



# TOWN OF KITTERY

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

**MDOT - WORKSHOP**  
Council Chambers – 5:00p.m.

September 9, 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. (090119-1) The Kittery Town Council moves to hold a public hearing on Title 10 – 4 Way Stop Signs and Designated 1 Ways.
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS -
13. NEW BUSINESS
  - a. Donations/gifts received for Council disposition -
  - b. (090119-2) The Kittery Town Council moves to approve the disbursement warrants.

- c. (090119-3) The Kittery Town Council moves to establish an overlay amount of \$\_\_\_\_\_, resulting in a mill rate of \_\_\_\_\_ mills, and to charge an interest rate of 7% per annum on past due accounts and an interest rate of 3% on overpayment of property taxes, and confirms the dates of October 31, 2019, February 15, 2020 and May 31, 2020, as the due dates for property and personal property taxes.
- d. (090119-4) The Kittery Town Council moves to approve a renewal Liquor License application for Navy Yard Bar & Billiard 182 State Road.
- e. (090119-5) The Kittery Town Council moves to approve a Special Activity Amusement permit for Navy Yard Bar & Billiard 182 State Road.
- f. (090119-6) The Kittery Town Council moves to approve a renewal Liquor License application from Tulsi 20 Walker Street Kittery.
- g. (090119-7) The Kittery Town Council moves to approve the recommendation of John McCollett to the Kittery Port Authority for a term of 5 years to expire 12/31/2024.
- h. (090119-8) The Kittery Town Council moves to approve the recommendation of Jan Lamont-Rodonets to the Kittery Community Center Board of Directors for a term of 3 years to expire 12/31/2022.
- i. (090119-9) The Kittery Town Council moves to appoint a representative to meet with a member of the Kittery Port Authority to interview John True for appointment to that board.
- j. (090119-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the November 5, 2019 Municipal and State Referendum Elections.
- k. (090119-11) The Kittery Town Council moves to schedule a public hearing to Amend Title 10 – No Parking at Walker and Main Streets.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

- a. (090119-12) The Kittery Town Council moves to go into executive session in accordance with 1 M.R.S., §405 (6) (A) to conduct the Town Manager's annual evaluation.

17. ADJOURNMENT

Posted: September 5, 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 9, 2019

1. **Passing of Joshua Lefebvre** – The Town recently lost a beloved member of the DPW team. Josh Lefebvre passed away earlier this week, while on vacation with his family. He was only 22 years old.

Josh has been a member of the team since July of 2016. He started at the Resource Recovery Facility then moved over to Highway. Known around the garage as “Munchie”, Josh was so vibrant and full of joy. He would gladly talk to anyone, and was a confident and personable young man. There is no question he will be missed throughout town.

2. **375<sup>th</sup> Kittery Celebration/Maine Bicentennial** – We concluded the survey seeking ideas for events and activities to commemorate the Town's 375<sup>th</sup> and the State's 200<sup>th</sup> anniversaries of incorporation. Attached is the summary of survey results. I would like to form an ad hoc committee to spearhead the planning of the celebrations, and am seeking Counsel consensus and direction as to whether the Council would like the Committee to be a Town Manager ad hoc committee or for it to be a Council committee.
3. **York Border** – The Town of York Selectmen have requested the Town of Kittery work with them to address perceived issues with the long-standing town borders. This matter is believed to have been raised by a property owner whose land is both in Kittery and York. An alteration to the border would place the majority of his property in York and provide him with potentially more favorable development opportunities. We have offered to meet with the property owner and the Town of York staff to discuss his development plans and work collaboratively to address any issues. That offer has not been acted on. The property owner's attorney met with Town staff last year, but they only wanted to discuss moving the Town boundary.

State Law (MRS 30-A §2852) addresses disputed boundary lines (see attached). I would recommend the Council identify a member to work directly with me and the Town Attorney on a response to the letter and on any next steps as may be appropriate.

4. **Safford School** – In fall of 2017, Councilor Thomson and I met with a number of residents interested in reengaging on the Safford School disposition effort. The meeting covered the history of the building, and the options and limitations for future use. In the past four months we have had at least two interested parties contact us informally about possible disposition and/or use of the property. I am seeking Council consensus on whether to reissue an RFP for use of the facility.
5. **New Hires** – Please help me in congratulating Dave Evans on his new assignment as Assistant Code Enforcement Officer. Dave has been with the Town since 2011, starting as a seasonal DPW employee and most recently serving as Crew Chief at the Resource Recovery Facility. He has also assisted me on special projects as an intern, specifically assisting with our recreational marijuana law review. His talents, education, and commitment to service made him the ideal candidate.

**Upcoming Dates:**

- Absentee Ballot Applications Available – Town Clerk’s Office
- Kittery Drive Electric Celebration – September 14, 9AM – 12PM, Rice Public Library
- Emery Field Phase 2 Public Meeting – September 19, 6PM, Council Chambers
- Candidate Night – October 22, 6PM, Council Chambers
- Rice Library Renovation/Expansion Informational Meeting – October 9, 6PM, Council Chambers

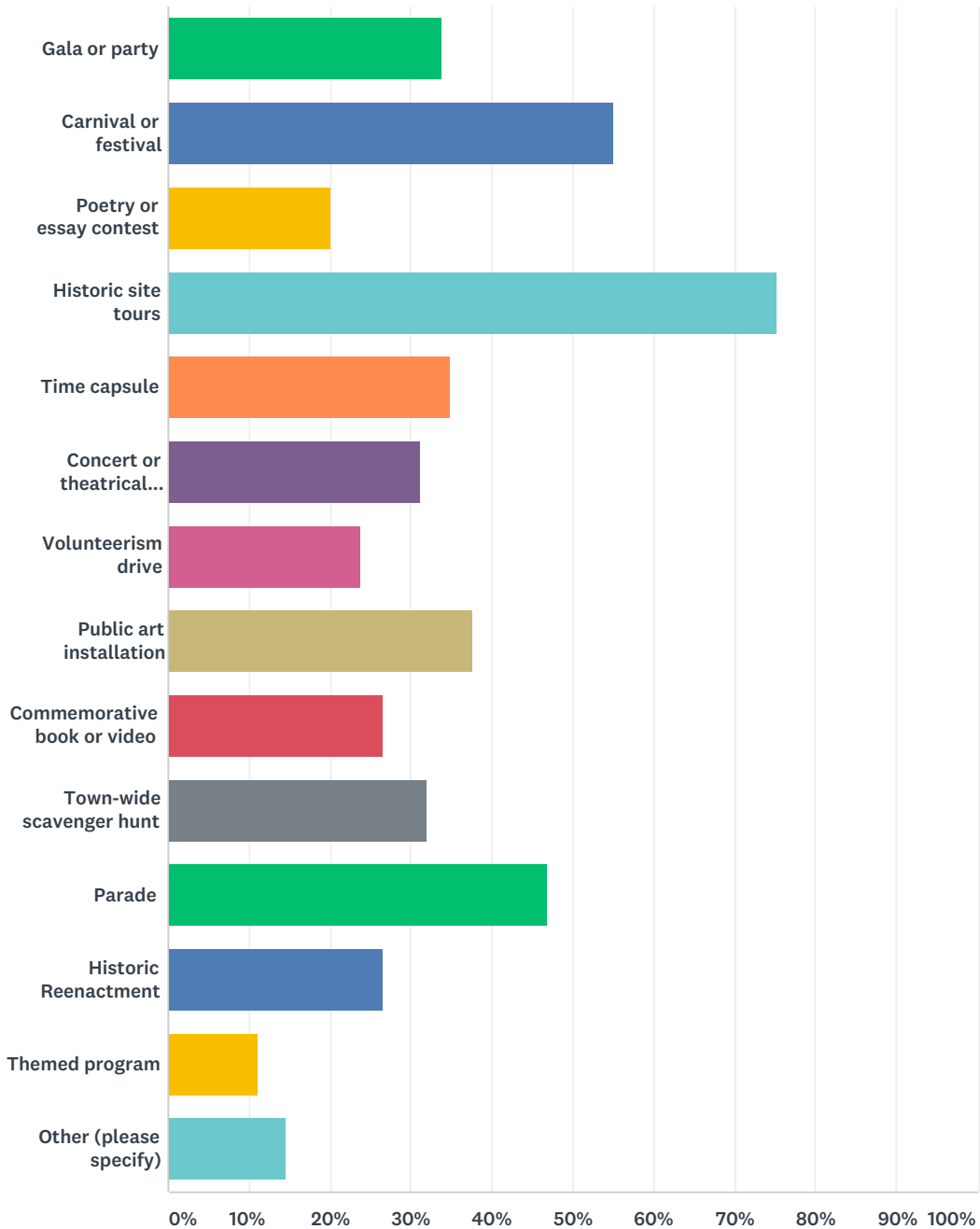
Respectfully Submitted,

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

Kendra Amaral  
Town Manager

# Q1 What TYPES of ACTIVITIES do you think Kittery should have TO CELEBRATE its 375th year of incorporation as a town?

Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES
Gala or party	33.94% 37
Carnival or festival	55.05% 60
Poetry or essay contest	20.18% 22
Historic site tours	75.23% 82

## Kittery 375th Celebration

Time capsule	34.86%	38
Concert or theatrical performance	31.19%	34
Volunteerism drive	23.85%	26
Public art installation	37.61%	41
Commemorative book or video	26.61%	29
Town-wide scavenger hunt	32.11%	35
Parade	46.79%	51
Historic Reenactment	26.61%	29
Themed program	11.01%	12
Other (please specify)	14.68%	16
Total Respondents: 109		

#	OTHER (PLEASE SPECIFY)	DATE
1	Themed Art contest Historic walk through Foreside... we have an attached outhouse and pass through kitchen in our 1842 house.... more interesting historic sites can be seen around Kittery Foreside.	8/10/2019 11:12 AM
2	photography contest of kittery, tour of private historic homes, a community-wide day of giving back	8/7/2019 12:28 PM
3	Fireworks	6/27/2019 7:37 AM
4	All inclusive if appropriate	6/27/2019 7:16 AM
5	LL Bean Boot, make it a theme of the block party and add the Sunday.	6/20/2019 4:04 AM
6	Tax rebates!	6/20/2019 4:01 AM
7	Some of kind of survey that unofficially tries to document how many current Kittery residents can trace family to 17th c. The number is probably higher than thought.	6/11/2019 5:14 AM
8	Blessing of the lobster fleet from the bridge to Badgers Island , with prior ceremony of historic reflection, at Jones Park flagpole. Kittery clergy participating. This event type typical of most towns with maritime histories.	6/9/2019 5:27 AM
9	There should be some sort of celebration.	6/5/2019 4:25 AM
10	street fest	6/4/2019 7:45 PM
11	I love the idea of bringing artists and cultural workers together to mark the occasion. Maybe also historians or biologists. I'm also thinking about the fact that we can't ignore the indigenous population, that called this place home, before settlers arrived. How can this part of the history be acknowledge in a way that feels genuine rather than token?	6/4/2019 11:30 AM
12	Waterfront re-enactment, a town lobster festival, invite President Trump to attend	6/4/2019 10:44 AM
13	Historic site tours that EXPAND public understanding of everyday life in the Kittery of the past. Not tours of famous people's homes or the forts. For example, what was it like to take a ferry across the river to Portsmouth? Where did it leave from? What about taking a trolley to york beach? Did people build their own houses or hire someone? When did residents stop using thatch rooves? Stop burning wood and start burning coal? What about the sleeves that supposedly used Stan and Heidi's purple house on government street to cook for Samuel badger or his ancestors?	6/4/2019 7:54 AM



## Kittery 375th Celebration

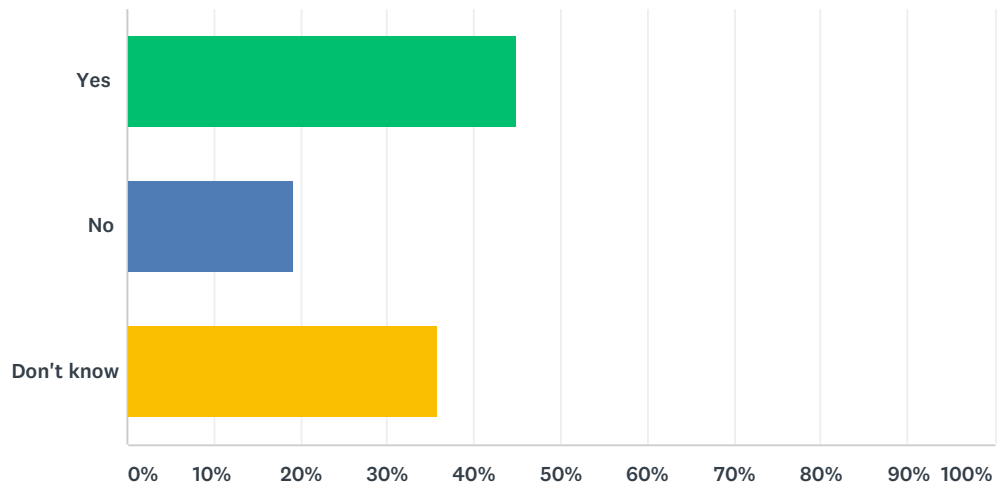
---

14	(Time capsule only if it is done by kids as part of a school learning module or some group of people who aren't usually involved in town activities and might benefit from feeling like part of the history.) I think it is extremely important to find ways to help the public recognize that there were people for whom the area was home prior to colonization by Europeans. Partly this is a matter of respect, but also it can help current residents think about the longer term past of the town, and how that might inform its longer term future. Otherwise, it is easy for this kind of commemorative event to portray European settlement as the only important historical focus. If done thoughtfully, it might instead become an opportunity to gently raise questions of social diversity and environmental stewardship.	6/4/2019 7:40 AM
15	Save \$\$ by doing nothing!	6/4/2019 7:34 AM
16	Adult and youth field day	6/4/2019 7:23 AM

---

## Q2 Do you think the TOWN should incorporate the CELEBRATION of MAINE'S BICENTENNIAL in its planning?

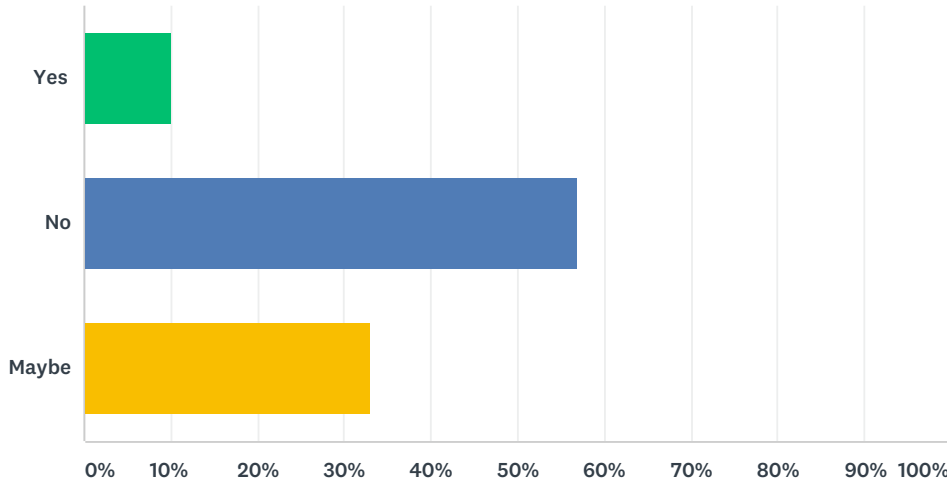
Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	44.95%	49
No	19.27%	21
Don't know	35.78%	39
TOTAL		109

### Q3 Are you INTERESTED in SERVING on a PLANNING COMMITTEE for the 375th Celebration? (If yes, please provide contact information at the end of this survey.)

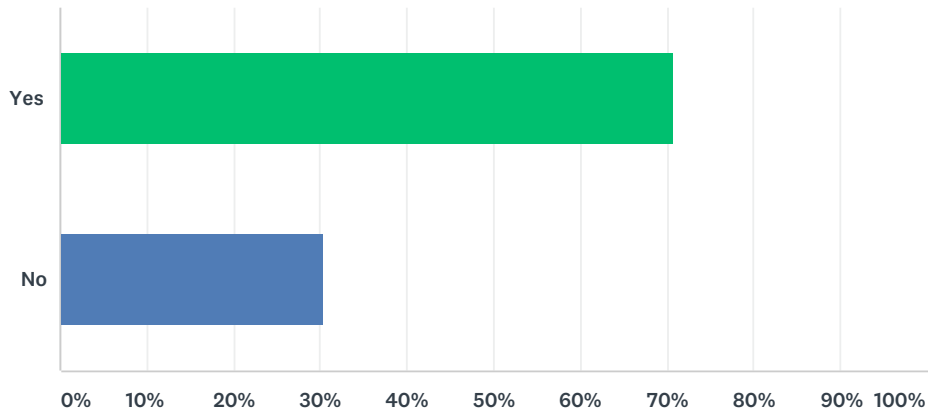
Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	10.09%	11
No	56.88%	62
Maybe	33.03%	36
TOTAL		109

### Q4 Would you like to RECEIVE INFORMATION about events or activities planned for the 375th Celebration? (If yes, please provide contact information at the end of this survey.)

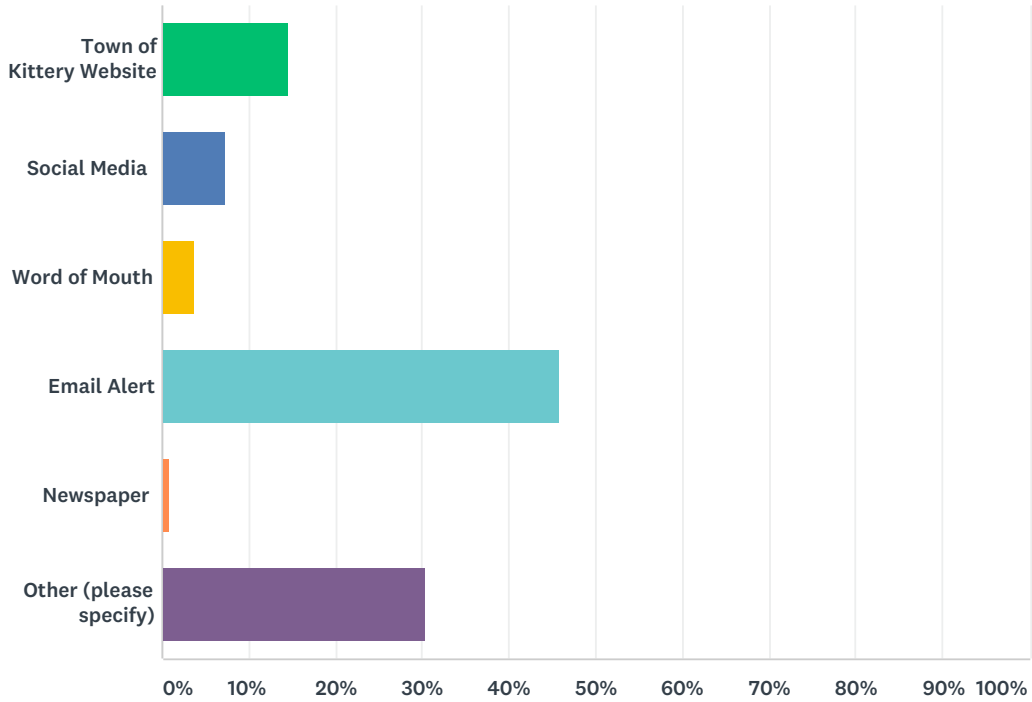
Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	70.64%	77
No	30.28%	33
Total Respondents: 109		

## Q5 How did you HEAR about this SURVEY?

Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES	
Town of Kittery Website	14.68%	16
Social Media	7.34%	8
Word of Mouth	3.67%	4
Email Alert	45.87%	50
Newspaper	0.92%	1
Other (please specify)	30.28%	33
Total Respondents: 109		

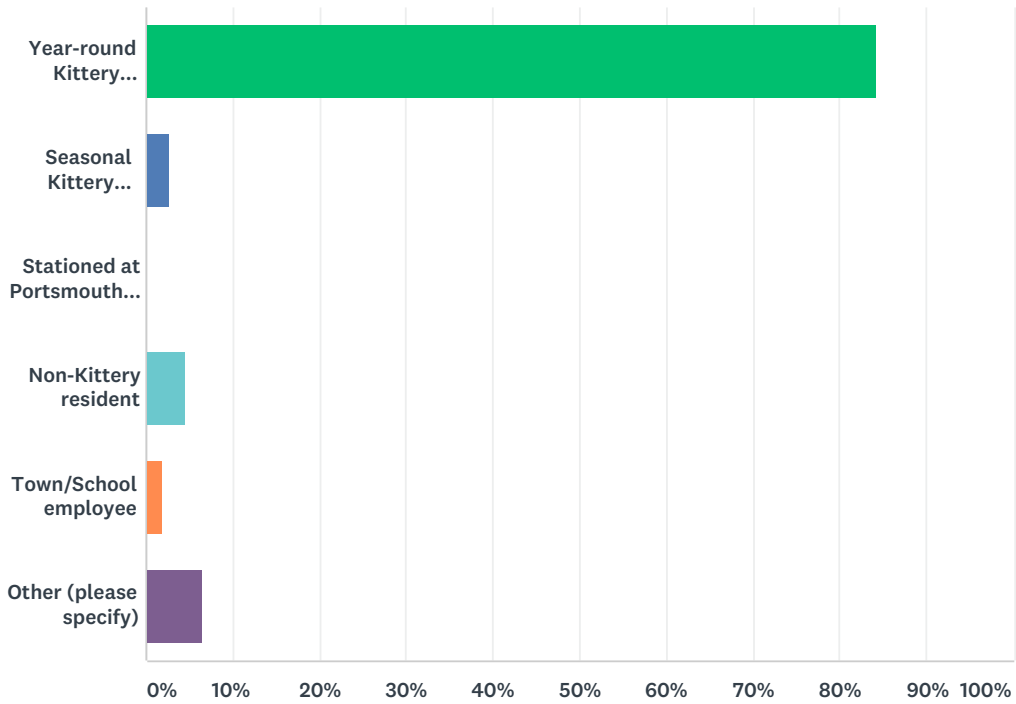
#	OTHER (PLEASE SPECIFY)	DATE
1	KCC	8/22/2019 6:18 AM
2	KCC	8/14/2019 10:15 AM
3	KCC	8/14/2019 10:13 AM
4	KCC	8/14/2019 10:12 AM
5	You mean this event.... I saw a suggestion box at the town managers secretary area.	8/10/2019 11:12 AM
6	York Chamber of Commerce	8/7/2019 12:28 PM
7	York Chamber e-newsletter	8/6/2019 10:41 AM
8	Twitter	7/24/2019 5:12 AM
9	KCC	7/23/2019 11:34 AM

## Kittery 375th Celebration

10	KCC	7/23/2019 11:18 AM
11	KCC	7/23/2019 11:17 AM
12	Front desk at Town Hall	7/23/2019 11:16 AM
13	KCC	7/23/2019 11:13 AM
14	Rice Public Library	7/1/2019 8:05 AM
15	Kittery Courthouse	7/1/2019 8:04 AM
16	Neighbor posted on my lobby bulletin board	7/1/2019 8:03 AM
17	KCC	6/27/2019 7:37 AM
18	KCC	6/27/2019 7:34 AM
19	KCC	6/27/2019 7:33 AM
20	KCC	6/27/2019 7:32 AM
21	KCC	6/27/2019 7:19 AM
22	Saw a sign at the desk	6/27/2019 7:16 AM
23	Teacher's Room at the Library	6/25/2019 8:27 AM
24	Rice Public Library	6/20/2019 4:04 AM
25	Rice Public Library	6/20/2019 4:02 AM
26	Rice Public Library	6/20/2019 4:01 AM
27	Rice Public Library	6/20/2019 4:00 AM
28	Town meeting	6/17/2019 3:16 PM
29	Kittery Community Center email	6/10/2019 4:47 PM
30	Kittery community center	6/10/2019 12:41 PM
31	Town employee	6/10/2019 11:03 AM
32	Walked into Town Hall	6/10/2019 11:02 AM
33	Town of Kittery email	6/4/2019 9:13 AM

## Q6 Which best describes YOU?

Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES
Year-round Kittery resident	84.40% 92
Seasonal Kittery resident	2.75% 3
Stationed at Portsmouth Naval Shipyard	0.00% 0
Non-Kittery resident	4.59% 5
Town/School employee	1.83% 2
Other (please specify)	6.42% 7
<b>TOTAL</b>	<b>109</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	We are in the process of buying a home but won't move full time for a couple of years.	7/17/2019 3:41 PM
2	steward of my grandfather's home (landlord) and lover of kittery (	6/10/2019 4:25 PM
3	Grew up in Kittery, still have family here.	6/10/2019 11:02 AM
4	Property owner	6/5/2019 4:51 PM
5	Former Kittery resident	6/4/2019 10:51 AM
6	Landlord of property in forside district	6/4/2019 8:20 AM
7	year round resident for the past 23 years	6/4/2019 8:18 AM

Kittery 375th Celebration

Q8 Please provide any ADDITIONAL THOUGHTS you have about the 375th Celebration.

Answered: 20 Skipped: 89

#	RESPONSES	DATE
1	Invoice the Kittery Historical and Naval Museum as they are our "history experts".	8/22/2019 6:18 AM
2	Invite someone from Devon , England that would represent the town to come to Kittery during this event. Ask for locals to accommodate a few... in order to keep the budget in control.	8/10/2019 11:12 AM
3	Event Website or landing page.	7/24/2019 5:12 AM
4	Looking forward to a fun celebration.	7/17/2019 3:41 PM
5	Use the museum's info and enthusiasm.	6/27/2019 7:32 AM
6	Keep it simple, meaningful and appropriate for all ages.	6/27/2019 7:16 AM
7	Just add a day to the Block Party and you're done - seriously!	6/20/2019 4:04 AM
8	Thank you for our leaders who work for our town. I hope our town will have a great success this coming year!	6/20/2019 4:00 AM
9	It would be positive to include students in planning events or in doing background research about the town.	6/13/2019 10:51 AM
10	Fingers crossed, it will coincide with opening of expanded and renovated library, and could include cross-over events.	6/11/2019 5:14 AM
11	Maybe the celebration could be combined with the block party	6/10/2019 4:47 PM
12	I remember when the Town celebrated the 325th. We had activities in school, and athletic competitions for kids with special commemorative medals.	6/10/2019 11:02 AM
13	Memorabilia should be made for those wishing to purchase. Events throughout the year at Kittery Historic Museum, Fort Foster, Fort McClary, John Paul Jones Park, Schools, Community Center, Library and PNSY. Children could design a history coloring book that could be sold. Perhaps a mural on Key Bank's wall. Various businesses and folks in town could offer history lessons about their part of town. Perhaps the Kittery Historical Museum could be the primary coordinator.	6/5/2019 6:44 PM
14	Thank you for soliciting suggestions.	6/4/2019 11:30 AM
15	Do not make this a political event.	6/4/2019 10:44 AM
16	Events should be family friendly and open to all income levels	6/4/2019 8:18 AM
17	Hope we'll be celebrating the role of the common man and woman in our town and our states history, not retracing the same tired stories about a few wealthy gentlemen.	6/4/2019 7:54 AM
18	see above	6/4/2019 7:40 AM
19	Free admission to Forts Foster and McClary for Kittery residents the week or month of the celebration would be a nice bonus.	6/4/2019 7:28 AM
20	How exciting!	6/4/2019 7:10 AM





*Town of York*  
186 York Street  
York, Maine 03909-1314

August 26, 2019

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-4444

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

www.yorkmaine.org

Judy Spiller, Chair  
Kittery Town Council  
Kittery Town Hall  
200 Rogers Road  
Kittery, ME 03904

RE: York-Kittery Border

Dean Judy,

The York Board of Selectmen believe the border shared by York and Kittery is a straight line, as established in 1653. They find the meandering line shown on tax maps and other current maps is inconsistent with the legally established border. As such, the Board of Selectmen request that the Kittery Town Council work with us to identify the proper straight-line border, or to acknowledge this as a contested boundary so the matter can be settled by the Superior Court.

Since reaching out almost a year ago on this matter, we were made aware of new information which is directly relevant. The Town received a copy of a report which settled a contested border between York and Eliot back in the early 1990s. When the border was originally established, Eliot didn't exist and the border in question was actually a portion of the York-Kittery border. The findings of that matter document the history of the border we currently share. A copy is attached. It is our belief that the resolution to a contested border would be drawn in large part from the prior report and would result in a straight-line border.

I look forward to your response.

Sincerely,

Todd Frederick, Chair  
York Board of Selectmen

enc: Commissioner's Report on the Town Boundary Common to the Town of Eliot  
and the Town of York

**Maine Revised Statutes**  
**Title 30-A: MUNICIPALITIES AND COUNTIES**  
**Chapter 129: TOWN LINES**

**§2852. DISPUTED BOUNDARY LINES**

When a controversy over a boundary line exists between adjoining municipalities, either may file a complaint with the Superior Court stating the facts and requesting that the line be run. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Commissioners appointed.** The court, after due notice to all parties, shall appoint 3 commissioners.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Ascertain and describe line.** The commissioners, after giving the interested municipal officers at least 10 days' written notice of the time and place of meeting, shall ascertain the line and describe it by courses and distances.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Temporary markers.** The commissioners shall set temporary markers to indicate the established line.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**4. Report.** The commissioners shall report their proceedings to the court.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**5. True line.** When the court accepts the report, the line established by the commissioners becomes the true line for every municipal purpose, and the court shall order the interested municipalities to replace the temporary markers with monuments as provided in section 2851, subsection 7.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**6. Expense.** Each municipality shall pay an equal share of the expense of erecting monuments.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**7. Compensation of commissioners.** The court shall allow the commissioners a proper compensation for their services and issue a warrant for its collection from the interested municipalities in equal proportions.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Special Session of the 128th Maine Legislature and is current through November 1, 2018. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.



1  
2  
3  
4  
5  
6

**Kittery Town Council  
Regular Meeting  
March 11, 2019 – 7:00 p.m.  
Council Chambers**

7 1. Call to Order: Chairperson Spiller called the meeting to order at 6:03 p.m.

8 2. Introductory: Chairperson Spiller read the introductory.

9 Chairperson Spiller said at this time she would like to turn the meeting over to Councilor Denault.

10 Councilor Denault said that on Friday, March 1<sup>st</sup>, Capt. Barnes lost his life saving others in a fire in  
11 Berwick. He said Capt. Barnes served as a per diem medic for the Acton Fire Dept. and with the York  
12 Ambulance. He said he would like a moment of silence for Capt. Barnes to reflect on the sacrifices our  
13 public safety personnel risk for us.

14  
15 *Everyone paused for a moment of silence.*

16  
17 Chairperson Spiller said she would like to thank the Kittery Fire Dept. as they have provided emotional  
18 and other support to Capt. Barnes' family and we deeply appreciate the work they do and thank them.

19  
20 3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.

21 4. Roll Call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey  
22 Thomson, Cyrus Clark, Kenneth Lemont, Vice-Chair Matthew Brock and Chairperson Judith Spiller.

23 5. Agenda Amendment and Adoption: Chairperson Spiller asked if there were any amendments to  
24 the agenda, and hearing none, cast one vote to accept the agenda as presented.

25 6. Town Manager's Report: Town Manager Amaral reported that Chief O'Brien reviewed the  
26 contract between Stewart Ambulance Services, which bought out American, to see if the contract would  
27 meet our expectations and recommended that the town transfer the remainder of the contract to Stewart  
28 Ambulance Services. She said they will abide by the same terms and lease terms for the Walker St.  
29 building and her understanding is that there will be no staff turn-over. She said they have the same  
30 contact information with them they used to have.

31 Town Manager Amaral reported that the Library Memo of Understanding Workshop was productive, and  
32 based on the discussion, the revision reflects the ideas that were discussed at the workshop. She said  
33 they discussed the proposal and is seeking a consensus from Council to bring to the Library Board  
34 regarding the disposition of the trust fund.

35 Town Manager Amaral said that she, the Police Chief, Fire Chief, Director of Planning and Development  
36 and the Director of Public Works met with the residents of Badger's Island to discuss the parking issues.  
37 She said they will be scheduling meetings and will develop options that may work.

38 Town Manager Amaral said that Government Street Wharf improvement project has been moving  
39 forward – they got all the permits. She said the seawall is being replaced with cast concrete. She said  
40 they need to be out of the high-water tide line by April 9<sup>th</sup>. She said they can work on the decking above  
41 the water line and are on schedule. She said it should be substantially completed by May 30<sup>th</sup> but be  
42 done by June.

43 Town Manager Amaral said, regarding John Paul Jones Park, the Governor signed off and will start their  
44 due diligence as required. She said they are moving forward.

45 Town Manager Amaral said that Dave Rich is not aware of any rule regarding “no idling” at the Resource  
46 Recovery Facility that was adopted. She said they do need to idle in the winter and the residents may  
47 not be pleased.

48 Town Manager Amaral read some upcoming dates: March 29<sup>th</sup> Kittery Has Talent, 4 pm, Shapleigh  
49 School, Celebrity Chef April 9<sup>th</sup> 8:00 am at the Kittery Community Center and April 15<sup>th</sup> the Recycling  
50 Scholarship applications are due as well as the Mooring Renewal applications with the Harbormaster.

51  
52 Chairperson Spiller asked if the Town Manager wanted input now on the consensus and she replied yes.

53  
54 Chairperson Spiller said her sense is that they all agree on the items with exception of the remainder of  
55 the Arabella Rice Trust.

56  
57 Councilor Thompson said he believed that was the general consensus of both groups.

58  
59 Councilor Clark said he thought they were not in agreement with Council.

60  
61 Chairperson Spiller said they will talk about our agreement regarding the remainder of the trust.

62  
63 Councilor Thomson said his position is unchanged from last Monday. He said \$62,500 of the original  
64 trust fund of Arabella Rice will be turned over to the town on July 1<sup>st</sup>, and that all assets would be turned  
65 over.

66  
67 Councilor Pelletier said during our conversation it was our general agreement that we maintain the  
68 capability, and will ensure that, the Library’s operations would not be negatively impacted. He said it  
69 seems we were more or less behind that.

70  
71 Councilor Thomson said the Board of Directors is a non-profit corporation and would limit activities in the  
72 future to fundraising, obtaining grants and final contribution but did not reach an agreement. He said that  
73 the Board of Directors wants to maintain the Arabella Rice Trust and the Council felt it came with the  
74 building.

75  
76 Councilor Thomson said that, in his opinion, they should submit to such an active group, working on  
77 behalf of the library in the future, it does make sense that the funds remain with them. He said the  
78 money is going to be used for Library programs and he supports services or potential repairs long-term.  
79 He said the group has been managing the operations for many years and he does not see a problem  
80 going forward in that direction.

81  
82 Councilor Thomson said they are very close to finalizing what ought to be a dear gift to the town and  
83 asked Council to help move this forward across the finish line.

84  
85 Vice-Chair Brock said, as a follow-up to the point made by Councilor Brock, he agrees that trust is clearly  
86 in the relationship. He said it has been challenged, but the Board of Directors will conclude and the other  
87 two items we will accept as discussed. He said if that is the case, he would allow Councilor Pelletier’s  
88 comments to let the Library keep the money. He said it is import they we have agreement on trust and is  
89 hopeful he will hear from the Board of Directors.

90  
91 Councilor Denault said he wants to make sure that everyone has spoken to this. He said he agrees with  
92 Councilor Thomson and Councilor Pelletier. He said he thought there is a balance and they have to work  
93 through the process and allowed \$100,000 on preliminary plans for the library.

94  
95 Town Manager Amaral pointed out that \$100,000 is for the Library this year and \$400,000 for next.

96

97

98 Councilor Denault said he agrees with the other comments and asked what are the pros and cons?  
99 Town vs. Board of Directors, maybe 50-50. He said a lot of ideas have been brought to the table and  
100 thought there should be a blended sharing responsibility.

101

102 Councilor Lemont wanted to know where did this money actually come from. He said when the Trust  
103 was established, has all the money been exhausted. He asked if this money is from fund raising?

104

105 Town Manager Amaral said she believed it is the original trust fund money, but she does not know if the  
106 funds have been added.

107

108 Councilor Lemont said the thought that money is linked with the building and that he shared in Councilor  
109 Denault's thoughts.

110

111 Chairperson Spiller said she liked Councilor Denault's approach, splitting the difference, and investing ½  
112 a million dollars, which is a lot of money. She said it would be nice to see money that came with the  
113 original trust, go back in. She asked the Town Manager where does the money go.

114

115 Town Manager Amaral responded it is recommended it goes into another fund that is a revolving reserve  
116 account to use for the upkeep until the renovations are done. She said her understanding is that it will  
117 stay with the Library.

118

119 Chairperson Spiller asked how does Council feel about that.

120

121 Councilor Pelletier replied they discussed this and it's like offering their lunch and now we want to make  
122 money to go with it. He said they are giving one million dollars-worth of real estate. He thought the  
123 funds should be sitting in their account to use to support and fund Library operations and demanding that  
124 we control it seems like a bit of a reach.

125

126 Chairperson Spiller said the Library benefits from becoming a Town Department and she did not think  
127 that they are taking their lunch. She said tomorrow, when the Transition Committee meets, there has to  
128 be additional clarity and one question she hopes to get direction on is the understanding the Library  
129 Board continue in their 501-c (3) capacity for grants and fundraising, but the Friends of the Library is  
130 another 501-c (3) which also does that. She said on the surface, it would look like there are two 501-c 3's  
131 going after the same pot of money.

132

133 Chairperson Spiller said maybe, during that meeting tomorrow, if that is their desire, they provide  
134 expansive thought on how they see themselves as different from the Friends of the Library.

135

136 Councilor Thomson had a question for the Town Manager, through the Chair, and asked when does the  
137 ambulance contract expire.

138

139 Town Manager Amaral answered June 30, 2020.

140

141 7. Acceptance of Previous Minutes – None

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

143 9. All items involving the town attorney, town engineers, town employees or other town consultants  
144 or requested officials.

145 10. PUBLIC HEARINGS - None

146 11. DISCUSSION:

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

148 Julia O'Connell said she is a Board member of the Kittery Energy Savings Advisory Committee (KESAC)  
149 and wanted to give an update on the work achieved by the Energy Committee on LED Street Lights  
150 conversion.

151

152 Ms. O'Connell said that, for the past year, re-created as a committee, and worked on energy-efficient  
153 issues. She said they have nine individuals and two members researched options and found the 2000  
154 energy audit of the town as a whole. She said they promoted the LED savings of over \$92,000.

155

156 Ms. O'Connell said KESAC created the "Bulb Swap Out" which is a very successful program. She said  
157 the NY Times announced a significant decrease in energy use by not replacing light bulbs.

158

159 Ms. O'Connell said KESAC coordinated an analysis on solar panels on five Town buildings and noted  
160 that the Comprehensive Plan prioritizes energy savings through measures like these.

161

162 Ms. O'Connell said she is looking forward to working with the Town as part of the Climate Adaption  
163 Change Committee. She said they are looking for five citizen representatives.

164

165 Jim Knowles said that he had information from the Dept. of Marine Resources on January 8<sup>th</sup> that they  
166 required a survey of their property. He spoke about a bill sponsored by Rep. Rykerson that will affect 26  
167 land owners. He said it will confiscate private land but all land will be at risk.

168

169 Mr. Knowles appreciates the efforts of the Town Manager and thanked Councilor Denault for attending  
170 the hearing. He said he will keep the Town Council apprised of this issue as it affects property owners'  
171 rights.

172

173 Filomena Knowles said that Rep. Dean Rykerson called this draft bill LD723 An Act to Enhance  
174 Submerged Resource Management of Lands Beneath Impounded Waters, but added "Spinney Creek  
175 Shellfish" but if they get the lease it is in sub-tidal waters which never was disputed.

176

177 Mrs. Knowles said that originally it was low water mean tide, and the inter-tidal is owned by us. She said  
178 Rep. Rykerson would have to seek legal advice. She read a statement, and quoted that the government  
179 cannot take private property without compensation. She said the Maine Forest Product Corp. and MMA  
180 have opposed the bill and Rep. Rykerson has requested that the committee postpone their work session  
181 on the bill.

182

183 Mrs. Knowles said the hearing will be held March 12<sup>th</sup> at 2:00pm in Rm. 214 of the Cross Building in  
184 Augusta.

185

186 Kathy Lamoine, One Salt Creek Way, said this act in Augusta is looking to take submerged lands and  
187 Council is aware of this. She said this will involve writing a letter, which would mean a lot to us, since it  
188 will affect our deeds and property values. She said those of those who have land will have to be notified  
189 but there will be issues with tax assessments.

190

191 Norm Lamoine said he cannot add much to what Mr. and Mrs. Knowles has said. He said on behalf of  
192 the "Friends of Spinney Creek" 400 signatures were on the petition. He thanked the Town Council and  
193 Town Manager, who have been very supportive and fair and impartial in this case. He thanked others  
194 who have testified at hearings and issued calls to State-wide offices. He said at this point in the process,  
195 he is not sure what he can do to protect his property rights.

196

197 Jeff Brake said that the Recycling Scholarship applications are available March 15<sup>th</sup> and closes April 15<sup>th</sup>.  
198 He said they are open to any college student with a GPA from January or December of last year. He  
199 said one check will be issued and will go before Council at the last meeting in June. He said people can  
200 get applications at the Town Hall from the Deputy Clerk, Rice Public Library or Superintendent's office  
201 and that scholarship amounts vary from \$250 to \$1500.



202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254

c. Chairperson's response to public comments:

Chairperson Spiller thanked KESAC and informed everyone that the Town Manager is working on a RFP for the wind turbine.

Chairperson Spiller said they are looking for five residents to be on the Climate Adaptation Committee, someone in the fishing industry and business.

Chairperson Spiller asked the Town Manager if she has heard from the Dept. of Marine Resources.

Town Manager Amaral said that she has not received anything from the DMR.

Chairperson Spiller thanked former Councilor Brake for his work in turning recyclable cans and bottles into educational benefits.

12. UNFINISHED BUSINESS: None

13. NEW BUSINESS:

(030119-1) The Kittery Town Council moves to accept a donation from the Kittery Maine Improvement Foundation in the amount of \$104.24 to be deposited in the Thresher Memorial Fund.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL ACCEPT A DONATION FROM THE KITTERY MAINE IMPROVEMENT FOUNDATION IN THE AMOUNT OF \$104.24 TO BE DEPOSITED IN THE THRESHER MEMORIAL FUND. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**

(030119-2) The Kittery Town Council moves to accept a donation from Donald and Nicole Kerr in the amount of \$50.00 to be deposited in the Thresher Memorial Fund.

Chairperson Spiller said this is money from the sale of Don Kerr's book.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL ACCEPT A DONATION FROM DONALD AND NICOLE KERR IN THE AMOUNT OF \$50.00, WITH THANKS, TO BE DEPOSITED IN THE THRESHER MEMORIAL FUND. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**

b. (030119-3) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Spiller read the amounts: Town = \$119,959.71 and Sewer, \$21,959.71 and asked if Councilor Clark had reviewed the warrants and found them to be in appropriate order and he replied yes.

Chairperson Spiller read the School payables in the amounts of \$444,150.02 and \$38,727.28 for a total of \$624,631.14.

Chairperson Spiller asked Councilor Pelletier if he had reviewed the warrants and found them to be in appropriate order and he responded yes.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED. MOTION CARRIES.**

255 c. (030119-4) The Kittery Town Council moves to approve a Municipal Release Deed for 64  
256 Route 236, Kittery, Maine 03904.

257  
258 Chairperson Spiller asked the Town Manager to give Council an update.

259  
260 Town Manager Amaral responded that Map 29, Lot 13-B foreclosed on Fiscal Year 2017 and taxes were  
261 not paid. She said it is currently for sale and the closing date is March 15<sup>th</sup>. She said the Town has to  
262 release the claim for non-payment and it will be recorded once the taxes are paid.

263  
264 **COUNCILOR THOMSON MOVED THAT THE KITTELY TOWN COUNCIL APPROVE A MUNICIPAL**  
265 **RELEASE DEED FOR 64 ROUTE 126, KITTELY AS PRESENTED, SECONDED BY COUNCILOR**  
266 **PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION**  
267 **CARRIES.**

268  
269 d. (030119-5) The Kittery Town Council moves to appoint Brad Hirst to the Trustees of the Trust  
270 Funds, to a term to expire 12/31/2022.

271  
272 Councilor Lemont said he interviewed him.

273  
274 **COUNCILOR LEMONT MOVED THAT THE KITTELY TOWN COUNCIL APPOINT BRAD HIRST TO**  
275 **THE TRUSTEES OF THE TRUST FUNDS FOR A TERM TO EXPIRE ON 12/31/2022, SECONDED BY**  
276 **COUNCILOR THOMSON. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0.**  
277 **MOTION CARRIES.**

278  
279 e. (030119-6) The Kittery Town Council moves to appoint Drew Fitch to the Economic  
280 Development Committee to a term to expire 12/31/2021.

281  
282 Councilor Denault said he interviewed him.

283  
284 **COUNCILOR DENAULT MOVED THAT THE KITTELY TOWN COUNCIL APPOINT DREW FITCH TO**  
285 **THE ECONOMIC DEVELOPMENT COMMITTEE FOR A TERM TO EXPIRE 12/31/21. COUNCILOR**  
286 **PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN**  
287 **FAVOR, 7-0. MOTION CARRIES.**

288  
289 f. (030119-7) The Kittery Town Council moves to appoint a representative to interview Linda  
290 Cheatham to be appointed to the Rice Public Library Board.

291  
292 **COUNCILOR THOMSON MOVED THAT THE KITTELY TOWN COUNCIL POSTPONE TAKING**  
293 **ACTION ON THIS ITEM UNTIL THE SECOND MEETING IN JULY 2019, SECONDED BY**  
294 **CHAIRPERSON SPILLER FOR DISCUSSION.**

295  
296 Chairperson Spiller asked Councilor Thomson to explain.

297  
298 Councilor Thomson said this should be held in a state of flux since they are in the final phases of the  
299 transition from the Rice Public Library to the Town, effective July 1<sup>st</sup> which is only 3 ½ months away. He  
300 said it would be a different role for the board after that date and they need to clarify what that role is and  
301 determine if the individual would be interested in serving in that new role.

302  
303 Councilor Denault said he supported Councilor Thomson in that one person should not affect the  
304 Committee during this time and asked the Chair if that is correct.

305  
306 Chairperson Spiller responded she would not think so. She said the Board is not clear on what their role  
307 would be.

308

309 Councilor Pelletier said he did not think that the Council needs to take action on this item.

310

311 Councilor Lemont wanted to know if the applicant is aware of what is transpiring this evening?

312

313 Chairperson Spiller asked the Town Manager to let the applicant know.

314

315 Councilor Lemont said there is only one Council meeting in July and they did not need a motion to  
316 postpone.

317

318 g. (030119-8) The Kittery Town Council moves to approve a Pole Permit for Northern New  
319 England Telephone and Central Maine Power Company to be located at 227/2.75 (LTS 58) on U.S.  
320 Route 1, Kittery, Maine.

321

322 **COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A POLE PERMIT FOR**  
323 **NORTHERN NEW ENGLAND TELEPHONE AND CENTRAL MAINE POWER COMPANY TO BE**  
324 **LOCATED AT 227.2.75 (LTS 58) ON U.S. ROUTE ONE, KITTERY, MAINE, SECONDED BY**  
325 **CHAIRPERSON SPILLER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0,**  
326 **MOTION CARRIES.**

327

328 h. (030119-9) The Kittery Town Council moves to approve a renewal Liquor License application  
329 for Maine Beer Café, located at 439 U.S. Route 1, Suite 1, Kittery, Maine 03904.

330

331 Chairperson Spiller said that the Code Enforcement Officer has inspected the establishment and has  
332 found it to be in compliance with the Kittery Town Code.

333

334 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL**  
335 **LIQUOR LICENSE APPLICATION FOR MAINE BEER CAFÉ, LOCATED AT 439 U.S. ROUTE ONE,**  
336 **SUITE ONE, KITTERY, MAINE, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS**  
337 **TAKEN WITH SIX IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (COUNCILOR LEMONT).**  
338 **MOTION CARRIES.**

339

340 i. (030119-10) The Kittery Town Council moves to hold a public hearing on March 25, 2019 to  
341 amend Title 2- Fire Chief position.

342

343 Chairperson Spiller asked the Town Manager to give Council some background information.

344

345 Town Manager Amaral said that David O'Brien reviewed the Fire Chief position and the hours and  
346 responsibilities that go into it and they agreed that it should be a full-time position, effective January 1<sup>st</sup>.  
347 She said the Fire Chief will also serve as the Emergency Management Director to be appointed by the  
348 Town Council. She said the ordinance would have to be changed to assume the role of Emergency  
349 Management Director.

350

351 **COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL HOLD A PUBLIC HEARING ON**  
352 **MARCH 25, 2019 TO RECEIVE COMMENTS ON AMENDING TITLE 2 OF THE KITTERY TOWN**  
353 **CODE, FIRE CHIEF POSITION. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL**  
354 **VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**

355

356 14. COUNCILOR ISSUES OR COMMENTS:

357

358 Councilor Denault said he got a call from residents of Cutts Road, asking about "Deer Crossing" signs in  
359 the area of Andrews' property to help out the motorists and save the deer. He said the signs would make  
360 people aware of deer in the area.

361

362 Councilor Denault said he would love to attend the hearing in Augusta, but he cannot make it.

363 Councilor Denault said he heard from residents on Ox Point Drive with their concerns. He said the  
364 property goes out to Spruce Creek as well. He said he had a question from a resident regarding a permit  
365 for his boat and the dock extension out into State water/  
366

367 Councilor Thomson pointed out that his last name is misspelled on the Municipal Deed - there is no "p."  
368 He wanted to know when DOT was coming down to speak with them, to the Town Manager through the  
369 Chair.  
370

371 Town Manager Amaral replied she sent them an e-mail following up and it is on their "Reschedule" list.  
372

373 Councilor Clark said he is disappointed with Rep. Rykerson bringing forth that bill. He said he attended  
374 all the Spinney Creek meetings and DMR said they will put out guidelines. He said it looks like they are  
375 going to win and they are circumventing the Dept. of Marine Resources. He thought it is outrageous.  
376

377 Chairperson Spiller said people are asking about a changing station at Rice Public Library, where would  
378 it be located.  
379

380 Town Manager Amaral responded she did not know.  
381

382 Chairperson Spiller said for the March 25<sup>th</sup> workshop with local delegates Sen. Lawrence and Rep.  
383 Rykerson, Councilors should get their issues to the Town Manager in advance.  
384

385 15. COMMITTEE AND OTHER REPORTS: None  
386 a. Communications from the Chairperson  
387 b. Committee Reports  
388

389 16. EXECUTIVE SESSION: None  
390

391 17. ADJOURNMENT:  
392

393 **COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:10 P.M., SECONDED BY**  
394 **COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.**  
395

396 Respectfully submitted,  
397

398  
399 Barbara Boggiano  
400 Recording Secretary  
401

402 /bb



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

---

## REPORT TO TOWN COUNCIL

---

Meeting Date: August 12, 2019  
Updated: September 9, 2019  
From: Kendra Amaral, Town Manager  
Subject: Vehicles and Traffic – Title 10 Amendments  
Councilor Sponsor: Councilor Ken Lemont

---

There are two proposed amendments to Title 10 Vehicles and Traffic.

One amendment will transition the intersection of Gerrish Island Lane and Chauncey Creek Road from a two-way stop from the Gerrish Island approach to a four-way stop.

Chief Richter has reviewed the request and traffic data for the intersection. Though police reports do not indicate a safety need for the four-way stop, it has been determined that creating a four-way stop here will not negatively impact the safe function of the intersection.

The other amendment proposed is to address cut-through traffic caused by the morning commuters accessing the Portsmouth Naval Shipyard (PNSY). The amendment would make Pine Street a one-way outbound (or in a northerly direction) during the peak morning commute hours. The anticipated outcome will be that traffic remains on Love Lane up to the intersection of Wentworth Street. Implementing a restriction on Pine will also address some cut-through traffic on Main St, Jones Ave, and Dame St.

Without proper traffic analysis, it is not possible to predict how the one-way restriction will impact traffic flow into and around the Foreside during the morning commute. Therefore, the Council may wish to consider making this a temporary change to allow for analysis and the ability to weigh the outcomes against the objective of reducing cut-through traffic.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve amendments as proposed.

### **ATTACHMENTS**

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

1 **ADD Title 10.2 One-Way Streets at Designated Times the addition of Pine Street as follows:**  
2 **§ 10.2.1.2 One-way streets at designated times.**

3 A. The following streets are designated one-way streets between 6:00 a.m. and 7:00 a.m., Monday  
4 through Friday:

5 (1) Lemont Lane in a westerly direction from the intersection of Philbrick Road to Woodlawn  
6 Avenue;

7 (2) Cross Street in a westerly direction from the intersection of Philbrick Road to Woodlawn  
8 Avenue; and

9 (3) Wainwright Avenue in a westerly direction from the intersection of Wyman Avenue to  
10 Woodlawn Avenue.

11 (4) Pine Street in a northerly direction from the intersection of Central Avenue to Love Lane.

12 B. This section does not prohibit the passage of vehicles performing municipal or emergency  
13 services.

14 **AMEND Title 10.2 Stop Intersections at Gerrish Island Land as follows:**

15 **§ 10.2.2.1 On public ways.**

16 The following intersections are designated as stop intersections and stop signs are to be so erected:

**Stop Sign on**

**At Intersection of**

Gerrish Island Lane

Chauncey Creek Road (four-way stop)

**KITTERY TOWN CODE TITLE 10, PROPOSED AMENDMENT –  
FOUR WAY STOP AND TIME RESTRICTED ONE-WAY**

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 provide specified controls and restrictions on local roads to  
11 enhance the safety and traffic flow on certain roads; and

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

# PROPOSED Designated One-Way



## Legend

- Roads
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations



# PROPOSED Four Way Stop



# Memorandum

**TO:** Kendra Amaral  
Town Manager

**FROM:** Paul McKenney, CMA  
Municipal Resources, Inc.  
Contracted Assessor

**DATE:** August 27, 2019

**RE:** Tax Rate Calculation form

---

On the following attached spreadsheets I have provided a comparison of the prior year's Tax Rate Calculation Form. On the spreadsheet you can see the town's total taxable valuation base increased by 1.21%. There was an approximately twenty-three million seven hundred thousand dollar increase in real estate taxable valuation due to new construction changes, building permits and cyclical reviews. There was a six million dollar decrease in personal property values, due to an error that was discovered last year by Maine Revenue Services, where the personal property values need to be adjusted to the declared assessment to sales ratio which is eighty percent for fiscal year 2019-2020. This will be reverting back to 100% after the revaluation next year.

On the spreadsheet following the Municipal Tax Rate Calculation Form, I have attached an overlay relationship spreadsheet showing the potential range of overlay amounts depending on the tax rate selected. The minimum tax rate that could be selected is \$17.29 while the maximum rate is \$18.15.

With consideration for all aspects including prior year tax rates, it is my suggestion that a rate of \$17.40 be selected which is a 3.57% increase from last year and has an overlay amount of \$166,618. This translates into a \$180.00 increase in taxes on a property assessed at \$300,000. For each penny change in the tax rate, taxes on the above assessment amount changes \$3 while the overlay changes by roughly \$14,900.

If there is any further information you desire, please let me know.

<b>LINE</b>				
<b>1</b>	LOCAL TAXABLE REAL ESTATE VALUATION	<b>\$1,449,607,093</b>		
<b>2</b>	LOCAL TAXABLE PERSONAL PROPERTY VALUATION	<b>\$26,175,600</b>		
<b>3</b>	TOTAL TAXABLE VALUATION		<b>\$1,475,782,693</b>	
<b>4A</b>	TOTAL OF ALL HOMESTEAD EXEMPT VALUATION	<b>\$22,237,800</b>		
<b>4B</b>	HOMESTEAD EXEMPT REIMBURSEMENT VALUE	<b>\$13,898,625</b>		
<b>5A</b>	TOTAL OF ALL BETE EXEMPT VALUATION	<b>\$5,777,100</b>		
<b>5B</b>	THE STATUTORY STANDARD REIMBURSEMENT FOR 2017 IS 50%	<b>\$2,888,550</b>		
<b>6</b>	<u>TOTAL VALUATION BASE</u>		<b><u>\$1,492,569,868</u></b>	
	<b>ASSESSMENTS</b>			
<b>7</b>	COUNTY TAX	<b>\$894,782</b>		
<b>8</b>	MUNICIPAL APPROPRIATION	<b>\$13,990,115</b>		
<b>9</b>	TIF FINANCING PLAN AMOUNT	<b>\$237,411</b>		
<b>10</b>	SCHOOL/EDUCATION APPROPRIATIONS	<b>\$17,918,503</b>		
<b>11</b>	<u>TOTAL APPROPRIATIONS</u>		<b><u>\$33,040,811</u></b>	
	ALLOWABLE DEDUCTIONS			
<b>12</b>	STATE MUNICIPAL REVENUE SHARING	<b>\$485,000</b>		
<b>13</b>	OTHER REVENUES	<b>\$6,751,713</b>		
<b>14</b>	<u>TOTAL DEDUCTIONS</u>		<b><u>\$7,236,713</u></b>	
<b>15</b>	NET TO BE RAISED BY LOCAL PROPERTY TAX RATE	<b><u>\$25,804,098</u></b>		
<b>16</b>	MAXIMUM ALLOWABLE TAX	\$25,804,098	1.05	\$27,094,303
<b>17</b>	MINIMUM TAX RATE	\$25,804,098	\$1,492,569,868	<b>\$0.017288</b>
<b>18</b>	MAXIMUM TAX RATE	\$27,094,303	\$1,492,569,868	<b>\$0.018153</b>
<b>19</b>	TAX FOR COMMITMENT	\$1,475,782,693	<b>\$0.01740</b>	\$25,678,619
<b>20</b>	MAXIMUM OVERLAY	\$25,804,098	0.05	\$1,290,205
<b>21</b>	HOMESTEAD REIMBURSEMENT	\$13,898,625	<b>\$0.01740</b>	\$241,836
<b>22</b>	BETE REIMBURSEMENT	\$2,888,550	<b>\$0.01740</b>	\$50,261
<b>23</b>	OVERLAY	\$25,970,716	\$25,804,098	<b>\$166,618</b>

LINE		2018-2019*	2019-2020	\$ CHANGE	% CHANGE
1	LOCAL TAXABLE RE	\$1,425,839,386	\$1,449,607,093	\$23,767,707	1.67%
2	LOCAL TAXABLE PP	\$32,251,800	\$26,175,600	-\$6,076,200	-18.84%
3	TOTAL TAXABLE	<b>\$1,458,091,186</b>	<b>\$1,475,782,693</b>	\$17,691,507	1.21%
4a	HOMESTEAD EXEMPT VALUATION	\$24,097,200	\$22,237,800	-\$1,859,400	-7.72%
4b	HOMESTEAD REIMBURSEMENT	\$15,060,750	\$13,898,625	-\$1,162,125	-7.72%
5a	BETE EXEMPT VALUATION*	\$2,827,412	\$5,777,100	\$2,949,688	104.32%
5b	BETE REIMBURSEMENT	\$1,413,706	\$2,888,550	\$1,474,844	104.32%
6	VALUATION BASE	<b>\$1,474,565,642</b>	<b>\$1,492,569,868</b>	<b>\$18,004,226</b>	1.22%
7	COUNTY	\$869,853	\$894,782	\$24,929	2.87%
8	MUNICIPAL	\$13,431,980	\$13,990,115	\$558,135	4.16%
9	TIF FINANCING	\$141,649	\$237,411	\$95,762	67.61%
10	LOCAL EDUCATION	\$17,229,230	\$17,918,503	\$689,273	4.00%
11	TOTAL APPROPRIATIONS	<b>\$31,672,712</b>	<b>\$33,040,811</b>	<b>\$1,368,099</b>	4.32%
12	REVENUE SHARING	\$414,000	\$485,000	\$71,000	17.15%
13	OTHER REVENUES	\$6,595,329	\$6,751,713	\$156,384	2.37%
14	TOTAL DEDUCTIONS	<b>\$7,009,329</b>	<b>\$7,236,713</b>	\$227,384	3.24%
15	NET TO BE RAISED	<b>\$24,663,383</b>	<b>\$25,804,098</b>	<b>\$1,140,715</b>	4.63%
	MIN RATE	\$16.73	\$17.29		
	MAX RATE	\$17.56	\$18.15		
	SELECTED RATE	<b>\$16.80</b>	<b>\$17.40</b>	<b>\$0.60</b>	<b>3.57%</b>
	OVERLAY	\$109,320	\$166,618		
	TAXES ON \$300,000 ASMNT	<b>\$5,040</b>	<b>\$5,220</b>	<b>\$180</b>	<b>3.57%</b>

\*AMENDED 5-30-19

TAX RATE	OVERLAY AMOUNT	EQUATES TO ASSESSED VALUE	% OF TOTAL TAXABLE ASMNT
\$17.40	\$166,618	\$9,575,720	0.65%
\$17.43	\$210,985	\$12,104,722	0.82%
\$17.45	\$240,564	\$13,785,892	0.93%

**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](mailto: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:** 9-28-19

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: \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:**  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)  | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)     | <input checked="" 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: <u>DELTA AMUSEMENT INC.</u>	Business Name (D/B/A) <u>NAVY YARD BAR + BILLIARD</u>
APPLICANT(S) –(Sole Proprietor) DOB:	Physical Location: <u>182 STATE Rd</u>
DOB:	City/Town State Zip Code <u>Kittery ME. 03904</u>
Address <u>182 STATE Rd</u>	Mailing Address Same As Above? <input checked="" type="checkbox"/>
City/Town State Zip Code <u>Kittery ME. 03904</u>	City/Town State Zip Code
Telephone Number Fax Number <u>207-439 7137</u>	Business Telephone Number Fax Number <u>207 439 7137 / 508 381-1259</u>
Federal I.D. # <u>01-052 4107</u>	Seller Certificate #: or Sales Tax #: <u>10437 64</u>
Email Address: <u>Joe SUGDEN 65 A G-MAIL.COM</u>	Website:

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 \$ 0 FOOD \$ 31,758 LIQUOR \$ 194,644

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: \_\_\_\_\_

7. Business records are located at: 182 STATE Rd. KILHELY 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
Joseph E SUGDEN	1-30-54	MAYNARD MASS
ANTHONY Borrelli	12-8-54	LAWRENCE MASS

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

Name: Joseph E SUGDEN	City: HAMPTON	State: N.H.
Name: ANTHONY Borrelli	City: METHUEN	State: MASS.

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: Joseph E SUGDEN Date of Conviction: 1975

Offense: Disturbing The Peace Location: SALISBURY MASS

Disposition: PAID FINE (see attach) 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: MH PARSONS + SON'S 50 Wood Bridge Rd YORK ME 03909

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) BILLIARDS TAVERN + GRILLE

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? 1 mile

Which of the above is nearest? SCHOOL

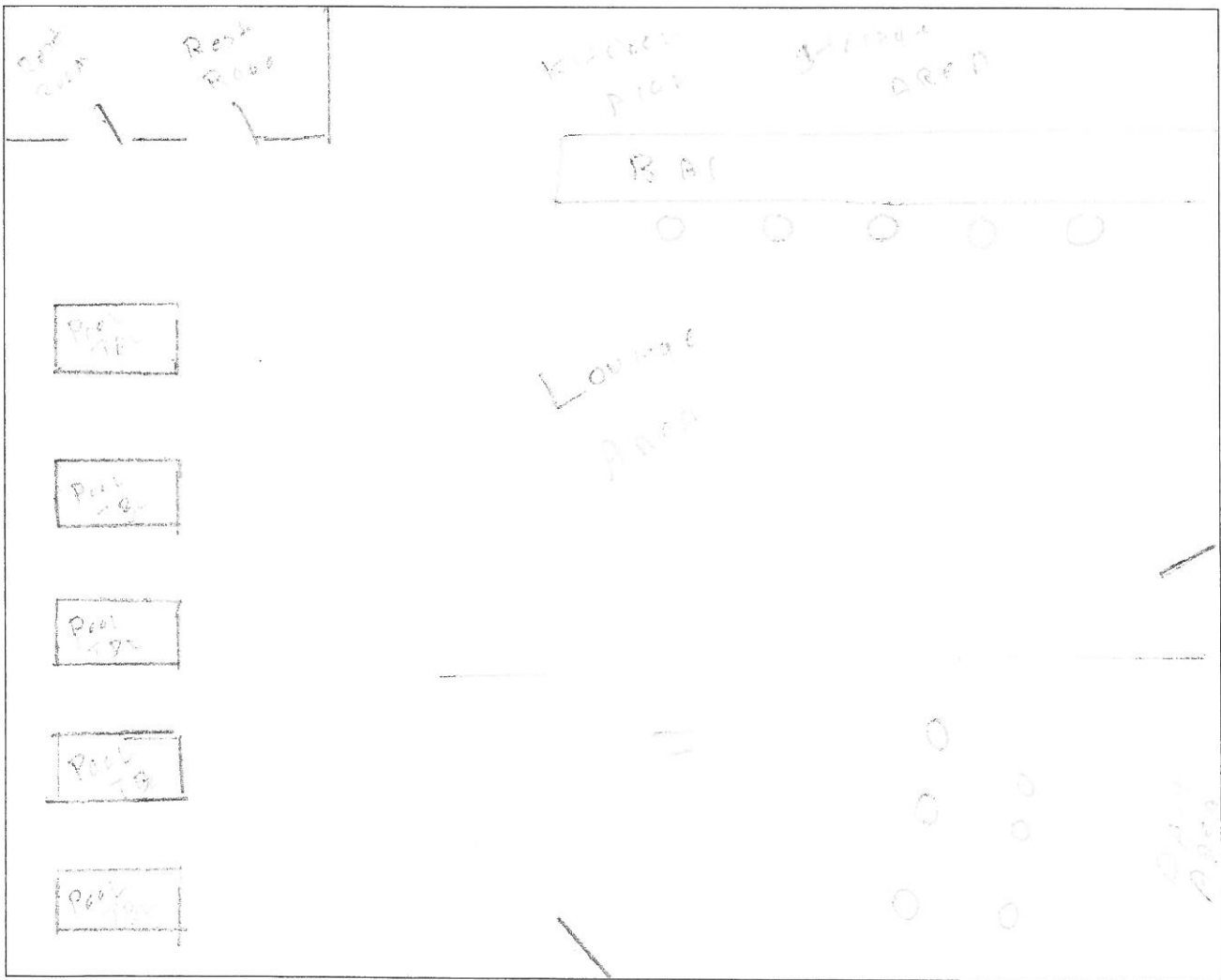
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

### ON PREMISE DIAGRAM

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 of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



ENTRANCE



**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**

**I. 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).]

Joseph E Sugden SS<sup>H</sup> 017-44-8076  
President

(2) D U I SA Lisbury mass 1984  
250 Fine 30 day Loss of LIC.

(3) PeTTY Lacey North Adams MASS 1978  
(stole steak Colloge Plank) Paid Fine

---

ANTHony Borrelli<sup>A</sup> 011-46-6321

D U I 1982 PAID Fine Loss of LIC 30 da.

D U I 1982 PAID Fine Loss of Lic. 30 day ReITA)



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: DELTA AMUSEMENT INC.
- Doing Business As, if any: NAVY YARD BAR + Billiard.
- Legal Entity's FEIN #: 01-524107
- Date of filing with Secretary of State: 2-1-99 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 %
Joseph E Sugden	3 Tobey ST HAMPTON NH 03842	1-30-54	President	50%
ANTHONY Borselli	1 Alder Brook Ln. METHUEN MASS	12-8-54	Vice President	50%

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

- If Co-Op # of members: 50% each (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: Joseph E Sugden

Date of Conviction: 1975

Offense: Disturbing The Peace

Location of Conviction: SALSBURY MASS.

Disposition: PAID FINE  
(SEE ATTACH)

**Signature:**

**PLEASE SIGN IN BLUE INK**

Joseph E Sugden  
Signature of Owner or Corporate Officer

8-5-19  
Date

\_\_\_\_\_  
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](mailto:MaineLiquor@Maine.gov)





**TOWN OF KITTERY**  
Office of the Town Clerk  
200 Rogers Road  
Kittery, Maine 03904  
Phone 207-474-1328 Fax 207-439-6806

**APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT**  
**(Pursuant to 28-A M.R.S.A. Sec. 1054)**

Name, address and legal status of individual(s) or entity seeking to hold permit:

DELTA AMUSEMENT INC. 182 STATE Rd.  
KITTERY MAINE 03904

Name and mailing address of the premises where the special activity/amusement will occur:

NAVY YARD BAR + BILLIARD  
182 STATE Rd KITTERY MAINE 03904

Mailing address and telephone number of owner of the real estate: MH PARSONS

+ SONS 50 Woodbridge Rd York ME 03909 207 337 1461

Describe the specific portion of the premises where the special activity/amusement will occur:

IN PUB AREA south side of Building.

Set forth the specific time periods between which the special activity/amusement will occur:

Every Thursday wite 8:30 PM - 12:30 AM and OCCASIONAL SATUR.

Describe the specific activity or type of amusement for which the permit is requested:

KARAOKE / DJ DANCING, and OCCASIONAL  
LIVE BAND

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? Yes \_\_\_  
No

If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

\_\_\_\_\_  
\_\_\_\_\_

(Over)

Give any additional information to support your request for the permit sought herein:

ENTERTAINMENT CUSTOMER

As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

President and co-owner of  
Business

**NOTE:** In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.

DATE OF APPLICATION: 4-29-19

SIGNATURE OF APPLICANT: Joseph E. Sugder

APPLICANT'S NAME: Joseph E. Sugder  
(please print)

ADDRESS: 3 ToBey ST HAMPTON N.H 03842  
(please print)

TELEPHONE NUMBER: 508 331-1259 / 207 439 7137

**FEE: \$20.00 per year Must be renewed annually with liquor license.**

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

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"/>	

**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](mailto:MAINELIQUOR@MAINE.GOV)**

**PRESENT LICENSE EXPIRES:** 10/25/2019

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:**

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  CLASS A LOUNGE (Class X)
- HOTEL (Class I,II,III,IV)  HOTEL, FOOD OPTIONAL (Class I-A)  BED & BREAKFAST (Class V)
- GOLF COURSE (Class I,II,III,IV)  TAVERN (Class IV)  QUALIFIED CATERING
- OTHER: \_\_\_\_\_  SELF-SPONSORED EVENTS  
(QUALIFIED CATERERS ONLY)

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>Corporation Name:</b> DIVINE CUISINES LLC		<b>Business Name (D/B/A)</b> TULSI	
<b>APPLICANT(S) –(Sole Proprietor)</b>		<b>DOB:</b>	
<b>DOB:</b>		<b>Physical Location:</b> 20 WALKER STREET	
<b>Address</b> 20 WALKER STREET		<b>City/Town</b> KITTERY	<b>State</b> MAINE
		<b>Zip Code</b> 03904	<b>Zip Code</b> 03904
<b>Mailing Address</b> Same As Above? <input checked="" type="checkbox"/>			
<b>City/Town</b> KITTERY	<b>State</b> MAINE	<b>Zip Code</b> 03904	<b>City/Town</b> KITTERY
<b>State</b> MAINE	<b>Zip Code</b> 03904	<b>State</b> MAINE	<b>Zip Code</b> 03904
<b>Telephone Number</b> 207-451-9511		<b>Fax Number</b> N/A	
<b>Fax Number</b> N/A		<b>Business Telephone Number</b> 207-451-9511	
		<b>Fax Number</b> N/A	
<b>Federal I.D. #</b> 02-0523796		<b>Seller Certificate #: or Sales Tax #:</b> 1072793	



<b>Email Address:</b> <u>TULSIMAINE@GMAIL.COM</u>	<b>Website:</b> <u>WWW.TULSIINDIANRESTAURANT.COM</u>
--	---

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
2. State amount of gross income from period of last license:  
 ROOMS \$ N/A    FOOD \$ 865,800.59 LIQUOR \$ 208,497.54
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.

RES-2016-16-1133    TULSI NORTH

License #                      Name of Business  
231                      POST ROAD                      WELLS

Physical Location                      City / Town  
 \_\_\_\_\_                      STAN CAMPBELL

6. If manager is to be employed, give name: STAN CAMPBELL
7. Business records are located at: 20 WALKER STREET KITTERY, ME 03909
8. Is/are applicant(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
<u>JANET HOWE</u>	<u>10/15/1940</u>	<u>FRAMINGHAM, MA</u>
<u>RAJESH MANDEKAR</u>	<u>8/13/1974</u>	<u>MUMBI, INDIA</u>
<u>STAN CAMPBELL</u>	<u>10/23/1966</u>	<u>DECATUR, AL</u>

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

Name: <u>JANET HOWE</u>	City: <u>KITTERY</u>	State: <u>ME</u>
Name: <u>RAJESH MANDEKAR</u>	City: <u>KITTERY</u>	State: <u>ME</u>
Name: <u>STAN CAMPBELL</u>	City: <u>KITTERY</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: \_\_\_\_\_ 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: \_\_\_\_\_

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_  
DINING ROOM AND BAR AREA

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: SBA LOAN AND KENNEBUNK SAVINGS LOAN

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 MAINE on 8/17, 20 19  
Town/City, State Date

PLEASE SIGN IN BLUE INK

Signature of Applicant or Corporate Officer(s)  
[Signature]  
Print Name  
Janet Howe

Signature of Applicant or Corporate Officer(s)  
[Signature]  
Print Name  
RAJESH MANDEKAR

FEE SCHEDULE

<b>FILING FEE: (must be <u>included</u> on all applications)</b>	<b>\$ 10.00</b>
<b>Class I</b> 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	
<b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
<b>Class II</b> 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.	
<b>Class III</b> 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.	
<b>Class IV</b> 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.	

<b>Class III &amp; IV</b>	Malt & Vinous Only ..... 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.	\$ 440.00
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... CLASS V: Clubs without catering privileges.	\$ 495.00
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge ..... CLASS X: Class A Lounge	\$2,200.00
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge ..... CLASS XI: Restaurant/Lounge; and OTB.	\$1,500.00
<b>SELF-SPONSORED EVENTS: Qualified Caterers Only</b> .....		\$ 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).]





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

**Corporate Information Required for**

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:           DIVINE CUISINES LLC
2. Doing Business As, if any:           TULSI
3. Legal Entity's FEIN #:           02-0523796
4. Date of filing with Secretary of State: \_\_\_\_\_ State in which you are formed:           MAINE
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:           N/A
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 %
JANET HOWE	68 ROBBERS ROAD KITTELL, MAINE	10/15/1940	OWNER/ MANAGER	50

RAJESH MANDEKAR	68 ROBBERS ROAD KETTERY, MAINE	8/13/1974	OWNER/ MANAGER	50

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

7. If Co-Op # of members: n/a (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: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

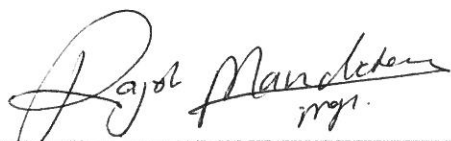
Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

**PLEASE SIGN IN BLUE INK**



Signature of Owner or Corporate Officer

8/17/19  
Date

RAJESH MANDEKAR

Print Name of Owner or Corporate Officer

Submit Completed Forms to:



TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Brock and Charlie Patten

RE: APPOINTMENT TO KPA

DATE OF INTERVIEW: 8/28/2019 at 9 (a.m./p.m.)

We have interviewed John McCollett, on the date and time noted above. We approve recommendation of the applicant and whole heartedly endorse his/her appointment for a term to expire on 12-31-2024.

ATTENDANCE RECORD: Excellent — NA \_\_\_\_\_  
Good — \_\_\_\_\_  
Poor — \_\_\_\_\_

COMMENTS: Excellent background as Harbor Master, no conflicts.

Signatures



TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Cyrus Clark and Kristi Mathieson

RE: APPOINTMENT TO KCC BOD

DATE OF INTERVIEW: 8/27/19 at 11:00 a.m./p.m.

We have interviewed Jan Lamont-Rodoret's, on the date and time noted above. We approve recommendation of the applicant and whole heartedly endorse his/her appointment for a term to expire on 12/31/2022.

ATTENDANCE RECORD: Excellent   
Good   
Poor

[Signature]  
Signatures

COMMENTS:

Jan will make a wonderful addition to the KCC Board of Directors we look forward to her joining the Board.



# TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

Rec'd  
9-21-15

RECEIVED  
SEP 21 2015

## APPLICATION FOR APPOINTMENT TO TOWN BOARDS

BY: 2:00pm

NAME: John S True

RESIDENCE: 21 Old Ferry Lane Kittery

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_ PHONE #: (Home) \_\_\_\_\_ (Work) <sup>207</sup> 439-6722

### Please check your choice:

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Appeals                    | <input type="checkbox"/> Board of Assessment Review       |
| <input type="checkbox"/> Conservation Commission             | <input type="checkbox"/> Mary Safford Wildes Trust        |
| <input type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee     | <input type="checkbox"/> Economic Development Committee   |
| <input type="checkbox"/> Parks Commission                    | <input type="checkbox"/> Open Space Committee             |
| <input checked="" type="checkbox"/> Port Authority           | <input type="checkbox"/> Planning Board                   |
| <input type="checkbox"/> Personnel Board                     | <input type="checkbox"/> Other _____                      |

EDUCATION/TRAINING: Univ Trade Corp Plant manager

RELATED EXPERIENCE (Including other Boards and Commissions) Set up Factory and Trained the Personnel in China in 1984

PRESENT EMPLOYMENT: Retired State of New Hampshire DOT

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): \_\_\_\_\_

REASON FOR APPLICATION TO THIS BOARD: To increase the knowledge of Board

I HAVE \_\_\_/HAVE NOT \_\_\_ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

John S True  
SIGNATURE OF APPLICANT

10-21-2015  
DATE

# Memorandum

**TO:** TOWN COUNCIL  
**FROM:** TOWN CLERK  
**DATE:** September 9, 2019  
**RE:** NOVEMBER 5th ELECTION

---

This memo is a recommendation and a request for the appointment of Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the November 5, 2019, Municipal and State Referendum Elections. I am requesting that the polls be open at 8:00 a.m. and close at 8:00 p.m. at the Kittery Community Center, 120 Rogers Road.

/kae



# 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  
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

# Parking Restriction Walker/Main

