommendations to realign driveways, upgrade the intersection at Beech Road, create a right turn pocket at Bolt Hill Road, and make the north side of Fernald Road a one-way northbound for approximately 35 feet. A copy of the report is available on the Town's website, on the Town Manager's webpage.

Recent borings taken on Route 236 were encouraging in terms of the center-turn lane strategy. MDOT is planning to repave and stripe the road in the coming year, creating an opportunity to implement the recommendation in the near future.

- 3. LED Streetlight Conversion** – The streetlights purchase has been completed, and all of the public streetlights have been mapped and documented. There has been a delay in the installation of the new LED lights due to changes in how the State Electrical Inspector was approaching these projects. This has been resolved and the installation is expected to begin the first week of October and take approximately three weeks to complete.
- 4. Sightlines at Whipple and Wentworth** – Councilor Spiller asked that we look further into parking at the corner of Whipple and Wentworth, and the safe visual sightlines at that intersection. Code Enforcement staff have had ongoing discussions with the gas station owner about the safe sightlines, and are working with them to resolve the issue.

Prior to the request being raised, we have been working with the Town Attorney to better understand what is right of way and what is private land. We are still reviewing the information from that effort to determine next steps.

- 5. Fort Foster Season** – Councilor Denault requested we look into keeping Fort Foster open until Columbus Day. The gate is manned by our seasonal staff on the weekends. The majority of our

seasonal staff are done before the end of September. We have one seasonal staff member left, who will be returning to school at the end of September. Unfortunately, we do not have the staff to man the gate into October.

- 6. Old Post Road/Dineen** – The judge granted the Town’s motion to remove the unregistered and inoperable vehicles from Old Post Road and dispose of them, and to erect a fence as a deterrent to bringing more vehicles on site. The removal of the vehicles and installation of the fence is complete.

Mr. Dineen filed a motion to overturn the judge’s order. A stay was granted by a judge who has not been involved in this case. The stay prevents the Town from demolishing or disposing of the vehicles removed from the property. We are due back in court in the coming week to argue against Mr. Dineen’s filing.

Upcoming Dates:

- Absentee Ballot Applications Available – Town Clerk’s Office
- Community Shredding Event – September 29, 10AM – 1PM, Rice Public Library
- Tax Bill Mailing – September 30th
- Candidate Night – October 2, 6PM, Council Chambers
- Rice Library Renovation/Expansion Informational Meeting – October 9, 6PM, Council Chambers

Respectfully Submitted,



Kendra Amaral
Town Manager

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3 **Kittery Town Council**
4 **March 25, 2019**
5 **Regular Meeting**
6 **Town Council Chambers**
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8 1. Call to Order: Chairperson Spiller called the meeting to order at 6:00 p.m.
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10 2. Introductory: Chairperson Spiller read the introductory.
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12 3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.
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14 4. Roll Call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Cyrus Clark, Kenneth Lemont, Vice-Chair Matthew Brock and Chairperson Judith Spiller.
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17 5. Agenda Amendment and Adoption: Chairperson Spiller had one item to add under #9: "The Kittery Town Council moves to receive a presentation from Supt. Mike Rogers of the Kittery Water District on water treatment processes and chloramines."
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21 6. Town Manager's Report: Town Manager Amaral reported that the first phase of addressing tax liens from prior years, which began last year, was to adopt policies which would provide taxpayers with a number of circuit breakers for tax relief. She said the second part of this project is to address the properties that have been in long-term foreclosure, which have gone on for many years, without having received any tax payments on them.
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27 Town Manager Amaral said they re getting ready to take the second step and have identified 12 properties where the town will pursue foreclosure and acquire the title, most of them the owners are deceased and none of them are occupied. She said the town is working with Atty. Bill Dale on this project. She said she would like to address this every year and letters are going out.
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32 Town Manager Amaral said the Library Building Committee 's Design Team has been conducting interviews with various Town boards and committees as well as the community to see what type of uses and spaces people are looking for. She said they came back with a revised spatial needs report which will be updated from 2011. She said the square footage has been reduced from 20,000 to 16,000 s.f. and the town will require a \$5 million-dollar maximum bond for this project.
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38 Town Manager Amaral said it is very early in the process and they will be getting some potential schematic designs and getting plans and will hold public hearings in April. She said all of this information has been posted online.
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42 Town Manager Amaral said the Taylor Building Committee is working quite nicely. She said they want to meet to get public input on what do you want to see at the Taylor site. She said they will be spending the next couple of months gathering information and input and, after November if passed, will start pursuing more concrete proposals for the Taylor Building, based on the feedback from the people.
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47 Town Manager Amaral said that the Thresher Memorial Fund and Donald Kerr have been in communication and the repair of the large flag was funded from the Thresher Memorial Fund.
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49 Town Manager Amaral said it was the intention of the people who donated money to get this fund
50 through the Fall of 2018 and within the last few months, the fund has been depleted.

51
52 Town Manager Amaral said the flags have been repaired through this fund and they have two other
53 flags available as replacements. She wanted to let Council know that she will put this item in the
54 operating budget, going forward.

55
56 Town Manager Amaral reported that the DOT workshop, scheduled for last month, will now be held on
57 April 8th. She said that the bids for the 95 bridge have come in higher than expected. She said they
58 met with the resident engineer today, and are starting ramping up the project.

59
60 Town Manager Amaral stated that she reached out to the Dept. of Marine Resources to see where they
61 were on the (Spinney Creek) aquaculture lease. She said they are still in the drafting a decision phase
62 and are still reviewing the application. She said they will let her know once they are ready to make a
63 decision. She said they have not given her a clear idea as to whether they will give a title and consider
64 Spinney Creek to be inter-tidal or sub-tidal waters.

65
66 Town Manager Amaral said the Recreation Director has received feedback on the programs offered for
67 Summer Camp and have made improvements. She said they have split the campers into three groups.
68 She said that transportation will be through a private bus company, not staff and they are capping the
69 number of students in advance to make sure that the programs are beneficial to the children. She said
70 that the Recreation Dept. held a successful "sign-up" night.

71
72 Town Manager Amaral announced some upcoming dates: Kittery's Got Talent, March 29th, 4:00 pm at
73 Shapleigh School; Kittery Community Auction will be April 5th at the Regatta Room in Eliot; Celebrity
74 Chef Breakfast is 8:00 am on April 9th at the Kittery Community Center; April 13th is the Easter Egg Hunt
75 at Shapleigh Field; Recycling Scholarship applications are due April 16th because the Town Hall is
76 closed for the holiday, and the Mooring Renewal deadline has also been extended to April 18th.

77
78 Chairperson Spiller asked if any Councilor had comments or questions.

79
80 Councilor Denault asked the Town Manager, through the Chair, if the "Kittery's Got Talent" program
81 could be shown on Channel 22.

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83 Town Manager Amaral replied she will take a look at it.

84
85 Vice-Chair Brock wanted to know, through the Chair to the Town Manager, if the DMR gave the Town
86 Manager any timeframe as to when they would make a decision on the Spinney Creek aquaculture
87 lease.

88
89 Town Manager Amaral responded not at all.

- 90
91 7. Acceptance of Previous Minutes: None
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93 8. Interviews for the Board of Appeals and Planning Board: None
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95 9. All items involving the town attorney, town engineers, town employees or other town
96 consultants or requested officials.
97

98

99 The Kittery Town Council moves to receive a presentation from Michael Rogers, Supt. of the Kittery
100 Water District, on Water Treatment Processes and chloramines.

101

102 Chairperson Spiller said there will be an opportunity during the "Public Comment" section for anyone
103 who would want to comment. She said she will write down the questions and give them to Supt.
104 Rogers to respond to those questions. She said that Council will have some questions on this issue but
105 residents must understand that the Town Council has no authority over the Kittery Water District.

106

107 Michael Rogers, Supt. of the Kittery Water District, said he understood that some Councilors have been
108 receiving calls from residents regarding the Water District changing the disinfection method from free
109 chlorines to chloramines. He said they are hopeful that, as water professionals serving Kittery for the
110 past 112 years, they would never do anything that will adversely affect the health of their customers.

111

112 Mr. Rogers said the Water District annually produces one billion gallons of finished drinking water,
113 serving the residents of Kittery, Eliot, a small portion of York and the Portsmouth Naval Shipyard.
114 He said they have used chlorine in one form or another to disinfect the water. He said their treatment
115 plant, as well as four water sources, are located in York.

116

117 Mr. Rogers said that the Treatment Plant was built in 1959 and is approaching the end of its design life.
118 He said in 2012, the District hired Wright-Pierce, an engineering consultant firm, to complete an
119 "Alternative Water Treatment Study." He said one of the options they looked at was mothballing the
120 facility and buy their water from our neighbors to the north.

121

122 Mr. Rogers said another recommendation was to build a new Treatment Facility at an estimated cost of
123 \$30 million dollars. He said a second engineering firm, Taynton-Howard, was hired to do a Peer
124 Review of Wright-Pierce's recommendation and to renovate the existing facility and not replace it. He
125 said the Board of Trustees decided to renovate the existing facility because everything above and
126 below is structurally sound and save the rate payers from bonding an additional \$27 million dollars.

127

128 Mr. Rogers said the operation will be done in three phases, and a requirement will be to shut down the
129 facility to complete the project. He said the first phase was completed in 2018 and the second phase
130 will begin on April 1st. He said they will need to shut down the facility for one week this summer. He
131 said in 2020, the final phase of construction will begin and it will require a complete shut down of the
132 facility for three months.

133

134 Mr. Rogers said during these two outages, they will be relying on the York Water District and the
135 Kennebunk, Kennebunkport and Wells Water District to supply water to the Town of Kittery. He said
136 this arrangement has been in the works for three years.

137

138 Mr. Rogers said that Water Districts in other towns and cities in Maine have been using chloramines
139 from 25 – 80 years to disinfect the drinking water. He said the chloramines are a combination of five
140 parts chloramine to one-part ammonia. He said chloramine is a weaker disinfectant than just chlorine,
141 but it lasts longer and is more stable. He said they will need to buy their water from neighbors, but their
142 water is not currently compatible with the Kittery water.

143

144 Mr. Rogers said the EPA and the Maine Drinking Water program has approved the use of chloramines.
145 He said they have received approval and authorization from the Dept. of Health and Human Services
146 to increase their pH and phosphate levels and they began increasing them one year ago.

147

148 Mr. Rogers said the first step is the introduction of the chloramines to condition the water in their mains.
149 He said this could cause lead and copper corrosion issues which they have addressed. He said their
150 neighbors have made changes to better match Kittery's pH and phosphate levels.

151

152 Mr. Rogers said chloramine is a longer-lasting disinfectant and can affect yeast used by brewers and
153 bakers and they have received complaints from customers. He said they first published an article in
154 2016 and they have put the information in the newspaper and on the water bills and it is on their
155 website.

156

157 Mr. Rogers said they are holding another meeting on May 21st at 6 p.m. at the Star Theatre and will
158 delay the introduction of the chloramines to the first week in June. He said he will take any questions.

159

160 Chairperson Spiller asked if there were any questions from Councilors.

161

162 Councilor Thomson wanted to know if individual homeowners need to do anything with their pipe that
163 runs from pipe in the street to their kitchen or bathroom faucets.

164

165 Mr. Rogers responded that the changes in pH and phosphates are used to coat the pipes to prevent
166 corrosion in the copper and lead pipes, so there is nothing homeowners have to do. He said as a
167 matter of fact, they now have to do 60 samples every six months to set a baseline to follow up on any
168 copper or lead leaching into the water.

169

170 Chairperson Spiller wanted to know, for clarification, if the conditioning would take care of control
171 corrosion of the potential for lead to get in her drinking water, since she owns an old home with lead
172 pipes.

173

174 Mr. Rogers replied that is correct, a lower pH water is less aggressive, increasing the pH to 8.2 will help
175 stop the effects of corrosion.

176

177 Chairperson Spiller said she has heard from nervous homeowners with the same question and she has
178 a follow-up question. She said they want to know how do they know if their water is safe.

179

180 Mr. Rogers answered that he would be happy to test their water.

181

182 Chairperson Spiller asked so all they have to do is call the Water Dept.

183

184 Mr. Rogers replied yes, they can call us and the Water Dept. will do a test.

185

186 Chairperson Spiller wanted to know if Mr. Rogers would actually go their home.

187

188 Mr. Rogers responded that the lead and copper testing has to be done by the home owner because
189 there is a six-hour waiting period and they have to give it (the test) time for the lead and copper to leach
190 into the water. He said he cannot go to the house unless it is first thing in the morning.

191

192 Chairperson Spiller asked if Mr. Rogers would give them guidance and he replied that they would.

193

194 Vice-Chair Brock asked Mr. Rogers suppose the homeowner does not want chloramine in their water –
195 what is the least expensive method for them to have it removed.

196

197 Mr. Rogers replied they would have to use a granule-operated carbon filter which they would screw on
198 to the faucet to remove the chloramines. He said it would be just for one faucet.

199

200 Vice-Chair Brock wanted to know is there something more expansive that someone could do if he/she
201 wants to treat the water for their entire home. He said he has heard there may be an impact issue on
202 the water and what is the cost.

203

204 Mr. Rogers answered that for the whole house, the filter ranges from \$1100-1200 for a granule-operated
205 carbon filter.

206

207 Councilor Denault said that Mr. Rogers mentioned testing and wanted to know if it is offered for free.

208

209 Mr. Rogers replied yes.

210

211 Councilor Denault said he has seen a lot of hype how it kills fish and he is concerned about diabetes,
212 his Dad has it, and dialysis. He wanted to know if Mr. Rogers could talk about it since they are starting
213 the process May 21st.

214

215 Mr. Rogers responded if you have fish in an aquarium, you should have taken the chlorines out. He
216 said think about the dilution factor and that dialysis is the same thing and you should filter the water.
217 He said it may be an additional step, but he should already be conditioning the water before they put it
218 through the machine.

219

220 Councilor Denault said he is talking about one goldfish in a bowl.

221

222 Mr. Rogers said he has one in the office and he shows people how 1.7 drops filters 100 gallons of
223 water.

224

225 Councilor Lemont said Mr. Rogers touched upon brewers and bakers and he wanted to know if Mr.
226 Rogers had discussed this with them.

227

228 Mr. Rogers responded they have met with the brewers and bakers and have already had filters installed
229 in the process. He said they would have had to buy a more advanced filter. He said he has been
230 calling around to the bakeries in the area and have had homeowners calling them asking what can I do.

231

232 Mr. Rogers replied that he recommends they bake one loaf. He said they can go as low as two or as
233 high as chloramines.

234

235 Councilor Lemont wanted to know when the Water Dept. flushes the hydrants is there a minute amount
236 of chloramine in the ocean.

237

238 Mr. Rogers answered they would have to de-chlorinate the water going into sensitive area and that they
239 do have guidelines they have to follow. He said they have devices that have Vitamin C tabs which
240 knocks it down to barely a trace.

241

242 Councilor Thomson said that Mr. Rogers mentioned other communities to the north have been using
243 chloramines in their houses for 80 years and wanted to know if this had caused any disuse of the
244 chloramine.

245

246 Mr. Rogers answered with chloramines, they have to watch the dead-end lines and they do have a test
247 kit. He said they put the water main on a routine flushing schedule.

248

249 Chairperson Spiller asked if someone had a respiratory problem, would they be breathing in that
250 component.

251

252 Mr. Rogers replied not that he is aware. He said they do not remove chloramines from the water
253 faucets.

254

255 Chairperson Spiller wanted to know if the Water Dept. had been receiving complaints from bakers or
256 people watering their garden.

257

258 Mr. Rogers responded that one-quarter of a million people have drinking water with chloramines and
259 say the water will taste better, it's a non-issue for them.

260

261 Chairperson Spiller asked Mr. Rogers if he could put information on the type of filter that homeowners
262 can buy on the Water Dept.'s website.

263

264 Mr. Rogers replied yes.

265

266 Chairperson Spiller explained to the people present in the audience that, before she heard about May
267 21st, she said she would gather questions to give to Mr. Rogers but now that she heard about the
268 upcoming meeting, she thought it is the perfect opportunity for people to ask questions.

269

270 10. PUBLIC HEARINGS:

271

272 a. (030219-1) The Kittery Town Council moves to hold a public hearing and ordain
273 Amendments to Title 2 – Fire Chief.

274

275 Chairperson Spiller asked the Town Manager to highlight some of the changes being proposed.

276

277 Town Manager Amaral said that these are two requests to clean up and make sure that the language is
278 consistent. She said that §2.2.3, Fire Chief, line 6 states that the Fire Chief reports to the Town
279 Manager, and under § 2.4.8.1, line 13, we are striking out "of the citizens" as the Kittery Fire Dept
280 services are not limited to just the citizens of our town.

281

282 Chairperson Spiller said that we are trying to update the new Fire Chief position.

283

284 **COUNCILOR THOMSON MOVED TO APPROVE THE UNANIMOUS CHANGES TO TITLE 2,**
285 **SECONDED BY COUNCILOR DENAULT.**

286

287 Chairperson Spiller said she had not opened the public hearing yet.

288

289 Councilor Thomson said that they can still move to approve the changes and she can open up the
290 public hearing.

291

292 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE**
293 **NEGATIVE, MOTION CARRIES.**

294

295 Chairperson Spiller opened the public hearing at 6:35 p.m., and asked anyone wishing to speak to, for
296 or against the amendments may do so at this time.

297

298 Julie O'Connell asked if she could comment on the water issue.

299

300 Chairperson Spiller explained that discussion will be under #11, that this is a public hearing for the
301 amendments to Title 2 only. Hearing no other comments, she closed the public hearing.

302

303 Councilor Thomson suggested – through the Chair – that the Town Manager could shed some light on,
304 and explain what the Town Council is doing so the public knows.

305

306 Town Manager Amaral said that they are amending Title 2, the Fire Chief position, which should be full-
307 time and, after reviewing the duties and responsibilities, which Chief O'Brien has been doing, and
308 working more than part-time, it is being made a full-time position. She said he will also take on the role
309 of the Emergency Management Director, and she is seeking approval of changes to both Title 2 and
310 Title 8, Emergency Management Agency.

311

312 **COUNCILOR THOMSON MOVED, IN ACCORDANCE WITH TITLE 30-A, §3001 AND TOWN**
313 **CHARTER §2.14, THE KITTERY TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO TITLE 2,**
314 **PERSONNEL AND ADMINISTRATION, FIRE CHIEF, AND TITLE 8, EMERGENCY MANAGEMENT**
315 **AGENCY, OF THE TOWN CODE, AS PRESENTED AND HEARD THIS EVENING. COUNCILOR**
316 **DENAUT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN**
317 **THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

318

319 b. (030219-2) The Kittery Town Council moves to hold a public hearing and consider for
320 approval a New Victualer's License application for the Hampton Inn & Suites located at
321 275 Route 1 Kittery, Maine.

322

323 Chairperson Spiller said that the Code Enforcement Officer has conducted the necessary inspections of
324 the premises and found the establishment to be in compliance with the Kittery Town Code.

325

326 Chairperson Spiller opened the public hearing at 6:38 p.m. and asked if anyone wished to speak to, for
327 or against the application. Hearing none, she closed the public hearing.

328

329 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE**
330 **VICTUALER'S LICENSE APPLICATION (FROM 275 ROUTE 1 LLC, PORTSMOUTH) FOR THE**
331 **HAMPTON INN & SUITES LOCATED AT 275 U.S. ROUTE ONE, KITTERY, MAINE, SECONDED BY**
332 **COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE**
333 **AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

334

335 11. DISCUSSION:

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

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339 Chairperson Spiller opened the public discussion and requested that anyone wishing to speak, come to
340 the podium, identify yourself, sign in on the paper and limit your comments to three minutes.

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342 Julie O'Connell of Kittery said she has concerns about chloramines being added to her water.

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Ms. O'Connell said that Mr. Rogers said he did not know of any issues with towns adding chloramines to the water and some of them have been doing this for 30 – 80 years; however, there was an article in the Kennebunk Post in 2017 that the Kennebunk Water District had been using chloramines in their water to be compatible with the York Water District, from 2004 – 2010. She said they stopped doing it in 2010 because there were mineralization of the hot water pipes going to the dishwashers of the local restaurants and the pipes were getting clogged up. She said for a span of seven years chloramines were not used, then they changed the formula from gaseous ammonia to liquid ammonia and re-introduced the chloramines so that their water could be compatible with York's water.

Ms. O'Connell said they have always had chlorine in their water and wanted to know why is that not compatible? She said chloramines do not produce as much by-products but they have not been studied and are not regulated. She said better the devil we know than the devil we don't.

Ms. O'Connell said that she realizes the Town Council has no authority over the Water District; however, the Council represents the citizens of the town and she would like to have a more expansive conversation with experts before we jump in. She said she did not think it was a satisfactory explanation just because we would be compatible with York. She encouraged the Kittery Water District to get the best answers for their customers as stated in their mission statement.

Jen Thayer, 47 Martin Road, thanked Mr. Rogers for his presentation. She said up until last weekend, she knew little to nothing about water treatment. She said she does have real concerns though and will ask questions. She wanted to know from Chairperson Spiller if she should e-mail her questions to her or to Mike Rogers.

Chairperson Spiller said she should e-mail her questions to him.

Ms. Thayer wanted to know with the conditioning of the water, is this an ongoing process and will it help eliminate leaching from the pipe. She said chloramines dissolve slower – within six months to one year. She said with chlorine, it dissipates within 24 hours. She said it's complicated and wanted to know if they were mono-chloramines, or di- or tri-chloramines.

Chairperson Spiller replied this uses mono-chloramines.

Ms. Thayer said her understanding is that you cannot separate them. She said no definitive test as of 2004 has been done using chloramines, as per the World Health Organization. She said it is still difficult to find any definitive data and what she found was it is on the rise and towns are stopping the use for various reasons.

Ms. Thayer said it is her understanding there are less by-products but there are significant amounts of by-products formed by chloramines and there are other avenues they can pursue.

Sarah Brown, 22 Main Street, said she does not know much about this issue, but you all have agreed to this change as of June 1st.

Chairperson Spiller said the Town Council has nothing to do with the Kittery Water District.

Ms. Brown said since we do not know about this, let us consider a longer delay and allow us to feel comfortable and give us a chance to do our homework to really fully understand it.

392

393 Ms. Brown said she understands the Water District will have an information forum on May 21st, but you
394 have a very large group of people concerned – and why not? She asked isn't it better to be safe than
395 sorry?

396

397 Ms. Brown said she went to the Tributary to grab a beer and just the day before she was told they had
398 to spend \$5,000 on a new system. She said that is an incredible business which has brought value to
399 the town and she hoped that the town will work with them. She said they already have had to invest
400 \$5,000 to make sure their operation was not disrupted.

401

402 Ms. Brown said she is working on another water issue, and has been told “everything is okay, don't
403 worry,” and then, later on, finds out it does affect our health. She said let's make sure we have a
404 chance to investigate this. She said they have to look at toxins environmentally and how they interact
405 with other chemicals.

406

407 Ms. Brown wanted to know if there have been studies when water is used for baby's formula and what
408 about pregnant mothers? She thought they should proceed slowly. She said water is life – and without
409 water, where are we?

410

411 Ruthanne _____ of Foye's Lane, Kittery Point, wanted to echo Sarah's concerns and said she is
412 alarmed that she has not heard any real news or any good information as to why the Water District is
413 doing this, other than compatibility. She said that does not seem like a great reason or a solid reason.

414

415 Ruthanne said she is encouraged and fearful. She said she would like to ask the Town Council, but will
416 e-mail Mr. Rogers, for more information, the source for the charcoal filtration systems and reliable
417 sources of information so we are not “Googling” this. She said she never heard of chloramines.

418

419 Ruthanne said that the Water District should delay implementing this until the citizens have better
420 information and that is her biggest concern.

421

422 Laurie Watson, Kittery Point, attended the impromptu meeting on Monday, where it was explained that
423 the Kittery Water District needs to use York's water supply for transition for one week in April and next
424 year for one month. She wanted to know why they can't go back to chlorine after that. She said if we
425 have emergency water, it may taste bad for a little while. She asked when was the last time we used
426 emergency water – 10 years ago? She said in 10 years, they have not had one emergency.

427

428 Ms. Watson said like her Dad used to say “do not borrow problems.” She asked again why they can't
429 go back to using chlorine, and go to York for one month. She said the Water District needs to
430 communicate with people that during an emergency, the water will have a bad taste for a couple of
431 weeks. She said it does not seem to be enough of an issue to change by putting another chemical into
432 our bodies.

433

434 Jennifer Burrell of Kittery said, given what information she can find, personally, she would rather stick
435 with chlorine. She said there are so many people who are concerned, someone should ask the
436 Governor. She said she has no opinion on how the Water Dept. operates but there are models for
437 public input and oversight into that relationship. She said there should be some kind of transparency.

438

439 Ms. Burrell said this issue should have been discussed in other venues rather than at a Town Council
440 meeting. She said this is something to consider going forward.

441

442 George Dow, One Bartlett Road, said he is a member of the Parks Commission and they have been
443 working with a number of design groups and have 7 different informational signs. He said he wanted to
444 make the public aware of that. He said this is an opportunity for the Parks Commission to work with the
445 Kittery Improvement Foundation, and if anyone would like to donate, to contact them.

446

447 Mr. Dow said he was speaking tonight as the Treasurer of the Rice Library Board of Trustees and he
448 wanted to present the audit for the year ending June 2019 and there will be one more audit on July 1st,
449 when the Library becomes a department of the Town.

450

451 Bob Gray, 14 Manson Road, Kittery said he is a member of the Kittery Historical Society and the Kittery
452 Historical Naval Museum and wanted to let everyone know that in March of 2020 Maine will be
453 celebrating its bicentennial. He said he met with others to discuss how we might celebrate our
454 bicentennial and would like to encourage anyone interested in participating to contact him at the
455 museum at 439-3080.

456

457 Mr. Gray said that if anyone thinks it that it was a slam/dunk separation from Massachusetts, you
458 should know that everyone in the Town of Kittery voted against separating from Massachusetts. He
459 said this is an important date – Kittery’s 375th celebration as an incorporated town.

460

461 Mr. Gray said some towns to the north are making a huge event out of Maine’s bi-centennial and if
462 anyone would like to get on board, please feel free to contact him.

463

464 c. Chairperson’s response to public comments:

465

466 Chairperson Spiller said that Mr. Gray is Kittery’s point person for this.

467

468 Chairperson Spiller said great signs and thanked Mr. Dow for the audit.

469

470 Chairperson Spiller said, concerning the water additive, the Water District is a public utility, with a Board
471 of Trustees, which is an independent governing structure, separate from the Kittery Town Council. She
472 said in addition to contacting Supt. Rogers, citizens should contact any member of the Board of
473 Trustees.

474

475 Chairperson Spiller turned to the Town Manager and said that May 21st is too late. She wanted to know
476 if perhaps the date could be moved up and would she look into it. She said there were a lot of
477 questions raised in public comment and Supt. Rogers is in the best position to answer those questions.

478

479 Councilor Thomson said he opened Pandora’s box because he asked the Town Manager to reach out
480 to Mike Rogers and ask him to come to this meeting because he wanted to get him on television. He
481 thought it would be a way to get more information out there. He said he spoke with him about delaying
482 the implementation and having another meeting other than May 21st.

483

484 Councilor Thomson said he too is a customer and is concerned, and people are coming to Council, but
485 you need to take your comments to the Board of Trustees and Supt. Rogers.

486

487 Vice-Chair Brock wanted to know what is the appropriate administrative appeal process. He said he
488 has not heard clearly what the process would be and he would expect that it is on the “To Do” list to find
489 out what the process is.

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12. UNFINISHED BUSINESS:

(030219-3) The Kittery Town Council moves to appoint a representative to interview Linda Cheatham to be appointed to the Rice Public Library Board.

Chairperson Spiller said that the Town Manager spoke with Ms. Cheatham and she is willing to serve on the Library Board of Directors.

CHAIRPERSON SPILLER MOVED TO NOMINATE COUNCILOR THOMSON AS COUNCIL REPRESENTATIVE TO INTERVIEW LINDA CHEATHAM FOR HER APPOINTMENT TO THE RICE LIBRARY BOARD OF DIRECTORS. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, NONE OPPOSED, MOTION CARRIES.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition:

- (030219-4) The Kittery Town Council moves to accept a donation from the Kittery Sharks Jr. Football in the amount of \$2,067.97 to be deposited into Donations to Kittery Community Center account #2063-67500.

COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL ACCEPT A DONATION FROM THE KITTEERY SHARKS JUNIOR FOOTBALL IN THE AMOUNT OF \$2,067.97 TO BE DEPOSITED INTO DONATIONS TO THE KITTEERY COMMUNITY CENTER ACCOUNT #2063-67500, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.

b. (030219-5) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Spiller read the amounts: Town payable = \$120,963.61 and two Sewer payables = \$14,550.05 and \$2,685.54.

Chairperson Spiller asked Councilor Clark if he reviewed the warrants and if they are in the appropriate format for approval.

Councilor Clark replied yes, he did and they are in the appropriate format for approval.

Chairperson Spiller read the amount for the School payable, \$567,813.79 and asked Councilor Pelletier if he reviewed the warrant and found it to be in the appropriate format for approval.

Councilor Pelletier responded yes, he did and it is in the appropriate format for approval.

Chairperson Spiller read the final warrant, Tax Refunds, in the amount of \$1,491.31 and asked Councilor Clark if he reviewed the warrant and found it to be in appropriate format for approval.

Councilor Clark answered yes, he had and it is in the appropriate format for approval.

Chairperson Spiller said the total amount is \$707,504.30 and asked for a motion.

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COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS READ, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.

c. (030219-6) The Kittery Town Council moves to approve an MOU with the Library Board of Directors.

Chairperson Spiller asked if there were any changes to the Memorandum of Understanding.

Town Manager Amaral said there are slight changes that reflect Council's conversation with the Library Board of Directors at their workshop. She said these include taking out policy from the Board and includes focusing on fundraising and taking out the second line at the Taylor Building but retains the intent that the that it will not impact Library services. She said also the Board of Directors agrees to splitting the balance of the Arabella Rice Trust, offered by Council as a compromise. She said the MOU should look as they saw it at the workshop.

Town Manager Amaral said that for clarification in the letter, 6A of the Memorandum of Understanding, Cash Reserves, will be a gift to the town and addresses that. She said it was left off of the original letter.

COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE RICE LIBRARY BOARD OF DIRECTORS AND THE TOWN OF KITTERY, SECONDED BY COUNCILOR DENAULT.

Councilor Thomson asked the second of the motion if he would like to include the date of March 25th in the motion so that the town has a date certain.

Councilor Denault agreed.

COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE RICE LIBRARY BOARD OF DIRECTORS AND THE TOWN OF KITTERY, DATED MARCH 25, 2019, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.

Town Manager Amaral requested the Chair that Council sign all three copies of the MOU, one for the Town, one for Library Board of Directors and one for the vault.

d. (030219-7) The Kittery Town Council moves to accept, in principle, the gift of assets from the Rice Public Library and to direct the Town Manager to work with the Library Board of Directors on the legal documentation required for Council execution.

COUNCILOR THOMSO MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT IN PRINCIPLE THE GIFT ASSETS FROM THE RICE PUBLIC LIBRARY, INCLUDING THE TERMINOLOGY OF THE LETTER FROM GEORGE DOW, TREASURER, TO THE TOWN MANAGER DATED MARCH 25, 2019 AND DIRECT THE TOWN MANAGER TO WORK WITH THE LIBRARY BOARD OF DIRECTORS ON THE LEGAL DOCUMENTATION REQUIRED FOR COUNCIL EXECUTION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH

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SEVEN IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.

e. (030219-8) The Kittery Town Council moves to approve a new Liquor License application from the Hampton Inn & Suites, 275 Route 1, Kittery, Maine.

Chairperson Spiller said that the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE NEW APPLICATION FROM 275 ROUTE 1 LLC FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE HAMPTON INN & SUITES, 275 U.S. ROUTE ONE, KITTEERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE. MOTION CARRIES.

f. (030219-9) The Kittery Town Council moves to approve a renewal Liquor License application from the Dance Hall, 7 Walker Street. Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A MALT AND VINOUS LIQUOR LICENSE FOR THE DANCE HALL, 7 WALKER STREET, KITTEERY, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.

g. (030219-10) The Kittery Town Council moves to approve a renewal Special Activity Amusement Permit for the Dance Hall, 7 Walker Street. Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE DANCE HALL, 7 WALKER STREET, KITTEERY, MAINE, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH 7 VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.

h. (030219-11) The Kittery Town Council moves to approve a renewal Liquor License application from Badgers Island Pizza, 3 Island Avenue Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A MALT AND VINOUS LIQUOR LICENSE FROM BADGER’S ISLAND PIZZA, 3 ISLAND AVENUE, KITTEERY, MAINE, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, MOTION CARRIES.

637 i. (030219-12) The Kittery Town Council moves to approve a renewal Victualer's License
638 application from Lexie's Seasonal LLC, 56 Lincoln St. Exeter, NH 03833. Lexie's Seasonal Food Truck
639 has permission from Post Office Square, 10 Shapleigh Road, Kittery to park his Food Truck on April 27,
640 2019.

641
642 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE**
643 **RENEWAL APPLICATION FOR A VICTUALER'S LICENSE FROM KERRY CARGILL, LEXIE'S**
644 **SEASONAL LLC, 56 LINCOLN ST., EXETER, NH FOR LEXIE'S SEASONAL FOOD TRUCK TO**
645 **PARK THE FOOD TRUCK ON APRIL 27, 2019 AT POST OFFICE SQUARE, 10 SHALEIGH ROAD,**
646 **KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN**
647 **WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**
648

649 j. (030219-13) The Kittery Town Council moves to approve a request from the Kittery School's
650 Odyssey of the Mind to fundraise at the Kittery Resource Recovery Facility on Saturday, May 4th 2019
651 from 9:00 am to 4:00 pm. There will 8 to 12 students participating, only 4 or 5 at a time, in shifts with 1
652 or 2 adults to supervise.

653
654 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE**
655 **REQUEST FROM THE KITTERY SCHOOL'S ODYSSEY OF THE MIND TO HOLD A FUNDRAISER**
656 **AT THE KITTERY RESOURCE RECOVERY FACILITY ON MAY 4, 2019 FROM 9:00 A.M. TO 4:00**
657 **P.M., WITH NOTIFICATION TO THE ORGANIZATION THAT THE FUNDRAISING TAKES PLACE IN**
658 **THE DESIGNATED AREA ON THE PROPERTY, SECONDED BY COUNCILOR PELLETIER. ROLL**
659 **CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE. MOTION**
660 **CARRIES.**
661

662 k. (030219-13) The Kittery Town Council moves to approve a request from the Kittery Little
663 League to fundraise at the Kittery Resource Recovery Facility on Saturday, May 18th from 9:00 am to
664 3:00 pm in conjunction with their Tag Day.

665
666 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE**
667 **REQUEST FROM THE KITTERY LITTLE LEAGUE TO HOLD A FUNDRAISER AT THE KITTERY**
668 **RESOURCE RECOVERY FACILITY ON SATURDAY, MAY 18TH, 2019, FROM 9:00 A.M. TO 3:00**
669 **P.M., IN THE APPROPRIATE LOCATION. COUNCILOR PELLETIER SECONDED THE MOTION.**
670 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE,**
671 **MOTION CARRIES.**
672

673 l. (030219-14) The Kittery Town Council moves to approve a Municipal Release Deed from
674 DSS LAND HOLDINGS LLC, PO Box 242, York, Maine 03909 for Map/Lot 60-24.

675
676 Chairperson Spiller asked the Town Manager if she could give an explanation on this item.

677
678 Town Manager Amaral replied that she was requested by the Town Council, when she first arrived, to
679 see if we could better secure the Sowerby property. She said since this is moving forward with plans to
680 develop it for residential use and a hotel, and the property was under foreclosure, in order to transfer
681 the property, Council needs to sign the release deed for outstanding liens. She said the property is
682 being sold tomorrow and demolition of the old building will begin very soon.

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COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE MUNICIPAL RELEASE DEED AS PRESENTED, FROM DSS LAND HOLDINGS, LLC, YORK, MAINE FOR PROPERTY LOCATED AT 459 U.S. ROUTE ONE, KITTERY AND IDENTIFIED AS TAX MAP 60, LOT 24. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont was approached by constituents regarding traffic between 3:00 pm and 4:00 pm on Rogers Road. He said the bus stops there and lets kids off from the after-school program. He wanted to know if the bus driver could pull up on Goodsoe Road and let the children off closer to the building.

Councilor Lemont appreciated the time the legislative delegation took to be with Council at the workshop. He requested – through the Chair to the Town Manager – that a follow-up letter with Council’s concerns be sent to them so it is documented. He believed that they are: Councilor Thomson – DOT Transportation Plan; Councilor Brock – climate change credits; himself – Municipal Revenue Sharing and the Chair mentioned numerous times – can they track LD335, Reimbursement to Host Communities for Retail Marijuana.

Councilor Thomson said it is about 6 months ago, through the Chair to the Town Manager, they implemented 4-hour parking on Walker Street from the ambulance building to Route 1 and wanted to know if the Town Manager could devise a process, maybe someone from the Planning Dept. or the CEO, to survey the businesses in the Foreside as to how many employees are parking, and what days and times they are parking from 6:00 a.m. until 6:00 p.m., Monday through Friday. He is interested in gathering data as he has his suspicions.

Councilor Thomson secondly, about six months ago, the Town Manager was able to get information from DOT and requested a speed limit change on State Road. He wanted to know if DOT has given any further insight on that issue to the Town Manager.

Councilor Thomson said, to follow up on Mr. Gray’s comment, 2022 is the 375th anniversary of the incorporation of the Town of Kittery. He said Portsmouth is celebrating their 400th anniversary of being incorporated in 2023, and they have a Committee that has been working on this for a couple of years now. He said they may want to consider how they want to observe that exciting event in the town.

Councilor Pelletier said he would like to nominate Councilor Thomson as Chair of the 375th celebration of the incorporation of the Town of Kittery. Chairperson Spiller said she would second that motion but she would like to amend it that Councilor Thomson would take care of the administrative duties and Bob Gray could take of the ceremony.

Councilor Denault wanted to speak to Workforce Housing. He said that he, Councilor Lemont, Councilor Clark and Councilor Thomson attended the Fair Tide event and he believed the raised \$38,000 for Workforce Housing. He said people are hearing about it.

Councilor Denault said something came up recently and we need to be careful. He showed everyone a photograph of camping sites. He said these are homeless people who are camping in Kittery and he would like the town to talk to them to find out if we can give them better shelter.

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Councilor Denault said the crosswalk at Gate 2 of the Shipyard is still not marked. He wanted to know, through the Chair to the Town Manager, if she could look into it and get some signs put up. He said someone had been killed there last year.

Councilor Denault said he learned a lot from the water treatment discussion. He said to look at him, Councilor Lemont and Councilor Thomson – they are losing their hair and maybe that's why. He said they should look into that.

Councilor Denault said also, they should be looking at speed limit signs and deer crossing signs on Cutts Road.

Councilor Denault said they need to stay on top of the bus situation at Dineen's and get an update on what is happening.

Councilor Denault mentioned the recent passing of Janet Thorpe and Genevieve Benton and said their thoughts and hearts go out to the families.

Chairperson Spiller said there was an article in the Portsmouth Herald regarding public access to the beach by the Kittery Land Trust and people need to stay within those boundaries and not trespass.

15. COMMITTEE AND OTHER REPORTS - NONE

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

16. EXECUTIVE SESSION - NONE

17. ADJOURNMENT

COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:35 P.M., SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: September 9, 2019
Updated: September 23, 2019
From: Kendra Amaral, Town Manager
Subject: Vehicles and Traffic – Title 10 Amendments
Councilor Sponsor: Chairperson Judy Spiller

This proposed amendment to Title 10 will address sight lines at the intersection of Main Street and Walker. It will result in the loss of two parking spots on Walker Street.

The amendment is being brought forward at the request of residents on Main Street. DPW Commissioner Rich and I met on site with the interested residents, and discussed the sightline obstructions and possible solutions.

State guidelines are to restrict parking 20' – 30' from the corner of an intersection. The proposed parking restrictions would achieve a 30' clear sightline for both sides of Main Street at the intersection with Walker on the east side of Main. The southwest corner already has a 30' sightline. The only corner that would not have a 30' sightline is the northwest corner, which has not been identified by the residents as an issue.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Proposed Amendments to Title 10 – Vehicles and Traffic
- Proposed Enactment
- Visual representation of proposed amendments

ADD to Title 10 Parking Prohibited at all times the following:

§ 10.3.1.1 Prohibited at all times.

Walker Street, north side, from the corner of Main Street, easterly 30 feet

Walker Street, south side, from the corner of Main Street, easterly 30 feet

**KITTERY TOWN CODE TITLE 10, PROPOSED AMENDMENT –
PARKING RESTRICTION MAIN STREET AND WALKER STREET**

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 and 2.07(3) of the Town Charter; 30-A MRS §3001, 36 MRS §6232 and §6271,
7 pursuant to its powers that authorize the town, under certain circumstances, to provide for the
8 public health, welfare, morals, and safety, and does not intend for this Ordinance to conflict with
9 any existing state or federal laws; and

10 **WHEREAS**, the Town seeks to increase safety and improve sightlines where Main Street and
11 Walker Street intersect.

12 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001, 36 MRS §6232 and
13 §6271, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS
14 AMENDMENT TO TITLE 10 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 Kittery,
20 Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

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



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

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

Applicant's name: Robert Morse

Address: 414 Pine Hill Road Cape Neddick ME 03902
(please print)

Applicant's mailing address if different from above: PO Box 1657 Ogunquit ME 03907
(please print)

Applicant's Date of Birth: 8/5/55 Applicant's Home Telephone Number: 207-351-8513

Name of Business: Baker Bobby Pizzaiolo (Truck will be located at the POD)
(please print)

Business Address: 414 Pine Hill Road Cape Neddick ME 03902
(please print)

Business Telephone Number: 310-998-7238

SIGNATURE OF APPLICANT: Robert Morse DATE: 9/11/19

APPLICANT'S NAME: Robert Morse
(please print)

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



Kennebunk Savings

Personal Money Order 560204

TO THE
ORDER OF
PAY EXACTLY

Town of Kittery

**** Two Hundred Fifty and 00/100****

09/17/2019

DATE

\$ 250.00

Kathy My

PURCHASER'S SIGNATURE

Security features included. Details on back.

NOT TO EXCEED \$500

KENNEBUNK SAVINGS BANK
KENNEBUNK, MAINE

52-7450
2112

PURCHASER'S ADDRESS

CITY, STATE, ZIP



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: September 23, 2019
From: Kendra Amaral, Town Manager
Subject: Appropriation of Unassigned Funds – Municipal Property Tax Assistance
(Senior Tax Credit)
Councilor Sponsor: Chairperson Judy Spiller

EXECUTIVE SUMMARY

In accordance with Town Meeting Warrant Article 8, the Town Council may appropriate up to \$50,000 from unassigned funds for the Municipal Property Tax Assistance program. This request is seeking such approval to support the FY20 tax credits approved.

BACKGROUND

The Kittery voters authorized the Town Council to appropriate and expend unassigned funds to credit property taxes owed for certain residents that meet the program requirements. The article was approved with a vote of 369 in favor and 49 opposed.

The program is administered in accordance with Title 13.4.3 of the Town Code.

This is the second year for the program. Last year, 40 applicants qualified for a \$1,000 tax credit. This year, approximately 53 applicants have qualified for the \$1,000 tax credit. Approved applicants will have the credit applied to the first tax bill of the fiscal year.

PROPOSED SOLUTION/RECOMMENDATION

Approve the appropriation as proposed.

ATTACHMENTS

- 2019 Town Meeting Warrant results

**TOWN OF KITTERY
TOWN MEETING & SECRET BALLOT ELECTION RESULTS
JUNE 10 & 11, 2019**

At the regular Town Council meeting on Monday, June 10th, Chairperson Spiller opened the Public Hearing on Articles 2 through 8 for open debate. On Tuesday, June 11th, Interim Town Clerk, Karen Estee opened the Town Meeting at 8:00 a.m. with the reading of the warrant and Constable's Return. Article 1 was then acted on and Joyce Tobey was duly elected to serve as Moderator for the June 11, 2019, Town Meeting Secret Ballot Vote. After taking her Oath of Office, she presided over the Election. Joyce Tobey declared the polls were closed at 8:00 p.m., the ballots were counted and the Moderator announced the results. There was a total of votes cast. The election results are as follows:

Article 2: Shall the town vote to authorize 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 to pay for accrued vacation and /or sick leave to settle any unpaid benefits owed to retiring employees in the fiscal year?

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
351	70	6

Article 3: Shall the town vote to authorize 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?

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
363	58	6

Article 4: Shall the town vote to authorize 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 the town's match to federal, state and non-profit grants?

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
379	45	3

Article 5: Shall the town vote to authorize Town Council to transfer up to \$40,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$40,000 when necessary for the purpose of covering shortfalls in the town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
356	63	8

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

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
363	57	7

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

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
350	68	9

Article 8: Shall the Town vote to authorize Town Council to transfer an amount not to exceed \$50,000 from the unassigned funds (unencumbered surplus) and appropriate and expend up to \$50,000 for a Municipal Property Tax Assistance program to credit property taxes owed for certain residents that meet the program requirements?

Town Council Recommends - Vote: Yes 7 No 0

YES	NO	BLANK
369	49	9

The Moderator adjourned the Town Meeting and Secret Ballot Vote at 8:00 p.m.

I hereby certify that the above is a true and correct record of the proceedings of the Town Meeting and Secret Ballot Vote held in Kittery on June 10 & 11, 2019

Karen Estee
Karen Estee, Interim Town Clerk

6-11-19
Date

A true copy
ATTEST: *Karen Estee*
Interim Town Clerk

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: 11-27-2019

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> 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 (Class I,II,III,IV) | <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> SELF-SPONSORED EVENTS
(QUALIFIED CATERERS ONLY) |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: The Black Birch Inc.	Business Name (D/B/A) The Black Birch
APPLICANT(S) –(Sole Proprietor) DOB:	Physical Location: 2 Government Street
DOB:	City/Town Kittery State ME Zip Code 03904
Address 2 Government Street	Mailing Address Same As Above? <input checked="" type="checkbox"/>
City/Town Kittery State ME Zip Code 03904	City/Town State Zip Code
Telephone Number 207-703-2294 Fax Number NA	Business Telephone Number 207-703-2294 Fax Number
Federal I.D. # 46-1023520	Seller Certificate #: or Sales Tax #: 1159546
Email Address: gavinbeaudry@theblackbirch.com	Website: www.theblackbirch.com

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ 742000 LIQUOR \$ 482000

3. Is applicant a corporation, limited liability company or limited partnership? YES NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES NO

5. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location _____ City / Town _____

6. If manager is to be employed, give name: NA

7. Business records are located at: 2 Government Street, Kittery, ME 03904

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Gavin Beaudry	03/26/1981	Nashua, NH
Benjamin Lord	09/13/1977	Calais, ME
Jake Smith	11/20/1975	Pawtucket, RI

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: Gavin Beaudry	City: Kittery	State: ME
Name: Benjamin Lord	City: Dover	State: NH
Name: Jake Smith	City: York	State: ME

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: See attached Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES NO

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

Studio Verte LLC, 172 Pepperrell Road, Kittery Point, ME 03905

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

See attached

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: _____

18. 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? 200 yards

Which of the above is nearest? Church

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

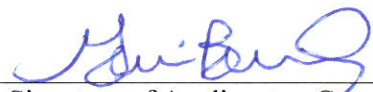
If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME 03904 on August 13th, 2019
Town/City, State Date

PLEASE SIGN IN BLUE INK



Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

GAVIN BEAUDRY

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only	\$ 700.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____,
Maine

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§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. [1993, c. 730, §27 (AMD).]

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. [1995, c. 140, §4 (AMD).]

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. [2003, c. 213, §1 (AMD).]

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. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

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; [1987, c. 45, Pt. A, §4 (NEW).]

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; [1987, c. 45, Pt. A, §4 (NEW).]

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; [1993, c. 730, §27 (AMD).]

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; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

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 [2009, c. 81, §2 (AMD).]

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. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (AMD) .]

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. [1993, c. 730, §27 (RP).]

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. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

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.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: **The Black Birch, Inc.**
2. Doing Business As, if any: **The Black Birch**
3. Legal Entity's FEIN #: 46-1023520
4. Date of filing with Secretary of State: 07/23/12 State in which you are formed: ME
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Gavin Beaudry	Kittery, ME	03/26/81	President	45
Benjamin Lord	Dover, NH	09/13/77	Treasurer	45
Jake Smith	York, ME	11/20/75	VP	10

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

7. If Co-Op # of members: _____ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No
9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: See attached _____

Date of Conviction: _____

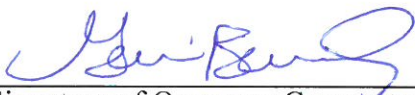
Offense: _____

Location of Conviction: _____

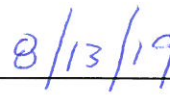
Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



Signature of Owner or Corporate Officer



Date

GAVIN BEAUDRY

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

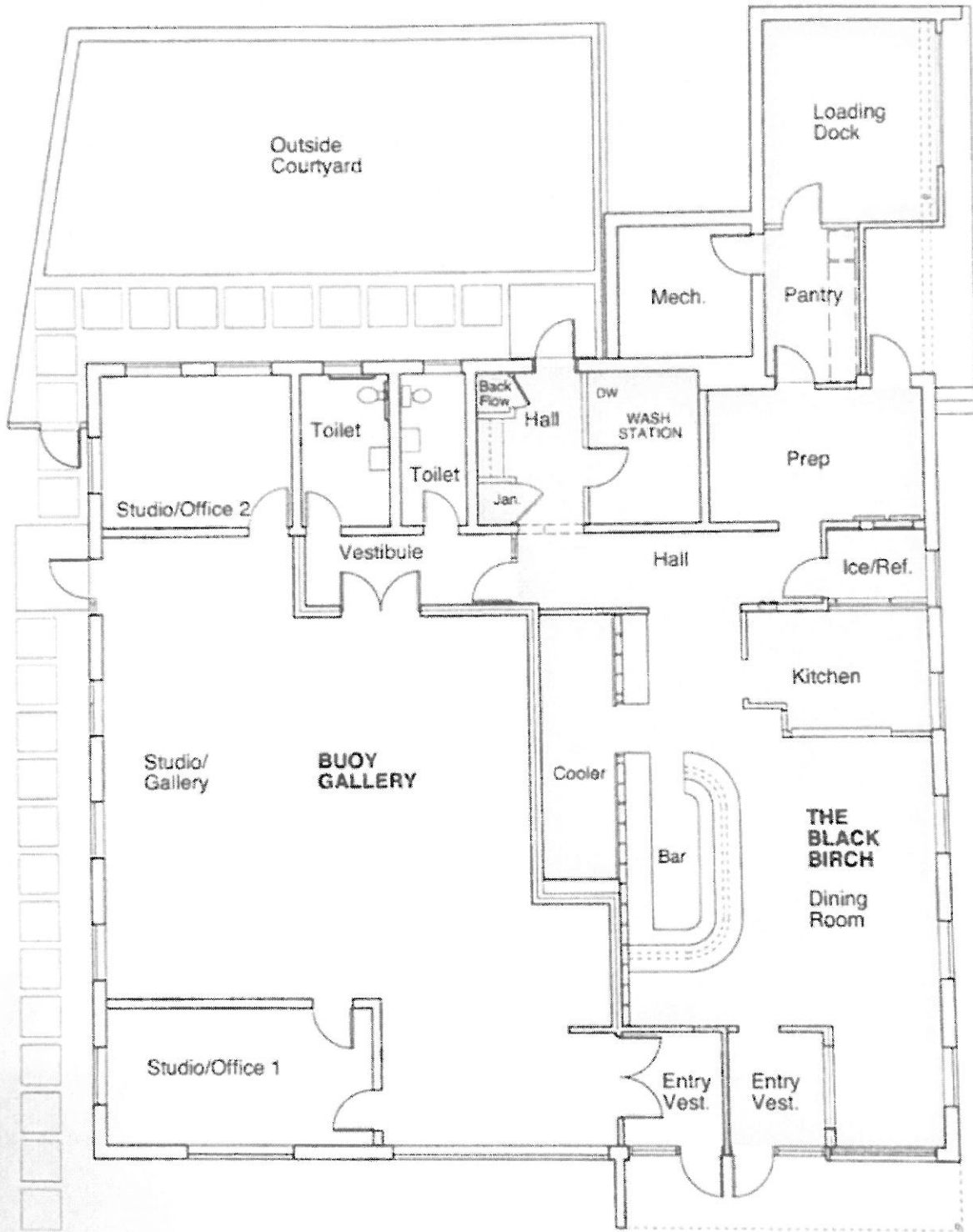
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

#12 & #9 of Corporate Information Required

Name: Benjamin Lord.....Date of Conviction: 10/21/05
Offense: DUI 1st Offense.....Location: Portsmouth, NH District Court
Disposition: Guilty

Name: Gavin Beaudry.....Date of Conviction: 08/21/03
Offense: Violation - Disorderly ConductLocation: Durham, NH District Court (now Dover)
Disposition: Guilty

Name: Jake Smith.....Date of Conviction: 04/16/19
Offense: OUI 1st Offense.....Location: York, ME District Court
Disposition: Guilty



FLOOR PLAN
2 Government Street



BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: 12/12/19

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date: _____ Business hours: 11:30-9PM Daily

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> 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 (Class I,II,III,IV) | <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> SELF-SPONSORED EVENTS |

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Rolling In the Mud LLC			Business Name (D/B/A) When Pigs Fly Pizzeria		
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location: 460 US Route 1		
		DOB:	City/Town Kittary	State ME	Zip Code 03904
Address 460 US Rte 1			Mailing Address 40 BRICKYARD CT		
			Same As Above? <input type="checkbox"/>		
City/Town Kittary	State ME	Zip Code 03904	City/Town YORK	State ME	Zip Code 03909
Telephone Number 207-438-7036		Fax Number 207-363-2511		Business Telephone Number 207-363-0612	
				Fax Number 207-363-2511	
Federal I.D. # 27-3936816			Seller Certificate #: or Sales Tax #: 1148785		
Email Address: Info@sendbread.com			Website: www.whenpigsflypizzeria.com		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:
 ROOMS \$ _____ FOOD \$ 1854,090 LIQUOR \$ 135,062

3. Is applicant a corporation, limited liability company or limited partnership? YES NO
 If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES NO

5. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location

6. If manager is to be employed, give name: Ryan S McNally City/Town York

7. Business records are located at: 40 BRICKYARD CT YORK ME 03909

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
RYAN STEPHEN McNally	9/16/88	YORK, ME
EMMA NAAMI Siegel	12/1/90	YORK, ME

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>RYAN McNally</u>	City: <u>DOVER</u>	State: <u>NH</u>
Name: <u>EMMA SIEGEL</u>	City: <u>KITTERY SOUTH BERWICK</u>	State: <u>ME</u>

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: ANDREW SIESEL / RYAN McNally Date of Conviction: 5/80 / 2007, 2008
 Offense: DUI / Possession Misdemeanor .. Location: ports mouth NH / Portland ME
 Disposition: FINE + SUSPENSION / FINE + FINE (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES NO

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) SAME AS LAST YEAR
SEE ATTACHED

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: _____

18. 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? 2.4 miles

Which of the above is nearest? School

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: York ME on 9/7/19, 2019
Town/City, State Date

PLEASE SIGN IN BLUE INK!

[Signature]
Signature of Applicant or Corporate Officer(s)
Andrew Sidge
Print Name

[Signature]
Signature of Applicant or Corporate Officer(s)
Ronald Sidge
Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only	\$ 700.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§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. [1993, c. 730, §27 (AMD).]

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. [1995, c. 140, §4 (AMD).]

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. [2003, c. 213, §1 (AMD).]

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. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

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; [1987, c. 45, Pt. A, §4 (NEW) .]

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; [1987, c. 45, Pt. A, §4 (NEW) .]

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; [1993, c. 730, §27 (AMD) .]

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; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

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 [2009, c. 81, §2 (AMD) .]

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. [2009, c. 81, §3 (NEW) .]

[2009, c. 81, §§1-3 (AMD) .]

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. [1993, c. 730, §27 (RP) .]

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. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

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.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**

See Attached



Division of Alcoholic Beverages and Lottery
 Operations
 Division of Liquor Licensing and Enforcement

**Corporate Information Required for
 Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Rolling In The Mud LLC
- Doing Business As, if any: When Pigs Fly Pizzeria
- Date of filing with Secretary of State: 12-21-10 State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Ronald Siegel	25 HARBOR HILL RD, YORK ME	9/9/58	President	50
Andrew Siegel	11 RAMS HEAD LN YORK ME 4 SNAP HOOK DRIVE YORK ME	3/3/62	Vice President	50

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

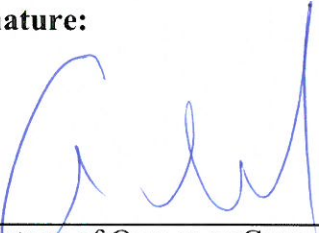
- If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No

8. If Yes to Question 7, please complete the following: (attached additional sheets as needed)

Name:	<u>Andrew Sicce 1</u>	<u>Ryan McNally</u>
Date of Conviction:	<u>5/80</u>	<u>2007 & 2008</u>
Offense:	<u>OUI</u>	
Location of Conviction:	<u>Bethel NH</u>	<u>Portland ME</u> <u>Portland ME</u>
Disposition:	<u>FINE & Suspension</u>	<u>FINE</u> <u>FINE</u>

Signature:



PLEASE SIGN IN BLUE INK

Signature of Owner or Corporate Officer

9/7/19
Date

Andrew Sicce 1
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

**TOWN OF KITTERY
WARRANT FOR MUNICIPAL ELECTION**

COUNTY OF YORK, SS

STATE OF MAINE

To Robert Richter, a constable (or resident) of this municipality:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Kittery of the election described in this warrant:

TO THE VOTERS OF THE TOWN OF KITTERY:

You are hereby notified that the **MUNICIPAL ELECTION** in this municipality will be held at the **KITTERY COMMUNITY CENTER**, 120 Rogers Road, on **NOVEMBER 5, 2019**, to determine the following:

To elect two members to the Town Council for three year terms.

To elect three members to the School Committee for three year terms.

BOND REFERENDUM

RICE PUBLIC LIBRARY EXPANSION, RENOVATIONS AND IMPROVEMENT

"Shall the Town of Kittery council be authorized to issue bonds in a total amount not to exceed \$5,000,000 for the purpose of funding costs to expand, renovate, and improve the Rice Public Library?"

Yes

No

Background

The Town of Kittery is seeking to expand, renovate, and improve the Rice Public Library. The project will result in a 21st century library that is consolidated into a single building, accessible to all visitors/ADA accessible; with space for collections, children, young adult, and adult programs, flexible community meeting and program space, technology to meet the evolving needs for information access, and adequate parking.

The construction and associated soft costs for implementation of the project are estimated to be \$5,000,000. Grants and private donations may be used to augment the project budget for enhanced building features, landscaping, furniture, fixtures, equipment and technology.

The Library is a department of the Town of Kittery, and all assets of the Library including the Rice Building and the Taylor Building are owned by the Town.

The debt will be general obligation bonds, funded through annual tax revenue. The estimated cost of interest, at 3%, is \$1,574,583, and the estimated total cost of principal and interest at maturity is \$6,574,583.

The total amount of bonds outstanding and unpaid is \$23,927,920. The Town's capital improvement program ("CIP") policy bonding limit, 2.5% of Total Valuation, is \$42,997,500. If the proposed bonds are approved, the Town will be at 67.3% of its total CIP policy bonding limit. The Town does not have authorized, unissued bonds.

The validity of the bond and of the voter s' ratification of the bond may not be affected by any errors in the estimate made pursuant to Town Charter 6.07 paragraph (2). If the actual amount of the total debt service for the bond varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond is not affected by reason of the variance.

The polls shall be opened at 8:00 a.m. and closed at 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.

The Registrar of Voters will hold office hours while the polls are open to correct any error, or change a name or address on the voting list; to accept the 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 23rd day of September, 2019.

A true copy

ATTEST: _____
TOWN CLERK

MUNICIPAL OFFICERS

V-A ✓

Town of Kittery
Ordinance Approving Additional Local Funds for School Budget
for Fiscal Year 2019-2020

(Note: If State's EPS Funding model is exceeded, State law requires a separate, recorded vote with a majority of full council in favor)

The Town of Kittery hereby ordains in accordance with the separate approval requirement of Title 20-A, section 15671-A(5)(B) that \$ 3,880,837.44 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$ 3,880,837.44 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$ 3,880,837.44 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$ 3,880,837.44 :

The \$ 3,880,837.44 is needed in order to sustain educational services and programs for all students K-12. These funds support teachers, staff development, guidance counselors, nurses, co-curricular activities, auxiliary personnel and administrators to maintain class sizes and quality of educational services as expected by the town. Additionally the school district actively pursues all available avenues to collaborate and consolidate services in order to offset the escalating costs of utilities, insurance and other fixed costs.

State Mandated Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

Approved: 9-3-19
KSC

* Hand Delivered to:
K. Estes
9-4-19

Kiwanis

www.kiwanis.org

September 6, 2019

Town of Kittery
Attn: Karen Estee
200 Rogers Road
Kittery, ME 03904

Dear Council Members,

The **Kiwanis Club of The Seacoast** is requesting permission from the Town to sponsor the annual Kittery Holiday Parade on Saturday – December 7, 2019 and to have the following Kiwanis Club member appointed as the Town’s Official Parade Committee:

Glen Philbrook

41 Love Lane

Kittery

The parade will start at Post Office Square at 3:00pm, follow the traditional parade route through the downtown area, and conclude at the **John Paul Jones Park** with the tree lighting ceremony.

Should the case of inclement weather, we would like to have a rain date of Sunday – December 8, 2019 at 3:00 pm as the backup plan.

The **Kiwanis Club of the Seacoast** has sponsored the parade since 1994 and is looking forward to another successful community event again this year.

If you should have any questions concerning the parade, please contact Glen Philbrook at cell 603-799-8453 or Dan Witham (contact information below)

Respectfully,

Daniel R Witham
Secretary
Kiwanis Club of the Seacoast
603-559-2614 w or 603-969-4694 c

Kiwanis Club of the Seacoast PO Box 285, Kittery, ME 03904
Frank Dennett – President Glen Philbrook – Immediate Past President
Dan Witham – Secretary Kim Marsh - Treasurer

September 17, 2019

Dear Town Council,

My name is Heather Renee Seward. I am writing to you on behalf of the Traip Athletic Boosters. I am requesting permission to have a banner flown in front of the Kittery Community Center. The banner is to promote the Traip Athletic booster craft fair. The craft fair is on November 9th, 2019. We would like to have the banner flown beginning October 21st through October 25th

.
Thank you for your consideration.

Heather Renee Seward
41 Seward Farm Lane
Kittery, ME 03904
207 467-5787

GENERAL ASSISTANCE ORDINANCE APPENDICES A-D & APPENDIX H 2019-2020

The Municipality of KITTERY adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2019—September 30, 2020. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 23rd (day) of SEPTEMBER (month) 2019 (year)
by the municipal officers:

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

Appendix A

Effective: 10/01/19-09/30/20

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	899	961	1,190	1,525	1,692
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,112	1,143	1,511	1,893	2,654

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	640	696	816	1,100	1,180
Franklin County	669	715	828	1,084	1,468
Hancock County	818	855	1,036	1,307	1,433
Kennebec County	752	777	969	1,273	1,360
Knox County	781	786	969	1,269	1,379
Lincoln County	849	869	1,038	1,326	1,541
Oxford County	748	752	920	1,299	1,511
Piscataquis County	645	700	865	1,144	1,373
Somerset County	699	733	942	1,228	1,316
Waldo County	801	855	979	1,316	1,676
Washington County	698	702	910	1,140	1,243

* Please Note: Add \$75 for each additional person.

2019-2020 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2019, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 45.12	\$ 194
2	82.56	355
3	118.37	509
4	150.23	646
5	178.60	768
6	214.19	921
7	236.74	1,018
8	270.70	1,164

Note: For each additional person add \$146 per month.

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	574	156	671
1	133	574	156	671
2	167	720	206	886
3	211	908	260	1,117
4	224	964	284	1,221
<u>Portland HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	218	938	241	1,035
1	232	999	262	1,127
2	298	1,282	337	1,448
3	404	1,737	453	1,946
4	477	2,052	537	2,309
<u>Sagadahoc Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	153	658	176	755
1	168	723	198	851
2	193	832	232	998
3	262	1,125	310	1,334
4	305	1,311	365	1,568
<u>York Cty. HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	174	748	197	845
1	179	769	209	897
2	220	946	259	1,112
3	285	1,225	333	1,434
4	308	1,326	368	1,583
<u>York/Kittery/S. Berwick HMFA</u>				
	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	961	246	1,058
1	223	961	251	1,079
2	295	1,267	333	1,433
3	370	1,593	419	1,802
4	532	2,288	592	2,545

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.