



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

April 12, 2021

6:00PM

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

The public may also participate in the meeting via Zoom webinar. **Register in advance for the webinar at:** https://us02web.zoom.us/webinar/register/WN_711eb7KfRvCGWeS7X1s0-w

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

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - March 22, 2021 Regular Meeting
 - April 5, 2021 Special Meeting
8. Interviews for the Board of Appeals and Planning Board

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

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

10. PUBLIC HEARINGS –
 - a. (040221-1) The Kittery Town Council moves to hold a public hearing on a new Victualer’s License application from Deborah McCluskey and Michael McCluskey for Lil’s Café located at 7 Wallingford Square #106, Kittery.

 - b. (040221-2) The Kittery Town Council moves to hold a public hearing to authorize the Town Manager to enter into a lease agreement for two electric vehicles.

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

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

 - c. Chairperson’s response to public comments.

12. UNFINISHED BUSINESS

13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition.

(040221-3) The Kittery Town Council moves to receive a donation in the amount of \$15,000 from the Rice Public Library Corporation.

 - b. (040221-4) The Kittery Town Council moves to approve a renewal Liquor License application from Festina Lente, located at 1 Government Street Suite 3, Kittery.

 - c. (040221-5) The Kittery Town Council moves to approve a renewal Liquor License application from Badger’s Island Pizza located, at 3 Island Avenue, Kittery.

 - d. (040221-6) The Kittery Town Council moves to approve a renewal Liquor License application from Anju Noodle Bar, located at 7 Wallingford Square Unit 102, Kittery.

 - e. (040221-7) The Kittery Town Council moves to authorize expenditure from the Wetlands Funds for Fort Foster Invasive Species Management Plan Implementation.

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- f. (040221-8) The Kittery Town Council moves to appoint a Councilor to interview Amelia Burke along with Chair, Jeff Brake for an appointment to the Educational Scholarship Committee for a three-year term to expire 12/31/2024.
- g. (040221-9) The Kittery Town Council moves to schedule a public hearing on May 3, 2021 for the School Budget Ordinances.
- h. (040221-10) The Kittery Town Council moves to schedule a public hearing on May 10, 2021 on Title 6 Animal Control Amendments.
- i. (040221-11) The Kittery Town Council moves to appoint Cameron Hamm to the Educational Scholarship Committee for a three-year term to expire 12/31/2024.
- j. (040221-12) The Kittery Town Council moves to schedule a public hearing on April 26, 2021 on Title 10 – Parking on Pocahontas Road.
- k. (040221-13) The Kittery Town Council moves to schedule a public hearing on April 26, 2021 on a revised Petition to Extend Sewer Service on Route 236 to MacKenzie Lane.
- l. (040221-14) The Kittery Town Council moves to schedule a public hearing on April 26, 2021 to discuss an application submitted to the State of Maine CDBG program for an Economic Development Program Grant.
- m. (040221-15) The Kittery Town Council moves to approve the American Rescue Plan Allocation strategy.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: April 8, 2021

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



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council April 12, 2021

- 1. Library Virtual Ground Breaking Video** – Please help me in thanking everyone who participated in the making of our virtual ground breaking video! Special thanks go to Randy Buccini and Suzanne Esposito, both of whom did yeomen's work bringing together the pictures and quotes for this video.
- 2. Bicycle and Pedestrian Master Plan** – The Town, in conjunction with KACTS, will be kicking off the development of Kittery's first Bicycle and Pedestrian Master Plan. The Comp Plan – 5 Year Action Plan identifies as a priority developing a sidewalk and pedestrian plan. In the JLUS, bicycle and pedestrian facilities (bike lanes and sidewalks) were identified as key multi-modal infrastructure needed to help reduce congestion associated with the PNSY.

The Bicycle and Pedestrian Plan will create a prioritized multi-year plan for enhancing, repairing, or adding new sidewalks and bike lanes in Kittery. It will be completed by the end of the calendar year. The prioritized list will reflect community interests and need, ADA and Federal Highway compliance upgrades, and land use/development trends in town. The Bicycle and Pedestrian Master Plan, like our Pavement Management Plan, will be incorporated into our CIP process and used to inform capital funding allocations and grant applications going forward.

The Town will be working with SMPDC, MDOT, and our consultant WSP, on the project. KACTS is providing \$24,000, or approximately half of the funding for this effort. More information and invitations for public engagement will be posted online in the coming weeks. We look forward to moving this town objective forward.

- 3. Legion Pond Invasive Management** – Jessa Kellogg has secured support from Maine DEP for a one-week rapid response invasive removal effort at Legion Pond. The work will involve a contractor being onsite for one week to map the invasive plants and remove curly leaf pond weed. The work will be conducted from a boat and involve "diver suction" and diver hand-removal of the plants. The Town will then dispose of the removed plant material. Though this work will not make a significant impact on the pond's broader water quality issues, it does represent a step forward in the Council's objective to revive the pond.
- 4. Norton Preserve** – Chairperson Thomson requested I provide additional information related to a public comment received at the last meeting regarding Norton Preserve. Please see attached.
- 5. Fiscal Year 2021 Q3 Report** – Please see attached.
- 6. Upcoming Dates:**
 - Mooring Renewals Due April 15 – Harbormaster
 - KEEP Property Tax Payment Applications Available Now – Town Hall and online
 - Senior Tax Credit Applications Available Now – Town Hall and online
 - Kittery Education Scholarship Application Deadline – Thursday, April 15, Town Clerk

- Kittery 375 Celebration Logo Contest Voting Deadline – Friday, April 16, online
- Town Hall Closed for Patriot’s Day Holiday – Monday, April 19

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



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

REPORT TO TOWN COUNCIL

Date: April 12, 2021
From: Kendra Amaral, Town Manager
Subject: Norton Road Parking/Norton Preserve
Councilor Sponsor: N/A

SUMMARY

The Council received a public comment at their March 22, 2021 meeting from a resident of Norton Road, near the entrance to the Norton Preserve. The public comment was focused on issues with parking and disruption of the neighborhood's quiet atmosphere due to visitors accessing the Preserve via Norton Road. Chairperson Thomson asked me to assemble information about this matter for the Council's next meeting.

The Norton Preserve is conservation land purchased by the Kittery Land Trust, and subsequently transferred to the Town of Kittery. The land purchase was funded in part by a federal program that provides matching funds to purchase threatened coastal and estuarine lands, and/or to purchase conservation easements. Additional funding was obtained through collaboration with KLT and other area land trusts. The land was transferred from Mr. and Mrs. Patten, who still live adjacent to the Preserve.

The Pattens also granted an access easement to the Preserve. The easement allows for the ingress and egress by vehicle or otherwise by the Grantee (KLT) for land management and conservation purposes, and, at the Grantee's discretion, non-motorized ingress and egress by the general public for recreational purposes. Per the easement agreement, the Town does not have the right to pave or widen the road within the boundaries of the right of way and easement or to allow parking within the Preserve for visitors.

The public interest and use of open space, trails, and outdoor recreation areas has increased since the COVID-19 pandemic. The Norton Preserve, and as a result Norton Road, has seen more visitors, increased traffic, and vehicle parking as residents and visitors seek to access the trails in the Preserve. The KLT collected a sample of visitation volumes in late summer of 2020 to better understand the situation (see attached results from KLT).

Some of the neighbors on Norton Road have indicated their frustration with the increase visitation. Complaints include dogs running at large and defecating on their property, the visual and noise impact of the visitors going to and from their vehicles, and increased traffic and congestion on Norton Road east of Lewis Road.

Norton Road is a public road, and currently does not have parking restrictions. There is no parking within the Preserve, and per the Right of Way easement, the Town may not allow vehicles access to the Preserve other than for maintenance and stewardship activities.

The Kittery Land Trust has been working with the neighbors to try to address their complaints. They conducted a study of visitation from the Norton Road access and investigated alternative access options for the Preserve. They have not been able to reach a resolution that satisfies all parties.

The Town received public comment seeking for parking restrictions on Norton Road near the Preserve. The impact of such a prohibition has not been studied. It is possible the parking restriction will shift the visitor parking further south on Norton Road, which would not reduce the impact of dogs and visitor noise. It is also possible the shift would reduce visitors accessing the Preserve from Norton Road due to an increased distance to get to the trails, thereby reducing some of the neighborhood impacts.

It is unclear if the Kittery Land Trust could challenge an ordinance amendment intended to impact access to the Preserve. In accordance with the Conservation Easement held by and between the Town of Kittery and KLT the Town may not establish rules and regulations that “prohibit or discourage daytime, non-motorized, low-impact outdoor recreation for the general public” (see Public Use, Conservation Easement); however, I do not believe the Council can abdicate its authority via Charter to adopt ordinances for the protection of health, safety and welfare of the public.

PROPOSED SOLUTION/RECOMMENDATION

Council to provide direction on whether it wants to engage in developing amendments to Title 10, or the Conservation Easement, or some combination thereof.

ATTACHMENTS

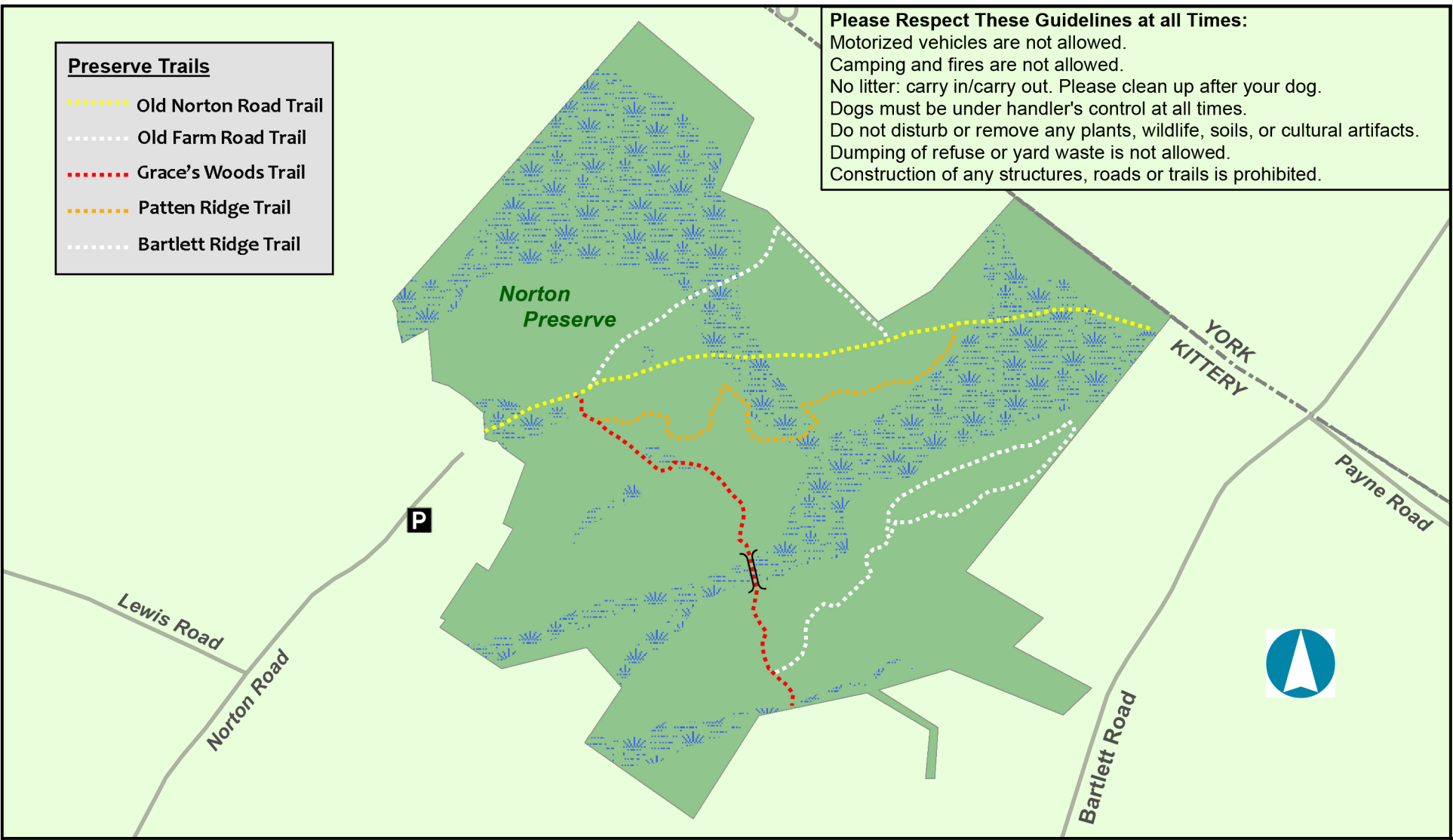
- Kittery Land Trust Trail Map – Norton Preserve
- Lot Line Adjustment Plan – Norton Preserve
- Tax Map 68, Lot 3 Warranty Deed and Conservation Easement - Patten to KLT
- Area B Warranty Deed and Conservation Easement – Patten to KLT
- Easement Deed – Right of Way to Area B – Patten to KLT
- Easement Deed – Tax Map 68, Lot 3 – Patten to KLT
- Deed w/Covenant and Conservation Easement – KLT to Town of Kittery
- Coastal and Estuarine Land Conservation Program FAQ
- KLT visitation study

Please Respect These Guidelines at all Times:

- Motorized vehicles are not allowed.
- Camping and fires are not allowed.
- No litter: carry in/carry out. Please clean up after your dog.
- Dogs must be under handler's control at all times.
- Do not disturb or remove any plants, wildlife, soils, or cultural artifacts.
- Dumping of refuse or yard waste is not allowed.
- Construction of any structures, roads or trails is prohibited.

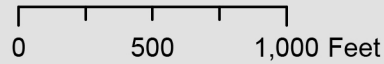
Preserve Trails

- Old Norton Road Trail
- Old Farm Road Trail
- Grace's Woods Trail
- Patten Ridge Trail
- Bartlett Ridge Trail

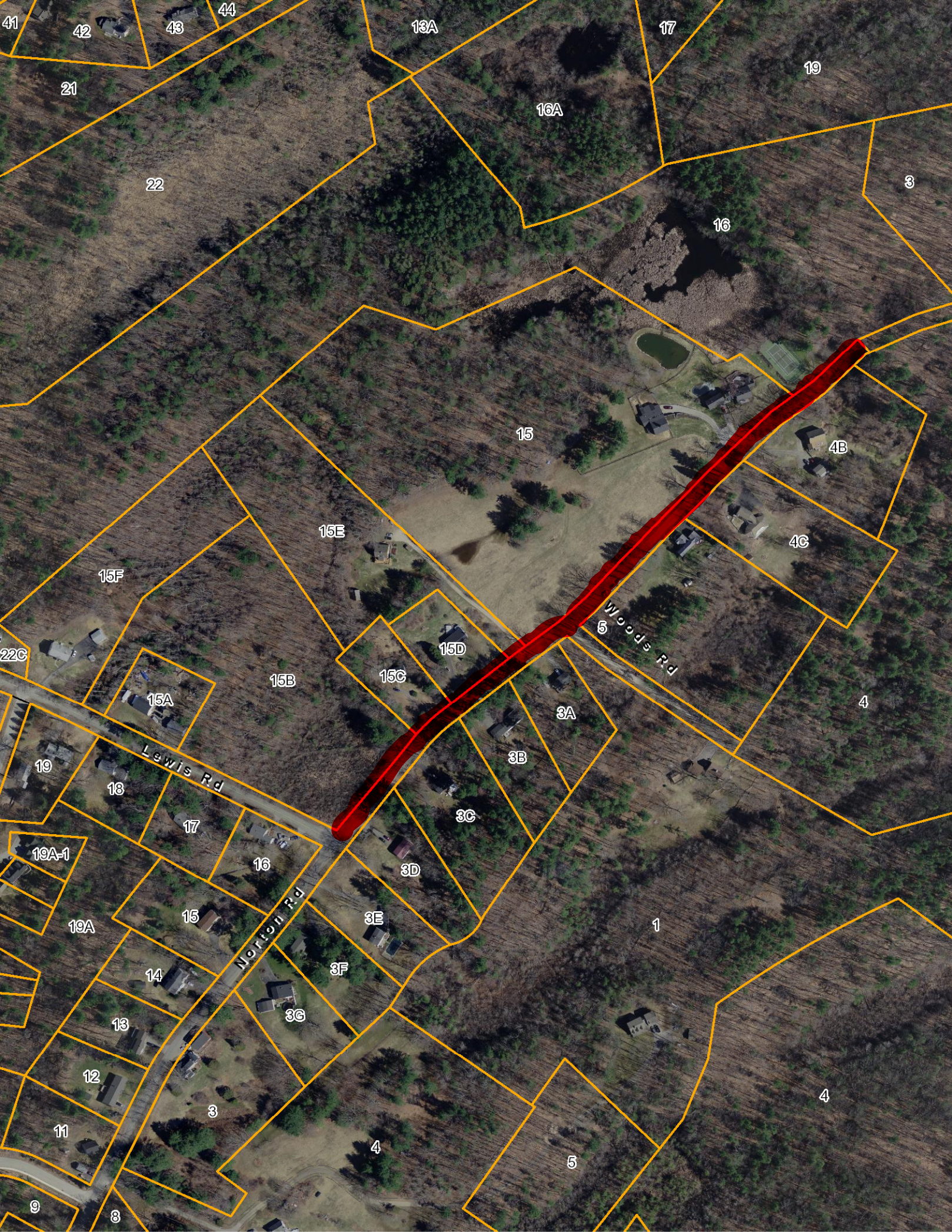


- Norton Preserve
- Footbridge
- Parking Area
- Road
- Town boundary
- Wetland

Norton Preserve Trails Map
Kittery, Maine



Map prepared by
Kittery Land Trust
December 2016



Lewis Rd

Norton Rd

Woods Rd

21

22

13A

17

19

16A

3

16

15

4B

15E

4C

15F

22C

15B

15C

15D

5

4

19

3A

18

3B

17

3C

19A-1

16

3D

19A

15

3E

1

14

3F

12

3G

13

4

11

3

4

9

8

5

**KITTERY LAND TRUST
VISITATION ANALYSIS**

Day	Date	# Walkers	# Bikers	Total People	First Use	Last use
Thursday	27-Aug	11	0	11	8:21 AM	6:52 PM
Friday	28-Aug	19	3	22	7:29 AM	7:04 PM
Saturday	29-Aug	2	0	2	3:32 PM	4:00 PM
Sunday	30-Aug	24	5	29	8:21 AM	6:16 PM
Monday	31-Aug	11	5	16	9:45 AM	6:32 PM
Tuesday	1-Sep	11	0	11	9:02 AM	7:01 PM
Wednesday	2-Sep	11	2	13	7:31 AM	6:14 PM
Thursday	3-Sep	7	2	9	9:04 AM	6:12 PM
Friday	4-Sep	5	1	6	7:34 AM	3:56 PM
Saturday	5-Sep	11	4	15	7:54 AM	4:56 PM
Sunday	6-Sep	19	1	20	10:24 AM	5:06 PM
Monday	7-Sep	18	4	22	6:49 AM	4:32 PM
Tuesday	8-Sep	12	0	12	7:10 AM	7:07 PM
Wednesday	9-Sep	12	2	14	7:14 AM	6:19 PM
Thursday	10-Sep	5	0	5	9:10 AM	5:12 PM
Friday	11-Sep	8	2	10	8:40 AM	6:49 PM
Saturday	12-Sep	13	3	16	5:08 AM	7:25 PM
Sunday	13-Sep	21	3	24	8:21 AM	4:51 PM
Monday	14-Sep	9	1	10	9:08 AM	7:26 PM
Tuesday	15-Sep	16	0	16	7:57 AM	7:23 PM
Wednesday	16-Sep	13	4	17	6:57 AM	7:23 PM
	MAX	24	5	29		
	AVERAGE	12	2	14		

KITTERY LAND TRUST, INC. -- SECRETARY'S CERTIFICATE
ACQUISITION OF PATTEN PROPERTY

I, Karen Young, the undersigned Secretary of Kittery Land Trust, Inc., do hereby certify that the following is a true copy of a resolution adopted at a meeting of the Board of Directors duly called and held on Wednesday, June 21, 2006 at which a quorum was present and acting throughout, that such resolution has not been rescinded, modified or amended, and is in full force and effect on this date:

"WHEREAS Kittery Land Trust wishes to acquire for conservation and recreation purposes unimproved lots or parcels of land situated in the Town of Kittery, York County, State of Maine, lying at the terminus of Norton Road, and being more particularly described as a portion of Town of Kittery Tax Map 68, Lot 3, and further described in a deed recorded at Book 14329 Page 322 in the York County Registry of Deeds; and

WHEREAS Juliana F. Patten and George A. Patten have agreed to sell approximately 86 acres of said property for a purchase price of FOUR HUNDRED THOUSAND DOLLARS (\$400,000), as specified in an Option granted by the Sellers to Kittery Land Trust ("First Premises"); and

WHEREAS approximately THREE HUNDRED TWENTY SIX THOUSAND DOLLARS (\$326,000) of the purchase price for the First Premises will be funded by a grant from the National Oceanic Atmospheric Administration's Coastal and Estuarine Land Conservation Program, subject to certain conservation-related deed restrictions; and

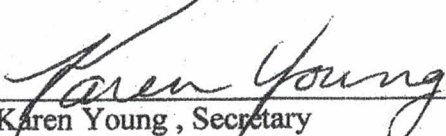
WHEREAS as a condition of said grant, Kittery Land Trust must transfer ownership of the First Premises to a governmental entity; and

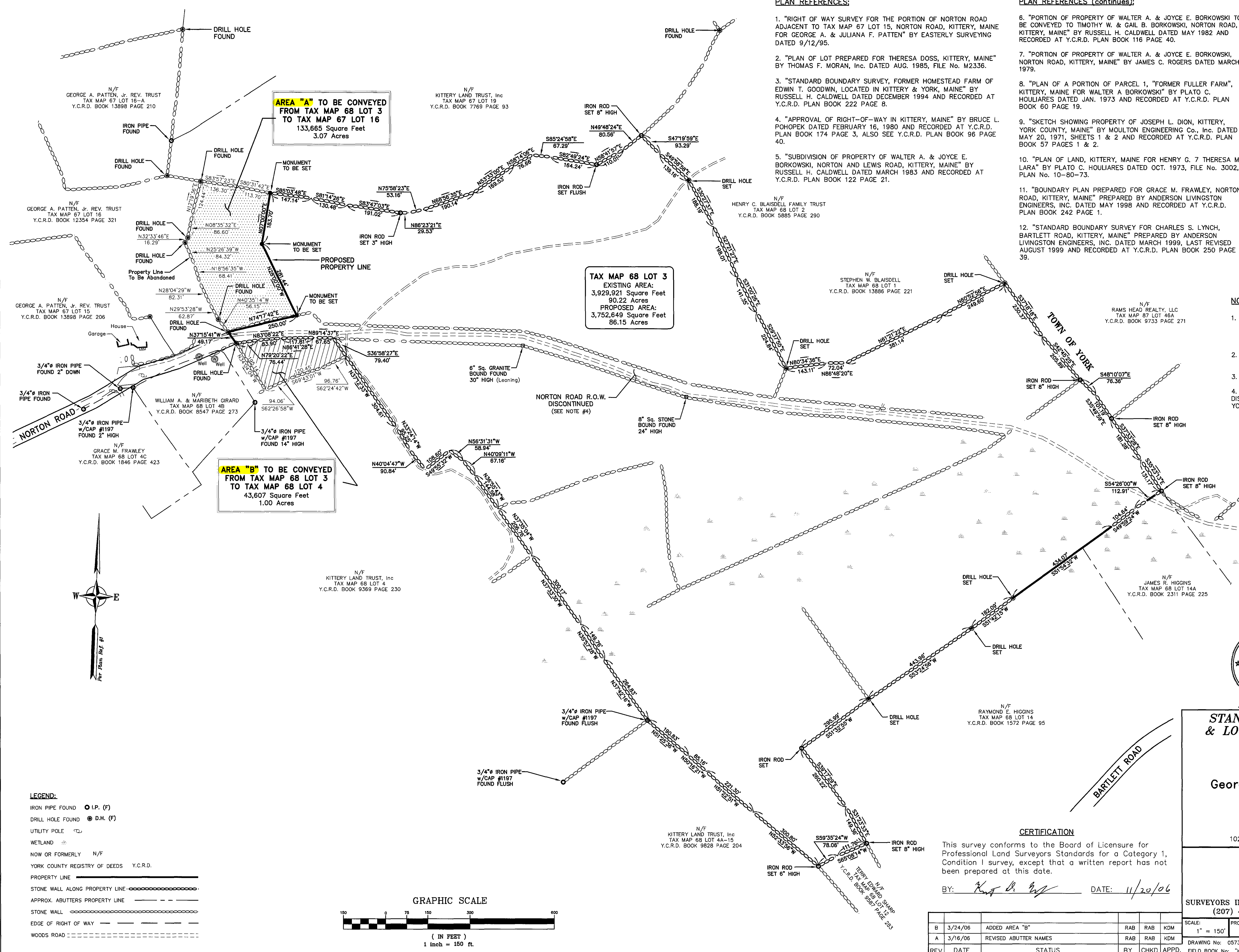
WHEREAS the Pattens have agreed to donate approximately one acre of said property, abutting the 86-acre parcel, to be retained by Kittery Land Trust for conservation purposes ("Second Premises");

NOW THEREFORE LET IT BE RESOLVED by the Board of Directors of Kittery Land Trust as follows:

1. That Kittery Land Trust is hereby authorized to purchase the First Premises from said Pattens in accordance with the Option granted by the Sellers to Kittery Land Trust.
2. That Kittery Land Trust intends to convey the First Premises to the Town of Kittery, excepting and reserving a conservation easement in order to perpetually protect the Premises from development and other intensive uses.
3. That Kittery Land Trust is hereby authorized to accept the donation of the Second Premises from said Pattens and to hold said land for conservation purposes.
4. That the President of Kittery Land Trust, or in the absence thereof, the Vice President, is hereby authorized to sign any document they believe to be reasonably necessary or convenient to the completion of any of the transactions described above.

The foregoing resolution was adopted by the Board of Directors of Kittery Land Trust in accordance with the Bylaws of the organization on the 21st day of June, 2006.


Karen Young, Secretary 6-21-2006

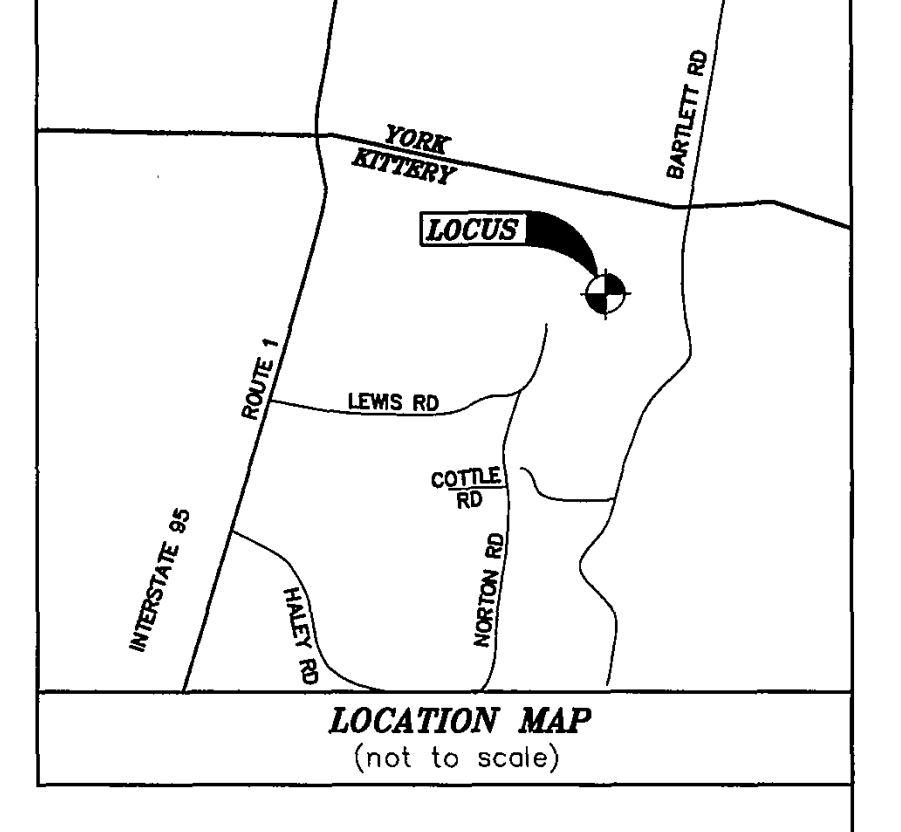


PLAN REFERENCES:

- "RIGHT OF WAY SURVEY FOR THE PORTION OF NORTON ROAD ADJACENT TO TAX MAP 67 LOT 15, NORTON ROAD, KITTERY, MAINE FOR GEORGE A. & JULIANA F. PATTEN" BY EASTERLY SURVEYING DATED 9/12/95.
- "PLAN OF LOT PREPARED FOR THERESA DOSS, KITTERY, MAINE" BY THOMAS F. MORAN, Inc. DATED AUG. 1985, FILE No. M2336.
- "STANDARD BOUNDARY SURVEY, FORMER HOMESTEAD FARM OF EDWIN T. GOODWIN, LOCATED IN KITTERY & YORK, MAINE" BY RUSSELL H. CALDWELL DATED DECEMBER 1994 AND RECORDED AT Y.C.R.D. PLAN BOOK 222 PAGE 8.
- "APPROVAL OF RIGHT-OF-WAY IN KITTERY, MAINE" BY BRUCE L. FOWLER DATED FEBRUARY 16, 1980 AND RECORDED AT Y.C.R.D. PLAN BOOK 174 PAGE 3, ALSO SEE Y.C.R.D. PLAN BOOK 96 PAGE 40.
- "SUBDIVISION OF PROPERTY OF WALTER A. & JOYCE E. BORKOWSKI, NORTON AND LEWIS ROAD, KITTERY, MAINE" BY RUSSELL H. CALDWELL DATED MARCH 1983 AND RECORDED AT Y.C.R.D. PLAN BOOK 122 PAGE 21.

PLAN REFERENCES (continues):

- "PORTION OF PROPERTY OF WALTER A. & JOYCE E. BORKOWSKI TO BE CONVEYED TO TIMOTHY W. & GAIL B. BORKOWSKI, NORTON ROAD, KITTERY, MAINE" BY RUSSELL H. CALDWELL DATED MAY 1982 AND RECORDED AT Y.C.R.D. PLAN BOOK 116 PAGE 40.
- "PORTION OF PROPERTY OF WALTER A. & JOYCE E. BORKOWSKI, NORTON ROAD, KITTERY, MAINE" BY JAMES C. ROGERS DATED MARCH 1979.
- "PLAN OF A PORTION OF PARCEL 1, 'FORMER FULLER FARM', KITTERY, MAINE FOR WALTER A. BORKOWSKI" BY PLATO C. HOULIARES DATED JAN. 1973 AND RECORDED AT Y.C.R.D. PLAN BOOK 60 PAGE 19.
- "SKETCH SHOWING PROPERTY OF JOSEPH L. DION, KITTERY, YORK COUNTY, MAINE" BY MOULTON ENGINEERING Co., Inc. DATED MAY 20, 1971, SHEETS 1 & 2 AND RECORDED AT Y.C.R.D. PLAN BOOK 57 PAGES 1 & 2.
- "PLAN OF LAND, KITTERY, MAINE FOR HENRY G. 7 THERESA M. LARA" BY PLATO C. HOULIARES DATED OCT. 1973, FILE No. 3002, PLAN No. 10-80-73.
- "BOUNDARY PLAN PREPARED FOR GRACE M. FRAWLEY, NORTON ROAD, KITTERY, MAINE" PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. DATED MAY 1998 AND RECORDED AT Y.C.R.D. PLAN BOOK 242 PAGE 1.
- "STANDARD BOUNDARY SURVEY FOR CHARLES S. LYNCH, BARTLETT ROAD, KITTERY, MAINE" PREPARED BY ANDERSON LIVINGSTON ENGINEERS, INC. DATED MARCH 1999, LAST REVISED AUGUST 1999 AND RECORDED AT Y.C.R.D. PLAN BOOK 250 PAGE 39.

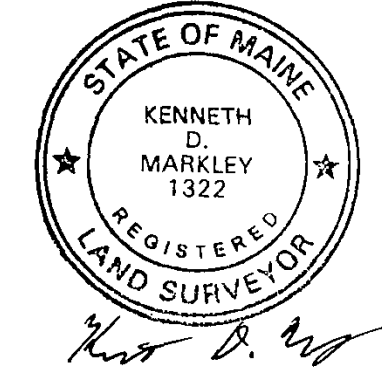


NOTES:

- OWNER OF RECORD: GEORGE A. & JULIANA F. PATTEN Y.C.R.D. BOOK 14329 PAGE 332 DATED DECEMBER 22, 2004
- TOTAL EXISTING AREA: 3,929,921 Square Feet OR 90.22 Acres
- BASIS OF BEARING IS PER PLAN REFERENCE #1.
- REFERENCE IS MADE TO NORTON ROAD DISCONTINUANCE DATED FEBRUARY 1942, ON RECORD AT YORK COUNTY COMMISSIONERS OFFICE.

000580

YORK, ss REGISTRY OF DEEDS
 Received 12-14-06
 At 12 h 42 m P.M., and
 Filed in Plan Book 316 page 36
 ATTEST: John D. Rodman
 Register



STANDARD BOUNDARY SURVEY & LOT LINE ADJUSTMENT PLAN
 FOR PROPERTY OF
 Norton Road
 Kittery, York County, Maine
 OWNED BY
George A. & Juliana F. Patten
 161 Norton Road
 Kittery, Maine 03904
 CLIENT:
Kittery Land Trust
 Attn: Rob Nichols
 102 Goodwin Road, Kittery Point, Maine 03904

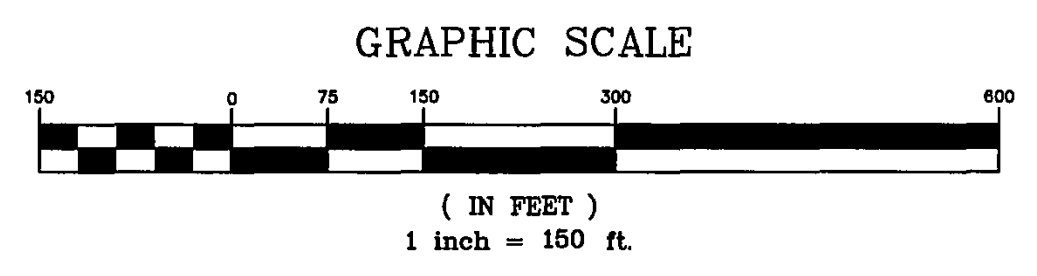
CERTIFICATION

This survey conforms to the Board of Licensure for Professional Land Surveyors Standards for a Category 1, Condition 1 survey, except that a written report has not been prepared at this date.

BY: Ken E. Markley DATE: 11/20/06

REV.	DATE	STATUS	BY	CHKD	APPD.	SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
B	3/24/06	ADDED AREA "B"	RAB	RAB	KDM	1" = 150'	05734	12/15/05	1 OF 1	R.A.B.	K.D.M.
A	3/16/06	REVISED ABUTTER NAMES	RAB	RAB	KDM						
REV.	DATE	STATUS	BY	CHKD	APPD.	DRAWING No:	FIELD BOOK No:				
						05734 Boundary	"Kittery 9"				

- LEGEND:**
- IRON PIPE FOUND ○ I.P. (F)
 - DRILL HOLE FOUND ● D.H. (F)
 - UTILITY POLE □
 - WETLAND ⊞
 - NOW OR FORMERLY N/F
 - YORK COUNTY REGISTRY OF DEEDS Y.C.R.D.
 - PROPERTY LINE ———
 - STONE WALL ALONG PROPERTY LINE ———
 - APPROX. ABUTTERS PROPERTY LINE - - - - -
 - STONE WALL ———
 - EDGE OF RIGHT OF WAY - - - - -
 - WOODS ROAD - - - - -



WARRANTY DEED

(Maine Statutory Short Form)

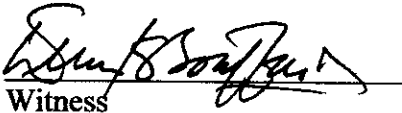
KNOW ALL MEN BY THESE PRESENTS, that JULIANA F. PATTEN and GEORGE A. PATTEN, of 161 Norton Road, Kittery, Maine, 03904, for consideration paid, GRANT to KITTERY LAND TRUST, INC., a non-profit corporation organized and existing under the laws of the State of Maine with a mailing address of P.O. Box 467, Kittery, Maine 03904, with WARRANTY COVENANTS, the land in Kittery, York County, Maine, described as follows:

SEE ATTACHED EXHIBIT A.

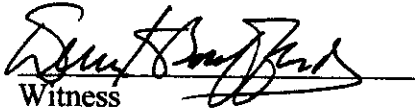
THIS PROPERTY HAS BEEN ACQUIRED in part with funds from a federal financial assistance award through the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program (CELCP). Title to the property conveyed by this deed shall vest upon acquisition in Kittery Land Trust Inc. subject to the conditions that the property shall be managed for conservation purposes and consistent with the purposes for which it was entered into the CELCP, and shall not convert to other uses. Except for the conveyance of the premises to the Town of Kittery, and reservation of a conservation easement therefrom, on even or near even date herewith, Kittery Land Trust, Inc. shall not dispose of, exchange, encumber its title in, or convert the use of this property without approval from the National Oceanic and Atmospheric Administration (NOAA) or its successor agencies.

WITNESS my hands and seal this 14th day of December, 2006.

Signed, Sealed and Delivered in the presence of


Witness


JULIANA F. PATTEN


Witness


GEORGE A. PATTEN

State of Maine
County of York

December 14, 2006

Then personally appeared before me the above-named Julian F. Patten and George A. Patten, and jointly and severally acknowledged the foregoing to be their free acts and deeds.



Notary Public/Attorney at Law

Printed Name: Robert H. Levin

My commission expires: _____

MAINE R.E. TRANSFER TAX PAID

Return to: Robert H. Levin
94 Beckett St., 2nd Fl.
Portland, ME 04101
4 P. →

EXHIBIT A
(Juliana F. Patten and George A. Patten to Kittery Land Trust, Inc.)

Description of "Tax Map 68 Lot 3"

A certain tract or parcel of land with buildings thereon, located at the end of Norton Road, Town of Kittery, York County, Maine, depicted as Tax Map 68 Lot 3 on a plan entitled "Standard Boundary Survey & Lot Line Adjustment Plan for property off Norton Road, Kittery, York County, Maine, owned by George A. & Juliana F. Patten", prepared by Kenneth D. Markley (PLS 1322) of North Easterly Surveying, Inc., dated 12/15/05, last revised 3/24/06, which will be recorded in the York County Registry of Deeds and being more particularly described as follows:

Beginning at a drill hole in the corner of a stone wall at the southeast corner of land now or formerly of George A. Patten, Jr. Revocable Trust and the southwest corner of land depicted as Area "A" on said plan, being on the north side of a discontinued right of way; thence running along Area "A" and said discontinued right of way N 74° 17' 42" E by a stone wall a distance of 250.00 feet to a monument to be set; thence running N 28° 00' 00" W along said Area "A" a distance of 281.44 feet to a monument to be set; thence running N 07° 00' 00" E along said Area "A" a distance of 183.70 feet to a monument to be set in a stone wall at land now or formerly of the Kittery Land Trust, Inc.; thence running along land of said Kittery Land Trust, Inc. S 85° 03' 48" E by said stone wall a distance of 147.14 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 81° 14' 26" E by said stone wall a distance of 130.48 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 83° 47' 03" E by said stone wall a distance of 191.02 feet to an iron rod; thence running along land of said Kittery Land Trust, Inc. N 86° 23' 21" E by said stone wall a distance of 29.53 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 75° 58' 23" E by said stone wall a distance of 53.16 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 68° 56' 35" E by said stone wall a distance of 190.14 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 53° 33' 00" E by said stone wall a distance of 169.53 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 58° 14' 06" E by said stone wall a distance of 76.66 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 85° 24' 58" E by said stone wall a distance of 67.29 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 82° 49' 24" E by said stone wall a distance of 164.24 feet to an iron rod; thence running along land of said Kittery Land Trust, Inc. N 58° 41' 57" E by said stone wall a distance of 110.01 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 49° 48' 24" E by said stone wall a distance of 80.56 feet to an iron rod at an intersection of stone walls at land of now or formerly of Blaisdell; thence running along land of said Blaisdell S 47° 19' 59" E by said stone wall a distance of 93.29 feet to a point; thence running along land of said Blaisdell S 49° 58' 58" E by said stone wall a distance of 139.16 feet to a drill hole; thence running along land of said Blaisdell S 30° 27' 37" E by said stone wall a distance of 188.19 feet to a point; thence running along land of said Blaisdell S 27° 21' 27" E by said stone wall a distance of 198.01 feet to a point; thence running along land of said Blaisdell S 31° 00' 26" E by said stone wall a distance of 141.35 feet to a point; thence running along land of said Blaisdell S 29° 37' 55" E by said stone wall a distance of 224.84 feet to a drill hole; thence running along land of said Blaisdell N 80° 34' 36" E by said stone wall a distance of 143.11 feet to a point; thence

running along land of said Blaisdell N 86° 48' 20" E by said stone wall a distance of 72.04 feet to a point; thence running along land of said Blaisdell N 61° 21' 22" E by said stone wall a distance of 381.14 feet to a point; thence running along land of said Blaisdell N 60° 52' 56" E by said stone wall a distance of 249.60 feet to a drill hole at an intersection of stone walls at land now or formerly of Rams Head Realty, LLC; thence running along land of said Rams Head Realty, LLC S 37° 18' 18" E by said stone wall a distance of 230.37 feet to a point; thence running along land of said Rams Head Realty, LLC S 42° 45' 25" E by said stone wall a distance of 205.89 feet to an iron rod at an intersection of stone walls; thence running along land of said Rams Head Realty, LLC S 48° 10' 07" E by said stone wall a distance of 76.36 feet to a point; thence running along land of said Rams Head Realty, LLC S 35° 49' 59" E by said stone wall a distance of 101.19 feet to an iron rod at an intersection of stone walls; thence running along land of said Rams Head Realty, LLC S 37° 33' 28" E by said stone wall a distance of 181.28 feet to a point; thence running along land of said Rams Head Realty, LLC S 35° 23' 13" E by said stone wall a distance of 131.17 feet to an iron rod at an intersection of stone walls at land now or formerly of James R. Higgins; thence running along land of said James R. Higgins S 54° 26' 00" W partially by said stone wall a distance of 112.91 feet to a point; thence running along land of said James R. Higgins S 49° 59' 24" W by said stone wall a distance of 104.64 feet to a point at the end of said stone wall; thence running along land of said James R. Higgins and land now or formerly of Raymond E. Higgins S 51° 54' 32" W a distance of 434.07 feet to a drill hole at the end of a stone wall; thence running along land of said Raymond E. Higgins S 51° 42' 15" W by said stone wall a distance of 182.09 feet to a drill hole; thence running along land of said Raymond E. Higgins S 53° 24' 56" W by said stone wall a distance of 443.96 feet to a drill hole at an intersection of stone walls; thence running along land of said Raymond E. Higgins S 51° 32' 55" W by said stone wall a distance of 295.99 feet to an iron rod set at a corner in said stone wall; thence running along land of said Raymond E. Higgins S 39° 17' 29" E by said stone wall a distance of 260.22 feet to a point; thence running along land of said Raymond E. Higgins S 31° 23' 33" E by said stone wall a distance of 149.36 feet to an iron rod at an intersection of stone walls at land now or formerly of Terry Edward Sharp; thence running along land of said Sharp S 65° 08' 14" W by said stone wall a distance of 111.76 feet to a point; thence running along land of said Sharp S 59° 35' 24" W by said stone wall a distance of 78.06 feet to an iron rod at an intersection of stone walls at land now or formerly of the Kittery Land Trust, Inc.; thence running along land of said Kittery Land Trust, Inc. N 52° 33' 56" W by said stone wall a distance of 300.80 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 51° 22' 51" W by said stone wall a distance of 221.30 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 50° 16' 21" W by said stone wall a distance of 85.16 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 51° 25' 36" W by said stone wall a distance of 190.83 feet to an iron pipe at an intersection of stone walls and other land of said Kittery Land Trust, Inc.; thence running along land of said Kittery Land Trust, Inc. N 37° 42' 16" W by said stone wall a distance of 264.83 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 35° 57' 28" W by said stone wall a distance of 149.76 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 37° 33' 30" W by said stone wall a distance of 300.17 feet to an intersection of stone walls; thence running along land of said Kittery Land Trust, Inc. N 37° 35' 04" W by said stone wall a distance of 206.76 feet to an intersection of stone walls; thence running along land of said Kittery Land Trust, Inc. N 36° 55' 43" W by said stone wall a distance of 144.58 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 40° 09' 11" W by said stone wall a distance of 67.16 feet to a point;

thence running along land of said Kittery Land Trust, Inc. N 56° 31' 31" W by said stone wall a distance of 58.94 feet to a corner in said stone wall; thence running along land of said Kittery Land Trust, Inc. S 49° 55' 32" W by said stone wall a distance of 108.60 feet to a corner in said stone wall; thence running along land of said Kittery Land Trust, Inc. N 40° 04' 47" W by said stone wall a distance of 90.84 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 33° 24' 14" W by said stone wall a distance of 95.25 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 37° 12' 33" W by said stone wall a distance of 304.61 feet to an intersection of stone walls at land depicted as "Area B" on said plan; thence running along said "Area B" N 36° 58' 27" W by said stone wall a distance of 79.40 feet to an intersection of stone walls on the south sideline of a discontinued right of way; thence running along said "Area B" and said discontinued right of way S 89° 14' 37" W by a stone wall a distance of 67.65 feet to a point; thence running along said "Area B" and said discontinued right of way S 86° 41' 28" W by a stone wall a distance of 117.81 feet to a point; thence running along said "Area B" and said discontinued right of way S 83° 08' 22" W by a stone wall a distance of 83.90 feet to a point; thence running along said "Area B" and said discontinued right of way N 79° 20' 22" E by a stone wall a distance of 76.44 feet to a drill hole at an intersection of stone walls; thence running across said discontinued right of way N 37° 15' 41" W a distance of 49.17 feet to the point of beginning, containing 86.15 acres of land.

Said parcel being a portion of the premises described in the warranty deed from Joyce E. Borkowski to Juliana F. Patten and George A. Patten as joint tenants dated December 20, 2004 and recorded at the York County Registry of Deeds in Book 14329 Page 322.

END OF DOCUMENT

2

WARRANTY DEED

(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS, that JULIANA F. PATTEN and GEORGE A. PATTEN, of 161 Norton Road, Kittery, Maine, 03904, for consideration paid, GRANT to **KITTERY LAND TRUST, INC.**, a non-profit corporation organized and existing under the laws of the State of Maine with a mailing address of P.O. Box 467, Kittery, Maine 03904, with **WARRANTY COVENANTS**, the land in Kittery, York County, Maine, described as follows:

SEE ATTACHED EXHIBIT A.

WITNESS my hands and seal this 14th day of December, 2006.

Signed, Sealed and Delivered in the presence of


Witness


JULIANA F. PATTEN


Witness


GEORGE A. PATTEN

State of Maine
County of York

December 14, 2006

Then personally appeared before me the above-named Julian F. Patten and George A. Patten, and jointly and severally acknowledged the foregoing to be their free acts and deeds.



Notary Public/Attorney at Law

Printed Name: Robert H. Levin

My commission expires: _____

NO R.E. TRANSFER TAX PAID

Return to: Robert H. Levin
74 Beckett St., 2nd Fl.
Portland, ME 04101

29.

EXHIBIT A
(Juliana F. Patten and George A. Patten to Kittery Land Trust, Inc.)

Description of Area "B"

A certain tract or parcel of land with buildings thereon, located at the end of Norton Road, Town of Kittery, York County, Maine, depicted as Area "B" on a plan entitled "Standard Boundary Survey & Lot Line Adjustment Plan for property off Norton Road, Kittery, York County, Maine, owned by George A. & Juliana F. Patten", prepared by Kenneth D. Markley (PLS 1322) of North Easterly Surveying, Inc., dated 12/15/05, last revised 3/24/06, which will be recorded in the York County Registry of Deeds and being more particularly described as follows:

Beginning at the west corner of said parcel on the south side of a discontinued right of way; thence running along said discontinued right of way N 79° 20' 22" E by a stone wall a distance of 76.44 feet to a point; thence running along said discontinued right of way N 83° 08' 22" E by a stone wall a distance of 83.90 feet to a point; thence running along said discontinued right of way N 86° 41' 28" E by a stone wall a distance of 117.81 feet to a point; thence running along said discontinued right of way N 89° 14' 37" E by a stone wall a distance of 67.65 feet to an intersection of stone walls at land now or formerly of said grantors; thence running along a stone wall S 36° 58' 27" E by land of said grantors a distance of 79.40 feet to an intersection of stone walls at land now or formerly of said grantees; thence running along a stone wall S 62° 24' 42" W by land of said grantees a distance of 96.76 feet to a point; thence running along said stone wall S 69° 43' 01" W by land of said grantees a distance of 120.45 feet to a point; thence running along said stone wall S 62° 26' 58" W by land of said grantees a distance of 94.06 feet to an intersection of stone walls; thence running along said stone wall N 34° 04' 04" W by land of said grantees a distance of 195.14 feet to the point of beginning, containing 1.00 acre of land.

Said parcel being a portion of the premises described in the warranty deed from Joyce E. Borkowski to Juliana F. Patten and George A. Patten as joint tenants dated December 20, 2004 and recorded at the York County Registry of Deeds in Book 14329 Page 322.

END OF DOCUMENT

QUITCLAIM EASEMENT DEED WITH COVENANT

(Maine Statutory Short Form)

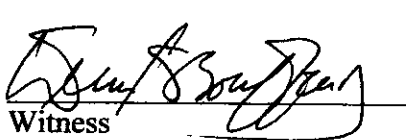
KNOW ALL MEN BY THESE PRESENTS, that GEORGE A. PATTEN, JR., TRUSTEE OF THE GEORGE A. PATTEN JR. REVOCABLE TRUST, of 161 Norton Road, Kittery, Maine, 03904, for consideration paid, GRANTS to KITTERY LAND TRUST, INC., a non-profit corporation organized and existing under the laws of the State of Maine with a mailing address of P.O. Box 467, Kittery, Maine 03904, with QUITCLAIM COVENANT, the easement and right of way in Kittery, York County, Maine, described as follows:

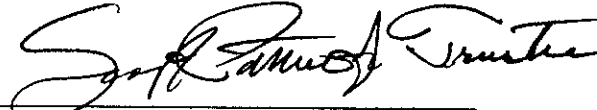
Doc# 2006060928
BK 15035 Pg 0738
Received York SS
12/14/2006 12:42PM
Debra L. Anderson
Register of Deeds

A right of way to Area B, as depicted on the "Standard Boundary Survey & Lot Line Adjustment Plan for property off Norton Road, Kittery, York County, Maine, owned by George A. & Juliana F. Patten", prepared by Kenneth D. Markley (PLS 1322) of North Easterly Surveying, Inc., dated 12/15/05, last revised 3/24/06, from the terminus of the town-owned, public portion of Norton Road over that portion of land located between the centerline of the abandoned portion of Norton Road, so-called, in Kittery, County of York, State of Maine, and the southern boundary of land of two parcels belonging to George A. Patten, Jr., Trustee of the George A. Patten Jr. Revocable Trust, the first parcel being conveyed by quitclaim deed with covenant dated January 16, 2004, and recorded at York County Registry of Deeds in Book 13898 Page 206 and the second being conveyed by quitclaim deed with covenant dated December 20, 2002, and recorded at York County Registry of Deeds in Book 12354 Page 321, which portion of land lies along the southerly boundary of the aforementioned two parcels.

This easement and right of way shall be for ingress and egress to Area B and to other nearby parcels currently or in the future owned by Kittery Land Trust, Inc. Such ingress and egress shall be by vehicle or otherwise for stewardship and maintenance purpose, and Kittery Land Trust, Inc. shall have the right, at its discretion to allow non-motorized ingress and egress by the general public for recreational purposes.

IN WITNESS WHEREOF, I, George A. Patten, Jr., in my individual capacity as Trustee of the George A. Patten Jr. Revocable trust, hereunto duly authorized, have hereunto set my hand and seal this 14th day of December, 2006.



Witness


GEORGE A. PATTEN, JR. TRUSTEE
GEORGE A. PATTEN JR. REVOCABLE TRUST

State of Maine
County of York

December 14, 2006

Then personally appeared before me the above-named George A. Patten, Jr., Trustee of the George A. Patten Jr. Revocable Trust, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Trust.


Notary Public/Attorney at Law
Printed Name: Robert H. Levin
My commission expires: _____

Return to: Robert H. Levin
94 Beckett St., 2nd Fl.
Portland, ME 04101
P.P.

QUITCLAIM EASEMENT DEED WITH COVENANT

(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS, that GEORGE A. PATTEN, JR., TRUSTEE OF THE GEORGE A. PATTEN JR. REVOCABLE TRUST, of 161 Norton Road, Kittery, Maine, 03904, for consideration paid, GRANTS to KITTERY LAND TRUST, INC., a non-profit corporation organized and existing under the laws of the State of Maine with a mailing address of P.O. Box 467, Kittery, Maine 03904, with QUITCLAIM COVENANT, the easement and right of way in Kittery, York County, Maine, described as follows:

Doc# 2006060929
Bk 15035 Pg 0739
Received York SS
12/14/2006 12:42PM
Debra L. Anderson
Register of Deeds

A right of way to Tax Map 68, Lot 3, as depicted on the "Standard Boundary Survey & Lot Line Adjustment Plan for property off Norton Road, Kittery, York County, Maine, owned by George A. & Juliana F. Patten", prepared by Kenneth D. Markley (PLS 1322) of North Easterly Surveying, Inc., dated 12/15/05, last revised 3/24/06, from the terminus of the town-owned, public portion of Norton Road over that portion of land located between the centerline of the abandoned portion of Norton Road, so-called, in Kittery, County of York, State of Maine, and the southern boundary of land of two parcels belonging to George A. Patten, Jr., Trustee of the George A. Patten Jr. Revocable Trust, the first parcel being conveyed by quitclaim deed with covenant dated January 16, 2004, and recorded at York County Registry of Deeds in Book 13898 Page 206 and the second being conveyed by quitclaim deed with covenant dated December 20, 2002, and recorded at York County Registry of Deeds in Book 12354 Page 321, which portion of land lies along the southerly boundary of the aforementioned two parcels.

This easement and right of way shall be for ingress and egress to the benefitted parcels and for all other legal purposes, including the right to lay and maintain utilities; the right to repair, maintain and improve said right of way; and the right, at the Grantee's discretion, to allow non-motorized ingress and egress by the general public for recreational purposes.

IN WITNESS WHEREOF, I, George A. Patten, Jr., in my individual capacity as Trustee of the George A. Patten Jr. Revocable trust, hereunto duly authorized, have hereunto set my hand and seal this 14th day of December, 2006.

Robert H. Levin
Witness

George A. Patten, Jr.
GEORGE A. PATTEN, JR. TRUSTEE
GEORGE A. PATTEN JR. REVOCABLE TRUST

State of Maine
County of York

December 14, 2006

Then personally appeared before me the above-named George A. Patten, Jr., Trustee of the George A. Patten Jr. Revocable Trust, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Trust.

Robert H. Levin
Notary Public/Attorney at Law
Printed Name: Robert H. Levin
My commission expires: _____

1 p. Return to: Robert H. Levin
94 Beckett St., 2nd Fl.
Portland, ME 04109

**QUITCLAIM DEED WITH COVENANT EXCEPTING AND RESERVING A
CONSERVATION EASEMENT**

(Maine Statutory Short Form)

KITTERY LAND TRUST, INC., a nonprofit corporation organized and existing under the laws of the State of Maine with a mailing address of P.O. Box 467, Kittery, Maine 03904, for consideration paid, **GRANTS** to **TOWN OF KITTERY**, a body corporate and politic organized and operating under the laws of the State of Maine, with a mailing address of 200 Rogers Road Ext., Kittery, Maine, 03904, with **QUITCLAIM COVENANT**, the land in Kittery, York County, Maine, described as follows:

SEE ATTACHED EXHIBIT A.

EXCEPTING AND RESERVING from the Premises herein conveyed, by the Grantor, for itself and its successors and assigns forever, as Holder thereof, a perpetual **CONSERVATION EASEMENT** over the aforescribed premises (referred to in the Conservation Easement as the Protected Property), which shall run with the land and be binding in perpetuity upon Grantee herein, and its permitted successors and assigns (referred to in the Conservation Easement as "Owner"), pursuant to the Maine Uniform Conservation Easement Act, Title 33 M.R.S.. Section 476 et seq., as amended and successor provisions thereof, the Internal Revenue Code of 1986, as amended (hereinafter referred to as the "Code") at Title 26, U.S.C.A., Section 170(h)(1)-(6) and Sections 2031(c), 2055, and 2522, and under Federal Treasury Regulations at Title 26 C.F.R. §1.170A-14 et seq., as amended, for the benefit of the general public; all in accordance with the purpose, terms, conditions, restrictions and affirmative rights set forth in the Conservation Easement at Exhibit B, attached hereto and made a part hereof by this reference.

By execution and delivery of this deed, the Grantor agrees to accept the rights and obligations as Holder of the Conservation Easement pursuant to Title 33 M.R.S. Section 476 et seq. and successor provisions. By acceptance of this deed, Grantee agrees, for itself, and its successors and assigns, and all future owners of the premises, to be bound by the terms of this Conservation Easement.

ALSO EXCEPTING AND RESERVING from the Premises herein conveyed a right of way on the existing woods roads and along a twenty-five foot (25') strip of land beginning at the existing woods road that leads to Tax Map 68, Lot 2 and terminating at the common boundary of the Premises and Tax Map 67, Lot 19, at a location to be determined by the Grantor, for ingress and egress to Tax Map 67, Lot 19 by Kittery Land Trust, Inc. staff and volunteers for land management purposes and by the general public for non-motorized recreational purposes.

NOTICE: THIS PROPERTY HAS BEEN ACQUIRED in part with funds from a federal financial assistance award through the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program (CELCP). Title to the property conveyed by this deed shall vest upon acquisition in the Town of Kittery subject to the conditions that the property shall be managed for conservation purposes and consistent with the purposes for which it was entered into the CELCP, and shall not convert to other uses. Except for the within excepted and reserved conservation easement to Kittery Land Trust, Inc. and the within excepted

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M.P. Return to: Robert H. Levin
94 Beckett St., 2nd Fl.
Portland, ME 04101
NO R.E. TRANSFER TAX PAID

and reserved right of way, the Town of Kittery shall not dispose of, exchange, encumber its title in, or convert the use of this property without approval from the National Oceanic and Atmospheric Administration (NOAA) or its successor agencies.

WITNESS my hands and seal this 14th day of December, 2006.

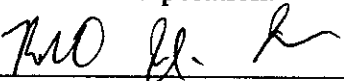
Signed, Sealed and Delivered in the presence of

 
Witness Melissa Paly, President
Kittery Land Trust

State of Maine
York, ss

December 14, 2006

Then personally appeared before me the above-named Melissa Paly, President of Kittery Land Trust, Inc., hereunto duly authorized, and acknowledged the foregoing to be her free act and deed in her said capacity and the free act and deed of said corporation.


Notary Public/Attorney at Law
Printed Name: Robert H. Levin

ACCEPTANCE OF DEED.

Grantee, Town of Kittery, hereby takes delivery of this deed by and through Jonathan L. Carter, its Town Manager, hereunto duly authorized, and hereby accepts the same and agrees to be bound by the terms and conditions of the Conservation Easement set forth herein.

Witness my hand and seal this 14th day of December, 2006.

Alvin MacEachern

Witness:

Jonathan L. Carter
Town of Kittery
by: Jonathan L. Carter
its: Town Manager

STATE OF MAINE
COUNTY OF YORK, ss.

Date:

Then personally appeared the above-named Jonathan L. Carter, Town Manager of the Town of Kittery, hereunto duly authorized, and acknowledged the foregoing to be his/her free act and deed in his/her said capacity and the free act and deed of said Town.

Before me, Robert H. Levin
Notary Public ~~Public~~ Attorney at Law
Robert H. Levin
Print name

Exhibit A

**PROPERTY DESCRIPTION
(Kittery Land Trust, Inc. to Town of Kittery)**

Description of "Tax Map 68 Lot 3"

A certain tract or parcel of land with buildings thereon, located at the end of Norton Road, Town of Kittery, York County, Maine, depicted as Tax Map 68 Lot 3 on a plan entitled "Standard Boundary Survey & Lot Line Adjustment Plan for property off Norton Road, Kittery, York County, Maine, owned by George A. & Juliana F. Patten", prepared by Kenneth D. Markley (PLS 1322) of North Easterly Surveying, Inc., dated 12/15/05, last revised 3/24/06, which will be recorded in the York County Registry of Deeds and being more particularly described as follows:

Beginning at a drill hole in the corner of a stone wall at the southeast corner of land now or formerly of George A. Patten, Jr. Revocable Trust and the southwest corner of land depicted as Area "A" on said plan, being on the north side of a discontinued right of way; thence running along Area "A" and said discontinued right of way N 74° 17' 42" E by a stone wall a distance of 250.00 feet to a monument to be set; thence running N 28° 00' 00" W along said Area "A" a distance of 281.44 feet to a monument to be set; thence running N 07° 00' 00" E along said Area "A" a distance of 183.70 feet to a monument to be set in a stone wall at land now or formerly of the Kittery Land Trust, Inc.; thence running along land of said Kittery Land Trust, Inc. S 85° 03' 48" E by said stone wall a distance of 147.14 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 81° 14' 26" E by said stone wall a distance of 130.48 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 83° 47' 03" E by said stone wall a distance of 191.02 feet to an iron rod; thence running along land of said Kittery Land Trust, Inc. N 86° 23' 21" E by said stone wall a distance of 29.53 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 75° 58' 23" E by said stone wall a distance of 53.16 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 68° 56' 35" E by said stone wall a distance of 190.14 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 53° 33' 00" E by said stone wall a distance of 169.53 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 58° 14' 06" E by said stone wall a distance of 76.66 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 85° 24' 58" E by said stone wall a distance of 67.29 feet to a point; thence running along land of said Kittery Land Trust, Inc. S 82° 49' 24" E by said stone wall a distance of 164.24 feet to an iron rod; thence running along land of said Kittery Land Trust, Inc. N 58° 41' 57" E by said stone wall a distance of 110.01 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 49° 48' 24" E by said stone wall a distance of 80.56 feet to an iron rod at an intersection of stone walls at land of now or formerly of Blaisdell; thence running along land of said Blaisdell S 47° 19' 59" E by said stone wall a distance of 93.29 feet to a point; thence running along land of said Blaisdell S 49° 58' 58" E by said stone wall a distance of 139.16 feet to a drill hole; thence running along land of said Blaisdell S 30° 27' 37" E by said stone wall a distance of 188.19 feet to a point; thence running along land of said Blaisdell S 27° 21' 27" E by said stone wall a distance of 198.01 feet to a point; thence running along land of said Blaisdell S 31° 00' 26" E by said stone wall a distance of

141.35 feet to a point; thence running along land of said Blaisdell S 29° 37' 55" E by said stone wall a distance of 224.84 feet to a drill hole; thence running along land of said Blaisdell N 80° 34' 36" E by said stone wall a distance of 143.11 feet to a point; thence running along land of said Blaisdell N 86° 48' 20" E by said stone wall a distance of 72.04 feet to a point; thence running along land of said Blaisdell N 61° 21' 22" E by said stone wall a distance of 381.14 feet to a point; thence running along land of said Blaisdell N 60° 52' 56" E by said stone wall a distance of 249.60 feet to a drill hole at an intersection of stone walls at land now or formerly of Rams Head Realty, LLC; thence running along land of said Rams Head Realty, LLC S 37° 18' 18" E by said stone wall a distance of 230.37 feet to a point; thence running along land of said Rams Head Realty, LLC S 42° 45' 25" E by said stone wall a distance of 205.89 feet to an iron rod at an intersection of stone walls; thence running along land of said Rams Head Realty, LLC S 48° 10' 07" E by said stone wall a distance of 76.36 feet to a point; thence running along land of said Rams Head Realty, LLC S 35° 49' 59" E by said stone wall a distance of 101.19 feet to an iron rod at an intersection of stone walls; thence running along land of said Rams Head Realty, LLC S 37° 33' 28" E by said stone wall a distance of 181.28 feet to a point; thence running along land of said Rams Head Realty, LLC S 35° 23' 13" E by said stone wall a distance of 131.17 feet to an iron rod at an intersection of stone walls at land now or formerly of James R. Higgins; thence running along land of said James R. Higgins S 54° 26' 00" W partially by said stone wall a distance of 112.91 feet to a point; thence running along land of said James R. Higgins S 49° 59' 24" W by said stone wall a distance of 104.64 feet to a point at the end of said stone wall; thence running along land of said James R. Higgins and land now or formerly of Raymond E. Higgins S 51° 54' 32" W a distance of 434.07 feet to a drill hole at the end of a stone wall; thence running along land of said Raymond E. Higgins S 51° 42' 15" W by said stone wall a distance of 182.09 feet to a drill hole; thence running along land of said Raymond E. Higgins S 53° 24' 56" W by said stone wall a distance of 443.96 feet to a drill hole at an intersection of stone walls; thence running along land of said Raymond E. Higgins S 51° 32' 55" W by said stone wall a distance of 295.99 feet to an iron rod set at a corner in said stone wall; thence running along land of said Raymond E. Higgins S 39° 17' 29" E by said stone wall a distance of 260.22 feet to a point; thence running along land of said Raymond E. Higgins S 31° 23' 33" E by said stone wall a distance of 149.36 feet to an iron rod at an intersection of stone walls at land now or formerly of Terry Edward Sharp; thence running along land of said Sharp S 65° 08' 14" W by said stone wall a distance of 111.76 feet to a point; thence running along land of said Sharp S 59° 35' 24" W by said stone wall a distance of 78.06 feet to an iron rod at an intersection of stone walls at land now or formerly of the Kittery Land Trust, Inc.; thence running along land of said Kittery Land Trust, Inc. N 52° 33' 56" W by said stone wall a distance of 300.80 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 51° 22' 51" W by said stone wall a distance of 221.30 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 50° 16' 21" W by said stone wall a distance of 85.16 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 51° 25' 36" W by said stone wall a distance of 190.83 feet to an iron pipe at an intersection of stone walls and other land of said Kittery Land Trust, Inc.; thence running along land of said Kittery Land Trust, Inc. N 37° 42' 16" W by said stone wall a distance of 264.83 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 35° 57' 28" W by said stone wall a distance of 149.76 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 37°

33' 30" W by said stone wall a distance of 300.17 feet to an intersection of stone walls; thence running along land of said Kittery Land Trust, Inc. N 37° 35' 04" W by said stone wall a distance of 206.76 feet to an intersection of stone walls; thence running along land of said Kittery Land Trust, Inc. N 36° 55' 43" W by said stone wall a distance of 144.58 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 40° 09' 11" W by said stone wall a distance of 67.16 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 56° 31' 31" W by said stone wall a distance of 58.94 feet to a corner in said stone wall; thence running along land of said Kittery Land Trust, Inc. S 49° 55' 32" W by said stone wall a distance of 108.60 feet to a corner in said stone wall; thence running along land of said Kittery Land Trust, Inc. N 40° 04' 47" W by said stone wall a distance of 90.84 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 33° 24' 14" W by said stone wall a distance of 95.25 feet to a point; thence running along land of said Kittery Land Trust, Inc. N 37° 12' 33" W by said stone wall a distance of 304.61 feet to an intersection of stone walls at land depicted as "Area B" on said plan; thence running along said "Area B" N 36° 58' 27" W by said stone wall a distance of 79.40 feet to an intersection of stone walls on the south sideline of a discontinued right of way; thence running along said "Area B" and said discontinued right of way S 89° 14' 37" W by a stone wall a distance of 67.65 feet to a point; thence running along said "Area B" and said discontinued right of way S 86° 41' 28" W by a stone wall a distance of 117.81 feet to a point; thence running along said "Area B" and said discontinued right of way S 83° 08' 22" W by a stone wall a distance of 83.90 feet to a point; thence running along said "Area B" and said discontinued right of way N 79° 20' 22" E by a stone wall a distance of 76.44 feet to a drill hole at an intersection of stone walls; thence running across said discontinued right of way N 37° 15' 41" W a distance of 49.17 feet to the point of beginning, containing 86.15 acres of land.

Said parcel being a portion of the premises described in the warranty deed from Joyce E. Borkowski to Juliana F. Patten and George A. Patten as joint tenants dated December 20, 2004 and recorded at the York County Registry of Deeds in Book 14329 Page 322.

Description of Right of Way Over Abandoned Portion of Norton Road

Also conveying an appurtenant right of way and easement to the above-described Tax Map 68, Lot 3, from the terminus of the town-owned, public portion of Norton Road over that portion of land located between the centerline of the abandoned portion of Norton Road, so-called, in Kittery, County of York, State of Maine, and the southern boundary of land of two parcels belonging to George A. Patten, Jr., Trustee of the George A. Patten Jr. Revocable Trust, the first parcel being conveyed by quitclaim deed with covenant dated January 16, 2004, and recorded at York County Registry of Deeds in Book 13898 Page 206 and the second being conveyed by quitclaim deed with covenant dated December 20, 2002, and recorded at York County Registry of Deeds in Book 12354 Page 321, which portion of land lies between the southeasterly most and southwesterly most corners of the aforementioned two parcels. Said right of way and easement shall be for the purpose of ingress and egress by vehicle or otherwise by the Grantee, its agents, successors and assigns, for land management and conservation purposes, and, at the Grantee's discretion, non-motorized ingress and egress by the general public for recreational purposes. The Grantee, its successors and assigns shall not have the right to pave or widen the road within the boundaries of said right of way and easement. Said right of way being

the same as conveyed to Grantor herein by deed from George A. Patten, Jr., Trustee of the George A. Patten, Jr. Revocable Trust of even date herewith and recorded in YCRD Book 15035 Page 739.

Exhibit B

**CONSERVATION EASEMENT
TOWN OF KITTERY, YORK COUNTY, MAINE
TO KITTERY LAND TRUST, INC.**

- Purpose -

This Conservation Easement is intended to protect the natural, scenic and undeveloped character of the Protected Property, to assure its continuing availability as a public nature preserve for low- impact outdoor recreation, nature observation, education, and research, and to promote the conservation of its forested areas and wetlands which provide diverse and unfragmented upland and riparian habitat for a broad range of plant and animal species. The restrictions of this Conservation Easement are intended to ensure that the experience of the public on the Protected Property will be one, increasingly rare, of relatively unstructured quiet contemplation and reverence for the natural world.

The following recitals more particularly describe the conservation values of the Protected Property and the significance of this reservation.

WHEREAS, the **Town of Kittery** (hereinafter referred to as "**Owner**") is the sole owner of the Protected Property, which is a parcel of land described in Exhibit A, attached hereto and incorporated by reference, totaling approximately eighty six (86) acres of substantially natural and unaltered woodlands with trails and several large freshwater and coastal wetlands vernal pools, and seasonal drainage streams; and

WHEREAS, the Protected Property was acquired on even or near even date of this grant by the Owner with funding from the National Oceanic Atmospheric Administration's Coastal and Estuarine Land Conservation Program, subject to certain conservation-related deed restrictions, as specified in the deed to which this Exhibit is attached, and this Conservation Easement is intended to establish a secondary layer of restrictions in addition to those contained in said deed; and

WHEREAS, the Protected Property, in its existing substantially natural and undeveloped state, provides wildlife habitat and open space in an area of York County experiencing rapid growth of residential subdivision and development sprawl, and provides public benefit and the parties hereto wish to preserve this unique character; and

WHEREAS, the Protected Property provides habitat for rare wildlife species, including inland wading birds, the New England Cottontail, and the Ribbon Snake, according to Beginning With Habitat maps developed by the Maine Department of Inland Fisheries and Wildlife; and

WHEREAS, the Protected Property is adjacent to three parcels totaling over 100 acres of land owned by **Kittery Land Trust, Inc.**, (hereinafter referred to as "**Holder**") and permanently preserved in their natural and forested state, and is near another 52-acre property protected by a

conservation easement held by the York Land Trust, thereby creating the largest block of publicly accessible open space and wildlife habitat in Kittery; and

WHEREAS, the Owner and Holder are desirous of preserving in perpetuity the right of the public to access the Protected Property for daytime low-impact outdoor recreation which shall not conflict with the Protected Property's value as a scenic and natural area and habitat for indigenous flora and fauna; and

NOW, THEREFORE, the Owner and Holder have established a Conservation Easement on, under, over and across the Protected Property consisting of the following terms, covenants, restrictions and affirmative rights granted to Holder, which shall run with and bind the Protected Property in perpetuity:

- Covenants and Restrictions -

1. Land Use Restrictions.

The Protected Property may be used only for conservation and low-impact outdoor recreation, nature observation, education, and research.

No commercial, industrial, residential, quarrying, or mining activities are permitted on the Protected Property, provided that educational fee-generating or charitable fundraising activities shall not be deemed commercial. Subject to any more restrictive local, state, and federal laws and regulations, it is forbidden to dispose of or store rubbish, garbage, building debris, abandoned vehicles or equipment, parts thereof, or other unsightly or offensive waste material on the Protected Property, except that blowdowns and other slash and debris resulting from permitted natural resource management shall be encouraged to be left on the Protected Property for habitat improvement, and other waste generated by permitted uses on the Protected Property may be stored temporarily in appropriate containment for removal at reasonable intervals.

2. Ownership and Division.

The Protected Property must remain as an undivided entity under one ownership, and shall not be divided, subdivided, partitioned, hypothecated or pledged as security for a loan, or otherwise conveyed in lots or parcels. Notwithstanding the foregoing, any portion of the Protected Property may be conveyed to an entity that meets the requirements set forth in Paragraph 10.C., to be retained for conservation ownership, subject to the terms of this Conservation Easement. The Protected Property may only be conveyed to a nonprofit or governmental entity committed to its permanent conservation under the terms of this Conservation Easement.

3. Structures.

As of the date of this grant, there are no structures on the Protected Property except for boundary markers and stone walls.

No additional structures of any kind, temporary or permanent, may be located on the Protected Property, except that the Owner shall have the right, upon obtaining the prior written consent of Holder, to locate minor structures necessary to identify boundaries, enhance low-impact outdoor recreation, and protect the natural environment, including but not limited to boundary markers, trail markers, small unlighted signs, informational boards or kiosks, registration boxes, benches, rustic improvements to footpaths, including boardwalks, steps, foot bridges, wetland crossings, water bards, and railings; wildlife observation blinds; habitat improvement structures such as duck boxes and bird houses, as well as sight-pervious low fences and rock walls, gates, and other minor barriers to protect fragile features and to block or discourage unauthorized access by motorized vehicles. All such structures must be constructed of dark-colored or natural-appearing materials that blend with the natural surroundings and complements the natural and scenic features of the landscape, and not degrade the wetlands on the Protected Property.

Without limiting the generality of any of the foregoing restrictions, Owner may not establish on the Protected Property high-impact outdoor recreational structures and facilities, including but not limited to paved trails, recreational courts or fields, tennis courts, golf courses, golf ranges, swimming pools, playgrounds, paintball and other adventure courses, bill boards, equestrian rings, mud runs, race tracks, ATV tracks or other race courses, snowmobile trails, high intensity lights, stadium facilities, performance stages, gazebos, lean-tos, tent platforms, campgrounds, campsites, privies, outhouses, portable toilets, dressage fields, equestrian rings, polo fields, airstrips, and permanent aircraft pads or other such high-impact outdoor recreational facilities.

4. Surface Alterations.

As of the date of this grant, there are no surface alterations on the Protected Property except for an old cellar hole, an unpaved woodsroad that provides access from other land to the south, and woods roads spurs off the main woodsroad.

No additional filling, dumping, excavation or other man-made alteration may be made to the surface of the Protected Property, except that the Owner shall have the following rights upon obtaining the prior written consent of Holder:

A. Owner shall have the right to alter the surface as necessary and appropriate to install the structures permitted in Paragraph 3, to maintain or to close and restore to a natural state any existing woodsroads, and to establish and maintain footpaths to enhance the opportunity for low-impact outdoor recreation, nature observation and study on the Protected Property, provided that they are located and designed in a manner to prevent soil erosion and prevent damage to fragile plant communities and wildlife habitat.

B. Owner shall have the right to conduct ecological education or scientific research under then-current professional standards and without substantial alteration to natural resources.

C. All of the foregoing reserved surface alteration rights are subject to applicable permitting and land use regulation, and must be exercised in a manner to prevent or minimize soil erosion, to prevent damage to fragile plant communities, wetlands and wildlife habitat and to preserve the scenic character of the Protected Property.

5. Vegetation Management.

As of the date of this grant, the Protected Property is in a substantially undisturbed, predominantly forested condition with areas of deciduous, coniferous, and mixed forest, and freshwater wetlands.

No vegetation may be cut, disturbed, altered or removed from the Protected Property, except that the Owner shall have the right, upon obtaining prior written consent of Holder, to alter or remove vegetation, subject to applicable land use regulations, to the extent necessary and appropriate to install, establish, and maintain the structures and surface alterations permitted under Paragraphs 3 and 4 above, to remove safety hazards for the uses permitted hereunder, to mark boundaries, and to combat active fire. Owner also shall have the right, after providing thirty (30) days prior written notice to Holder, to create and maintain small, dispersed open areas to enhance wildlife habitat, and to alter vegetation to reduce the threat of fire and to control or prevent the spread of disease or invasive species intrusion.

Notwithstanding the foregoing, the introduction of non-native species is prohibited on the Protected Property. Species may be considered for re-introduction to the Protected Property only if the species is the same as that thought to be formerly native to the Protected Property, as defined by the best available taxonomic and genetic data.

The use of chemical herbicides, pesticides, fungicides, fertilizers and other agents that may have an adverse effect on wildlife, waters, and other important conservation interests to be protected by this Conservation Easement is prohibited, unless their use is recommended in writing by a licensed conservation professional for permitted vegetation management purposes, and after at least thirty (30) days prior notice to Holder, or such shorter period approved by Holder in urgent circumstances. Use of such agents shall be carried out in accordance with all applicable local, state, federal and other governmental laws and regulations and shall only occur if other potential treatments are ineffective or infeasible in managing the specific vegetation management concern, and all uses of such agents shall follow best management practices established by governmental agencies or other similar authority and in effect at the time of proposed use of such agents.

6. Public Use.

Owner agrees to take no action to prohibit or discourage daytime, non-motorized, low-impact outdoor recreation by the general public on the Protected Property, such as walking, cross-country skiing, snowshoeing, hunting, fishing, and nature observation and study. Owner has the right to make reasonable rules and regulations for public use and to control, limit or prohibit, by posting and other means, any of the following uses by the public: night use, camping,

loud activities, open fires, use of motorized or mechanized vehicles, bicycles, group use, and any use that may interfere with or be harmful to the conservation values of the Protected Property. Owner has the right to temporarily restrict public access, in part or in whole, to the extent necessary for safety, erosion control, control of excessive or inappropriate public uses, and protection and preservation of important natural resources.

Owner and Holder claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S. §159-A, et seq., as amended and successor provisions thereof (The Maine Recreational Use Statute), the Maine Tort Claims Act, and under any other applicable provision of law and equity.

7. Notices.

Any notice to Holder required hereunder must be made by personal service, or by certified mail or other courier that provides a receipt of delivery, with return receipt requested, addressed to: President, Kittery Land Trust, P.O. Box 467, Kittery, Maine 03904; or to such other authorized person or address hereafter designated in writing by Holder.

Any notices to Holder or requests for Holder consent, required or contemplated hereunder, must include, at a minimum, sufficient information to enable Holder to determine whether proposed plans are consistent with the terms of this Conservation Easement and the conservation purposes hereof.

8. Costs and Taxes.

Owner is responsible to pay and discharge when due all lawfully assessed property taxes and assessments, if any, and to avoid the imposition of any liens that may impact Holder's rights hereunder.

Owner acknowledges that Holder has no possessory rights in the Protected Property nor any responsibility or right to control, maintain, or keep up the Protected Property, except those rights enumerated in Paragraph 9.

9. Holder's Affirmative Rights.

A. Holder has the right to enforce this Conservation Easement by proceedings at law and in equity, including the right to require the restoration of the Protected Property to a condition in compliance herewith, after providing Owner with reasonable prior written notice and a reasonable opportunity to cure any breach, except where emergency circumstances require more immediate enforcement action. Owner shall not be responsible for injury to or change in the Protected Property resulting from natural causes or environmental catastrophe beyond their control, such as fire, flood, storm, and earth movement, or from any prudent action taken by Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes.

B. Holder has the right to enter the Protected Property for management, inspection and enforcement purposes, at a reasonable time and in a reasonable manner that is consistent with the conservation purposes hereof.

C. Holder has the right, upon request to Owner, to have its name and role in the Conservation of the Protected Property acknowledged in any signs installed by Owner that identifies the Protected Property and names Owner as owner of the Protected Property; and the right to install small unlighted signs, after reasonable prior notice to Owner, for the foregoing and as may be necessary or desirable to protect the conservation values of the Protected Property.

10. General Provisions.

A. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes Annotated, §§ 476 through 479-B, inclusive, as amended, and shall be construed in accordance with the laws of the State of Maine.

B. The Holder is qualified to hold conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, §476(2)(B), as amended.

C. This Conservation Easement is assignable after reasonable prior notice to Owner, but only to an entity that satisfies the requirements of Internal Revenue Code Section 170(h)(3), as amended, (or successor provisions thereof) and the requirements of Section 476(2) of Title 33 of the Maine Revised Statutes Annotated, as amended (or successor provisions thereof), and that as a condition of transfer, agrees to uphold the conservation purposes of this grant.

D. In order to establish the present condition of the Protected Property and its natural and scenic resources so as to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Holder and Owner will prepare an inventory of the Property's relevant features and conditions (the "Baseline Data") and will certify the same as an accurate representation of the condition of the Protected Property as soon after the date of this grant as possible.

E. The failure or delay of the Holder, for any reason whatsoever, to enforce this Conservation Easement shall not constitute a waiver of its rights and Owner hereby waives any defense of laches, prescription or estoppel.

F. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstance, shall remain valid.

G. Any discretionary consent by Holder, permitted by this Conservation Easement for uses that are conditional or not expressly reserved by Owner, and any legally permissible amendment hereto, may be granted only if the Holder has determined in its sole discretion, that the proposed use furthers or is not inconsistent with the purposes of this Conservation Easement, substantially conforms to the intent of this grant, meets any applicable conditions expressly stated herein, and

does not materially increase the adverse impact of expressly permitted actions under this Conservation Easement, provided that Holder has no right or power to consent to any use that would result in a substantial alteration to the natural resources on the Protected Property, or that would limit the term or terminate this Conservation Easement, or that would impair the qualification of this Conservation Easement or the status of the Holder under any applicable laws, including Title 33 M.R.S. Section 476 et seq., or Code Section 170(h). In making this Grant, the Owner has considered the fact that uses prohibited hereby may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. It is the intent of both the Owner and the Holder that any such changes not be deemed to be changed conditions permitting termination or amendment of this Conservation Easement.

H. This Conservation Easement may only be extinguished or terminated by judicial order in a court of competent jurisdiction, upon an express finding that all of the purposes of this Conservation Easement have been rendered impossible to accomplish due to events independent of the actions of the Owner, or if caused by Owner upon an award of damages as set forth below; except, however, if all or any interest in the Protected Property is threatened by the exercise of the power of eminent domain, Holder, in its sole discretion, may issue prior written consent, without a judicial order, to a partial or complete extinguishment or termination, upon payment of reasonable compensation for Holder's right herein, to be used for its conservation purposes.

This Conservation Easement constitutes a real property right owned by Holder. Notwithstanding that this Conservation Easement is an obligation of Holder, and not a financial asset, should it be extinguished or terminated, whether in whole or in part, Holder is entitled, by the imposition of a recorded lien, to a share of the proceeds of the next subsequent sale, exchange or involuntary conversion of the property encumbered or formerly encumbered by this Conservation Easement, according to Holder's proportional interest in the Protected Property as determined by Treasury Regulations 1.170-A-14(g)(6)(ii). Holder's proportional interest is determined as of the date of this deed but will not include value attributable to the improvements to the Protected Property made after the date of this Grant. In the event Holder acquires proceeds under any of the conditions of this paragraph, Holder will use such proceeds for its conservation purposes.

I. Any uncertainty in the interpretation of this Conservation Easement shall be resolved in favor of carrying out the conservation purposes of this grant, and of keeping the Protected Property in its substantially undeveloped and natural state.

J. Owner's land use and management rights under this Conservation Easement may be delegated or assigned to Holder, or to a third party approved in advance by Holder. In the event Owner's rights are delegated or assigned to Holder or to a third party, Owner and Holder and the assignee if not the Holder shall enter into a Management Plan for the purpose of further specifying how such rights shall be exercised. In the event that Holder exercises such land use and management rights, any activities that require Holder approval hereunder shall be deemed approved.

END OF DOCUMENT

COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

CONSERVING THREATENED COASTAL AREAS



Healthy coastal lands can improve water quality, positively impact the economy, and provide flood protection, wildlife habitat, and recreational opportunities. Maintaining these resources in their natural state may help protect coastal communities from sea level rise and increasing storm activity.

More than 100,000 acres of threatened coastal lands have been protected using NOAA's Coastal and Estuarine Land Conservation Program (CELCP, pronounced "kelp") funding. Authorized under the National Coastal Zone Management Act, funding is provided to states and communities as appropriated, with a minimum 1:1 match. Priority is given to threatened areas with significant ecological value.

To date, this program has supported projects in 29 states.

Funding Information

The program accepts applications each year funding is available.

To learn more, see the reverse of this page, and visit coast.noaa.gov/czm/landconservation.



Program Goals

This conservation program provides matching funds to state and local governments to purchase threatened coastal and estuarine lands, or to obtain conservation easements. To be considered, the land must be important ecologically or possess other coastal conservation values such as historic features, scenic views, or recreational opportunities.

Other important considerations include lands that

- Protect coastal ecosystems, wetlands, corals, and natural shorelines;
- Preserve natural features that provide storm protection, such as dunes and barrier islands;
- Minimize loss of life and property by directing development out of high-risk areas;
- Safeguard coastal water quality;
- Preserve historic, cultural, and archaeological features;
- Protect aesthetic coastal features and scenic vistas; and
- Provide opportunities for public access to the coast.

Project Eligibility

To compete for funding, prospective projects must

- Be in a state, trust territory, or commonwealth with a federally approved coastal zone management program or national estuarine research reserve, and that has developed a Coastal and Estuarine Land Conservation Program plan for NOAA approval;
- Complement (not conflict with) working waterfront needs;
- Advance the goals, objectives, or implementation of federal, regional, state, or local coastal management initiatives, including the state's coastal management program, Coastal and Estuarine Land Conservation Program plan, and other applicable plans;
- Be submitted by an eligible public entity, that is, a state agency, local government, or other authority, such as a park district;
- Provide for nonfederal public ownership in perpetuity; and
- Provide nonfederal matching resources in the form of cash or in-kind contributions at a 1:1 ratio.

Process

Each year, subject to available funding, NOAA runs a funding competition with two phases—a state competition and a national competition. NOAA initiates the competition by issuing a federal funding opportunity notice that includes eligibility information, including who may apply, how many proposals each eligible coastal state or territory may submit, and how much funding may be requested for each project.

Coastal and Estuarine Land Conservation Program

coast.noaa.gov/czm/landconservation



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

REPORT TO TOWN COUNCIL

Meeting Date: April 12, 2021
From: Kendra Amaral, Town Manager
Subject: Fiscal Year 2021 Financial Update – Quarter 3
Councilor Sponsor: N/A

This is to provide the Council with an update on the Fiscal Year 2021 (FY21) finances at the close of Quarter 3 (Q3) of the fiscal year.

Revenue

Revenue projections are coming in approximately \$500,000 below anticipated total revenue. We had planned for some reduction in revenue for this fiscal year, based on the best available information two months into the pandemic. However, the actual revenue collections are even lower, primarily as a result of the significant and long-term restrictions on the Kittery Community Center activities.

Current revenue from Homestead exemptions is \$310,771, \$10,771 over projection. We typically receive reimbursements from the State in the second half of the fiscal year, which will likely add an additional \$40,000.

Excise tax is tracking at \$72,000 ahead of the prior year. We are anticipating we will meet the \$1,600,000 fiscal year projection by the end of June. Total collected year-to-date is \$1,477,000, compared to approximately \$1,405,000 for the same period in the prior fiscal year. Excise tax revenue collection will likely slow down for April and May, as a ripple effect of the deadline extension granted last year due to COVID.

Code enforcement fees are currently \$59,508 over the fiscal year projection. High interest in residential development continues in Kittery; indicating that permit activity will remain steady for the last quarter of the year.

Solid waste permits and revenue are \$20,189 over projections. The selling price for some recycle materials including metals and cardboard are rising, which is resulting in positive revenue generation for the second half of the fiscal year.

Interest revenue is down significantly as a result of the low return rates on savings and investments. Current interest revenue is \$12,034 compared to \$66,793 in the prior year. There is no expectation that this revenue line will gain appreciable ground in the final quarter of the year.

KCC revenue remains down significantly, coming in at 7% of projection, approximately \$60,451. By comparison, the KCC had collected \$774,591 in revenue at the end of Q3 last fiscal year. The KCC is

working to restart the SAFE program and is planning for summer camps which will generate some additional revenue in the last quarter.

The KCC revenue has doubled between Q2 and Q3 of this fiscal year, driven primarily by the reopening of certain programs and summer camp reservations. The School Department has committed to using grant funds to reimburse the Town for approximately \$36,000 in costs for the Gap Childcare through December. We are in discussion with the School Department about utilizing new grant funds for the second half of the school year program. However, it is unclear if funds are available for these costs.

Sewer collections have regained pace since the prior quarter. Billings are at \$1,763,015 for Q3 this fiscal year, compared to \$1,053,179 at the close of Q3 last fiscal year. Often, billing timing impacts how the revenue collection performs over same-period prior years. A significant new driver of sewer revenue is the septage haulers. The Town eliminated its exclusivity arrangements for accepting septage. As a result, septage revenue collected through Q3 is \$181,855. Historically revenue generation for this function averaged \$30,000 per fiscal year.

Expenditures

We continue making year-end expenditure projections throughout the fiscal year. This is particularly important as we respond to and absorb unanticipated costs that arise throughout the year. As a general note, projected spending is developed using spending cycle calculations, anticipated costs, and other methods as appropriate. Projections are estimates only and may change as additional information becomes available or spending fluctuations occur over the course of the fiscal year.

Based on projections, we remain on track to finish the fiscal year without a deficit (revenue minus expenses). Though the voters made available the unassigned fund to cover a deficit as a result of COVID, we currently do not anticipate needing to utilize it for FY21. This could change if revenue collections slow dramatically or we experience a significant cost driver in the final quarter.

The winter was relatively mild, which will allow us to loosen the spending freeze in the final quarter of the year. As a reminder a spending freeze requires departments to defer work/expenditures not directly needed to support core functions. Spending freezes do not eliminate the need for the work, rather they just delay or defer it.

The Police Department's projected deficit is leveling off at \$120,000, down from \$151,000 the prior quarter. A recent retirement will lower personnel costs for a short-period of time, until the vacant position is filled. Conversely, overtime will increase over the prior quarter's projections to ensure the shifts are filled. The Police Academy has been closed since mid-March 2020 due to COVID-19. This continues to impact our staffing. To note, the Police Department has a total of 11 Patrol Officers covering seven days a week/24 hours a day. Overtime is part-and-parcel of a Police operation, but due to our minimal staffing, an absence or vacancy of any duration puts significant pressure on the overtime budget and the staff who are covering the shifts.

Due to the mild winter, we are no longer holding a reserve for snow and ice operations and Public Works is projected to come in on budget. As in prior years, the DPW budget projections include a very

conservative outlook on snow and ice spending until the close of Q3. The projection is adjusted throughout the winter, to reflect actual storm event activity.

While the KCC revenue is down, so are KCC expenses. The KCC is projected to have an operating surplus of \$300,000. Wages alone for preschool teachers made up approximately \$300,000 in costs for the department.

Debt will come in \$100,000 below projection, because the Town delayed the issuance of the Library Bond. We had anticipated issuing the bond in the fall of 2020, and paying the first interest payment in this fiscal year. However, due to COVID-related uncertainty and delays, the bond was not issued until January 2021 and the first debt payment is not due until fall of the next fiscal year.

Overlay is also providing a significant buffer for the revenue deficit. We had advised the Council to increase the overlay this fiscal year as an insurance policy for the revaluation. The Assessor's Office did such a thorough job in establishing the new values and meeting with property owners in advance of the tax commitment, that we have not had any significant increase in abatements from the revaluation which are typically captured through overlay.

Attachments

Report through Q3:

- General Fund
- Sewer Fund
- Other Funds

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TOWN OF KITTEERY - LIVE
GENERAL FUND

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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101110 ADMINISTRATION								
101110 64011	MANAGER SALARY	99,996	0	99,996	77,222.00	.00	22,774.00	77.2%
101110 64014	TOWN CLERK SALARY	79,530	0	79,530	59,037.55	.00	20,492.45	74.2%
101110 64017	CLERKS SALARIES	305,575	0	305,575	229,125.46	.00	76,449.54	75.0%
101110 64018	HUMAN RESOURCES MA	61,482	0	61,482	45,482.64	.00	15,999.36	74.0%
101110 64026	FINANCE DIRECTOR S	110,381	0	110,381	81,656.51	.00	28,724.49	74.0%
101110 64027	CUSTODIAN WAGES	14,119	0	14,119	7,408.30	.00	6,710.70	52.5%
101110 64030	OVERTIME	4,000	0	4,000	84.83	.00	3,915.17	2.1%
101110 64031	SALARY & POSITION	165,000	75,000	240,000	.00	.00	240,000.00	.0%
101110 65010	POSTAGE	13,000	0	13,000	5,817.34	.00	7,182.66	44.7%
101110 65020	TELEPHONE & INTERN	9,000	0	9,000	6,151.50	.00	2,848.50	68.4%
101110 65030	TRANSPORTATION	1,500	0	1,500	.00	.00	1,500.00	.0%
101110 65040	EDUCATIONAL/MEETIN	1,000	0	1,000	650.66	.00	349.34	65.1%
101110 65060	PRINTING	7,000	0	7,000	4,015.99	.00	2,984.01	57.4%
101110 65080	LEGAL NOTICES/OTHE	3,000	0	3,000	1,460.52	.00	1,539.48	48.7%
101110 65200	ELECTRICITY	15,000	0	15,000	7,080.67	.00	7,919.33	47.2%
101110 65220	WATER	400	0	400	158.70	.00	241.30	39.7%
101110 65230	FUEL OIL	4,200	0	4,200	2,577.09	.00	1,622.91	61.4%
101110 65240	DUMPSTERS	625	0	625	.00	.00	625.00	.0%
101110 65250	SEWER	325	0	325	224.28	.00	100.72	69.0%
101110 65300	MACHINE & EQUIPMEN	35,000	0	35,000	27,788.97	.00	7,211.03	79.4%
101110 65400	LEGAL SERVICES	60,000	0	60,000	30,059.02	.00	29,940.98	50.1%
101110 65410	COMPUTER SERVICES	45,000	0	45,000	34,520.61	.00	10,479.39	76.7%
101110 65415	WEB PAGE	3,500	0	3,500	4,461.22	.00	-961.22	127.5%*
101110 65430	AUDIT SERVICES	17,500	0	17,500	13,650.00	.00	3,850.00	78.0%
101110 65480	OTHER PROFESSIONAL	31,500	0	31,500	31,124.63	.00	375.37	98.8%
101110 65500	MAINTENANCE OF BLD	16,500	0	16,500	8,545.39	.00	7,954.61	51.8%
101110 66010	OFFICE SUPPLIES	7,000	0	7,000	5,581.42	.00	1,418.58	79.7%
101110 66020	BOOKS/SUBSCRIPTION	1,000	0	1,000	1,094.48	.00	-94.48	109.4%*
101110 66025	MAINE MUNICIPAL AS	13,500	0	13,500	13,207.00	.00	293.00	97.8%
101110 66035	ABSTRACTS & LIENS	9,500	0	9,500	3,686.00	.00	5,814.00	38.8%
101110 66040	JANITORIAL SUPPLIE	2,500	0	2,500	1,736.07	.00	763.93	69.4%
TOTAL ADMINISTRATION		1,137,633	75,000	1,212,633	703,608.85	.00	509,024.15	58.0%
101115 TOWN COUNCIL								
101115 64001	COUNCIL STIPEND	4,000	0	4,000	1,700.00	.00	2,300.00	42.5%
101115 65480	OTHER PROF SERV/CO	3,000	0	3,000	45.00	.00	2,955.00	1.5%

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TOWN OF KITTEERY - LIVE
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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>101115 66037 COUNCIL EXPENSES</u>	350	0	350	.00	.00	350.00	.0%
TOTAL TOWN COUNCIL	7,350	0	7,350	1,745.00	.00	5,605.00	23.7%
101130 ELECTIONS							
<u>101130 64020 PART TIME SALARIES</u>	4,500	0	4,500	.00	.00	4,500.00	.0%
<u>101130 65000 ELECTIONS EXPENSES</u>	800	0	800	.00	.00	800.00	.0%
<u>101130 65010 POSTAGE</u>	2,000	0	2,000	16.15	.00	1,983.85	.8%
<u>101130 65060 PRINTING</u>	6,500	0	6,500	.00	.00	6,500.00	.0%
<u>101130 65480 OTHER PROFESSIONAL</u>	5,000	0	5,000	.00	.00	5,000.00	.0%
<u>101130 66010 OFFICE SUPPLIES</u>	200	0	200	.00	.00	200.00	.0%
<u>101130 67510 OFFICE FURNITURE &</u>	3,750	0	3,750	.00	.00	3,750.00	.0%
TOTAL ELECTIONS	22,750	0	22,750	16.15	.00	22,733.85	.1%
101150 COUNTY TAX							
<u>101150 65480 OTHER PROF SERVICE</u>	935,000	0	935,000	935,483.62	.00	-483.62	100.1%*
TOTAL COUNTY TAX	935,000	0	935,000	935,483.62	.00	-483.62	100.1%
101155 TAX INCREMENT FINANCING							
<u>101155 65000 TIF FINANCING PLAN</u>	27,000	0	27,000	27,000.00	.00	.00	100.0%
TOTAL TAX INCREMENT FINANCING	27,000	0	27,000	27,000.00	.00	.00	100.0%
101230 DEBT & INTEREST							
<u>101230 68057 RUSTLEWOOD FARM -</u>	6,407	0	6,407	6,407.20	.00	-.20	100.0%*
<u>101230 68065 2006 FIRE STATION</u>	115,000	0	115,000	115,000.00	.00	.00	100.0%
<u>101230 68066 2010 PW SALT SHED</u>	35,000	0	35,000	35,000.00	.00	.00	100.0%
<u>101230 68067 2012 KCC BOND PRIN</u>	275,000	0	275,000	275,000.00	.00	.00	100.0%
<u>101230 68068 2015 CIP BOND PRIN</u>	225,000	0	225,000	225,000.00	.00	.00	100.0%
<u>101230 68069 KLT BRAVE BOAT HEA</u>	11,741	0	11,741	11,740.84	.00	.16	100.0%

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TOWN OF KITTYRY - LIVE
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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101230 68257 RUSTLEWOOD FARM IN	3,907	0	3,907	3,907.50	.00	-.50	100.0%*
101230 68265 2006 FIRE STATION	15,100	0	15,100	15,100.00	.00	.00	100.0%
101230 68268 2015 CIP BONDS INT	24,750	0	24,750	17,500.00	.00	7,250.00	70.7%
101230 68269 KLT BRAVE BOAT HEA	6,349	0	6,349	6,348.81	.00	.19	100.0%
101230 68271 LIBRARY BOND INTER	100,000	0	100,000	.00	.00	100,000.00	.0%
101230 68295 PWD BLDG/SALT SHED	13,503	0	13,503	13,503.13	.00	-.13	100.0%*
101230 68297 2012 KCC BOND INT	82,775	0	82,775	82,775.00	.00	.00	100.0%
TOTAL DEBT & INTEREST	914,532	0	914,532	807,282.48	.00	107,249.52	88.3%
101310 POLICE							
101310 64002 POLICE CHIEF FT S	97,138	0	97,138	73,673.48	.00	23,464.52	75.8%
101310 64012 SERGEANTS SALARIES	321,381	0	321,381	240,755.02	.00	80,625.98	74.9%
101310 64013 SCHOOL RESOURCE OF	67,448	0	67,448	47,936.89	.00	19,511.11	71.1%
101310 64014 DETECTIVES SALARIE	138,153	0	138,153	99,934.96	.00	38,218.04	72.3%
101310 64015 PATROLMEN SALARIES	685,333	0	685,333	522,575.94	.00	162,757.06	76.3%
101310 64016 DISPATCHER SALARIE	291,714	0	291,714	211,899.35	.00	79,814.65	72.6%
101310 64017 ADMINISTRATIVE ASS	94,534	0	94,534	69,550.88	.00	24,983.12	73.6%
101310 64022 ANIMAL CONTROL OFF	67,276	0	67,276	46,427.89	.00	20,848.11	69.0%
101310 64023 LIEUTENANT SALARY	79,207	0	79,207	58,695.68	.00	20,511.32	74.1%
101310 64024 NIGHT DIFFERENTIAL	17,500	0	17,500	11,452.28	.00	6,047.72	65.4%
101310 64027 CUSTODIAN WAGES	15,057	0	15,057	9,765.18	.00	5,291.82	64.9%
101310 64030 OVERTIME	175,000	0	175,000	170,108.51	.00	4,891.49	97.2%
101310 64033 SICK TIME BUY BACK	1,890	0	1,890	.00	.00	1,890.00	.0%
101310 64034 PHYSICAL FITNESS S	4,900	0	4,900	.00	.00	4,900.00	.0%
101310 65010 POSTAGE	530	0	530	671.01	.00	-141.01	126.6%*
101310 65020 TELEPHONE & INTERN	24,700	0	24,700	17,533.55	.00	7,166.45	71.0%
101310 65030 TRANSPORTATION	2,800	0	2,800	1,800.00	.00	1,000.00	64.3%
101310 65040 EDUCATIONAL/MEETIN	22,000	0	22,000	10,760.27	.00	11,239.73	48.9%
101310 65060 PRINTING	1,400	0	1,400	8,836.66	.00	-7,436.66	631.2%*
101310 65080 LEGAL NOTICES/OTHE	700	0	700	141.28	.00	558.72	20.2%
101310 65200 ELECTRICITY	15,000	0	15,000	9,440.89	.00	5,559.11	62.9%
101310 65220 WATER	545	0	545	211.60	.00	333.40	38.8%
101310 65230 FUEL OIL	5,400	0	5,400	4,299.67	.00	1,100.33	79.6%
101310 65240 DUMPSTERS	750	0	750	.00	.00	750.00	.0%
101310 65250 SEWER	300	0	300	299.04	.00	.96	99.7%
101310 65300 MACHINE & EQUIPMEN	68,100	0	68,100	55,140.19	.00	12,959.81	81.0%
101310 65310 VEHICLE MAINTENANC	31,000	0	31,000	16,465.78	.00	14,534.22	53.1%
101310 65311 GAS, GREASE, & OIL	45,000	0	45,000	19,112.08	.00	25,887.92	42.5%
101310 65470 DOG EXPENSE	750	0	750	85.00	.00	665.00	11.3%
101310 65480 OTHER PROFESSIONAL	4,200	0	4,200	739.34	.00	3,460.66	17.6%

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TOWN OF KITTEERY - LIVE
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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>101310 65500 MAINTENANCE OF BLD</u>	5,000	0	5,000	329.09	.00	4,670.91	6.6%
<u>101310 65521 UNIFORMS</u>	18,500	0	18,500	10,440.46	.00	8,059.54	56.4%
<u>101310 66010 OFFICE SUPPLIES</u>	4,000	0	4,000	2,006.41	.00	1,993.59	50.2%
<u>101310 66020 BOOKS/SUBSCRIPTION</u>	4,000	0	4,000	2,882.75	.00	1,117.25	72.1%
<u>101310 66030 OTHER SUPPLIES</u>	5,100	0	5,100	1,649.97	.00	3,450.03	32.4%
<u>101310 66032 ARMORY SUPPLIES</u>	17,000	0	17,000	14,451.53	.00	2,548.47	85.0%
<u>101310 66040 JANITORIAL SUPPLIE</u>	3,000	0	3,000	1,795.87	.00	1,204.13	59.9%
<u>101310 67510 OFFICE FURNITURE &</u>	1,500	0	1,500	1,100.00	.00	400.00	73.3%
<u>101310 67517 BULLET PROOF VESTS</u>	4,000	0	4,000	580.65	.00	3,419.35	14.5%
TOTAL POLICE	2,341,806	0	2,341,806	1,743,549.15	.00	598,256.85	74.5%
101320 FIRE							
<u>101320 64003 FIRE CHIEF SALARY</u>	90,125	0	90,125	66,907.50	.00	23,217.50	74.2%
<u>101320 64020 PART TIME SALARIES</u>	133,925	0	133,925	59,042.15	.00	74,882.85	44.1%
<u>101320 64043 ON-CALL FIREFIGHTER</u>	16,320	0	16,320	11,086.70	.00	5,233.30	67.9%
<u>101320 64095 ACCIDENT & HEALTH</u>	2,072	0	2,072	2,072.00	.00	.00	100.0%
<u>101320 65010 POSTAGE</u>	0	0	0	17.30	.00	-17.30	100.0%*
<u>101320 65020 TELEPHONE & INTERN</u>	7,728	0	7,728	5,286.48	.00	2,441.52	68.4%
<u>101320 65040 EDUCATIONAL/MEETIN</u>	2,235	0	2,235	2,016.96	.00	218.04	90.2%
<u>101320 65045 TRAINING</u>	4,650	0	4,650	1,724.25	.00	2,925.75	37.1%
<u>101320 65046 HEALTH/PHYSICAL</u>	2,618	0	2,618	1,596.00	.00	1,022.00	61.0%
<u>101320 65200 ELECTRICITY</u>	8,688	0	8,688	5,296.65	.00	3,391.35	61.0%
<u>101320 65220 WATER</u>	302	0	302	219.90	.00	82.10	72.8%
<u>101320 65230 FUEL OIL</u>	17,000	0	17,000	10,022.18	.00	6,977.82	59.0%
<u>101320 65250 SEWER</u>	400	0	400	300.00	.00	100.00	75.0%
<u>101320 65300 MACHINE & EQUIPMEN</u>	29,829	0	29,829	34,148.14	.00	-4,319.14	114.5%*
<u>101320 65302 PROTECTIVE & SAFET</u>	3,660	0	3,660	3,217.54	.00	442.46	87.9%
<u>101320 65311 GAS, GREASE, & OIL</u>	7,185	0	7,185	5,255.56	.00	1,929.44	73.1%
<u>101320 65312 TIRES & TUBES</u>	8,000	0	8,000	6,391.83	.00	1,608.17	79.9%
<u>101320 65330 RADIO MAINTENANCE</u>	5,117	0	5,117	1,097.00	.00	4,020.00	21.4%
<u>101320 65480 OTHER PROFESSIONAL</u>	7,896	0	7,896	6,350.05	.00	1,545.95	80.4%
<u>101320 65500 MAINTENANCE OF BLD</u>	15,390	0	15,390	7,143.80	.00	8,246.20	46.4%
<u>101320 66010 OFFICE SUPPLIES</u>	672	0	672	.00	.00	672.00	.0%
<u>101320 66020 BOOKS/SUBSCRIPTION</u>	200	0	200	.00	.00	200.00	.0%
<u>101320 66040 JANITORIAL SUPPLIE</u>	600	0	600	387.09	.00	212.91	64.5%
<u>101320 67500 FIRE CAPITAL OUTLA</u>	0	0	0	59.58	.00	-59.58	100.0%*
<u>101320 67505 EXTINGUISHER MAINT</u>	500	0	500	317.84	.00	182.16	63.6%
<u>101320 67515 LANTERNS & BATTERI</u>	200	0	200	207.09	.00	-7.09	103.5%*
<u>101320 67520 OPERATING EQUIPMEN</u>	8,000	0	8,000	4,994.76	.00	3,005.24	62.4%
TOTAL FIRE	373,312	0	373,312	235,158.35	.00	138,153.65	63.0%

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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101330 STREETLIGHTS								
101330 65200	ELECTRICITY - STRE	45,000	0	45,000	11,246.67	.00	33,753.33	25.0%
101330 65300	MACHINE & EQUIPMEN	10,000	0	10,000	19,543.60	.00	-9,543.60	195.4%*
TOTAL STREETLIGHTS		55,000	0	55,000	30,790.27	.00	24,209.73	56.0%
101340 HYDRANT RENTALS								
101340 65300	HYDRANT RENT MACHI	262,000	0	262,000	255,149.44	.00	6,850.56	97.4%
TOTAL HYDRANT RENTALS		262,000	0	262,000	255,149.44	.00	6,850.56	97.4%
101410 HIGHWAY								
101410 64004	HIGHWAY 35% COMM S	34,094	0	34,094	25,684.70	.00	8,409.30	75.3%
101410 64010	FULL TIME SALARIES	512,863	0	512,863	350,129.59	.00	162,733.41	68.3%
101410 64015	ADMINISTRATIVE ASS	51,443	0	51,443	42,873.03	.00	8,569.97	83.3%
101410 64029	OVERTIME - SNOW &	75,000	0	75,000	35,676.84	.00	39,323.16	47.6%
101410 64030	OVERTIME	7,200	0	7,200	11,117.25	.00	-3,917.25	154.4%*
101410 65010	POSTAGE	500	0	500	136.86	.00	363.14	27.4%
101410 65020	TELEPHONE & INTERN	4,200	0	4,200	3,986.95	.00	213.05	94.9%
101410 65030	TRANSPORTATION	750	0	750	13.00	.00	737.00	1.7%
101410 65040	EDUCATIONAL/MEETIN	4,000	0	4,000	251.52	.00	3,748.48	6.3%
101410 65060	PRINTING	600	0	600	138.00	.00	462.00	23.0%
101410 65080	LEGAL NOTICES/OTHE	1,000	0	1,000	113.46	.00	886.54	11.3%
101410 65200	ELECTRICITY	4,100	0	4,100	2,983.27	.00	1,116.73	72.8%
101410 65220	WATER	2,500	0	2,500	1,154.74	.00	1,345.26	46.2%
101410 65230	FUEL OIL	7,000	0	7,000	4,648.41	.00	2,351.59	66.4%
101410 65250	SEWER	350	0	350	300.00	.00	50.00	85.7%
101410 65300	MACHINE & EQUIPMEN	18,000	0	18,000	8,133.51	.00	9,866.49	45.2%
101410 65302	PROTECTIVE & SAFET	3,000	0	3,000	2,263.00	.00	737.00	75.4%
101410 65303	FACILITY SAFETY IN	1,250	0	1,250	1,151.75	.00	98.25	92.1%
101410 65310	VEHICLE MAINTENANC	18,000	0	18,000	18,686.02	.00	-686.02	103.8%*
101410 65311	GAS, GREASE, & OIL	52,000	0	52,000	29,357.85	.00	22,642.15	56.5%
101410 65312	TIRES & TUBES	8,000	0	8,000	3,506.19	.00	4,493.81	43.8%
101410 65450	TARRING & PATCHING	12,000	0	12,000	21,127.50	.00	-9,127.50	176.1%*
101410 65452	SALT	140,000	0	140,000	107,138.48	.00	32,861.52	76.5%

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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101410 65454	SAND	2,100	0	2,100	439.28	.00	1,660.72	20.9%
101410 65456	GRAVEL & FILL	3,000	0	3,000	1,467.49	.00	1,532.51	48.9%
101410 65458	DRAINAGE SUPPLIES	5,000	0	5,000	1,728.72	.00	3,271.28	34.6%
101410 65460	SIGNS	10,000	0	10,000	7,133.75	.00	2,866.25	71.3%
101410 65462	STRIPING	40,000	0	40,000	42,099.20	.00	-2,099.20	105.2%*
101410 65466	SNOW REMOVAL EQUIP	18,500	0	18,500	20,514.65	.00	-2,014.65	110.9%*
101410 65480	OTHER PROFESSIONAL	30,000	0	30,000	29,337.29	.00	662.71	97.8%
101410 65500	MAINTENANCE OF BLD	6,500	0	6,500	8,866.73	.00	-2,366.73	136.4%*
101410 65501	OTHER PROF SVCS -	0	0	0	1,340.50	.00	-1,340.50	100.0%*
101410 65521	UNIFORMS	4,400	0	4,400	3,754.24	.00	645.76	85.3%
101410 65522	C.D.L PROGRAMS	850	0	850	746.96	.00	103.04	87.9%
101410 66009	SHOP SUPPLIES	16,500	0	16,500	18,420.06	.00	-1,920.06	111.6%*
101410 66010	OFFICE SUPPLIES	800	0	800	614.81	.00	185.19	76.9%
101410 66011	HAND TOOLS	600	0	600	963.14	.00	-363.14	160.5%*
101410 66020	BOOKS/SUBSCRIPTION	1,000	0	1,000	1,244.75	.00	-244.75	124.5%*
101410 66030	OTHER SUPPLIES	400	0	400	23.13	.00	376.87	5.8%
101410 66040	JANITORIAL SUPPLIE	8,500	0	8,500	3,838.66	.00	4,661.34	45.2%
101410 67514	PLANT EQUIPMENT	1,500	0	1,500	926.12	.00	573.88	61.7%
101410 67518	RENTAL EQUIPMENT	3,000	0	3,000	6,438.78	.00	-3,438.78	214.6%*
101410 67520	OPERATING EQUIPMEN	2,000	0	2,000	1,983.79	.00	16.21	99.2%
101410 67540	IMPROVEMENTS TO BL	2,000	0	2,000	2,401.78	.00	-401.78	120.1%*
TOTAL HIGHWAY		1,114,500	0	1,114,500	824,855.75	.00	289,644.25	74.0%
101520 GENERAL ASSISTANCE								
101520 65480	OTHER PROF SERVICE	65,000	0	65,000	33,443.41	.00	31,556.59	51.5%
TOTAL GENERAL ASSISTANCE		65,000	0	65,000	33,443.41	.00	31,556.59	51.5%
101530 PUBLIC HEALTH SERVICE								
101530 64020	PART TIME SALARIES	520	0	520	375.70	.00	144.30	72.3%
TOTAL PUBLIC HEALTH SERVICE		520	0	520	375.70	.00	144.30	72.3%
101540 COMMUNITY AGENCIES								
101540 65479	FAIR TIDE	2,000	0	2,000	2,000.00	.00	.00	100.0%

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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101540	65492	YORK COUNTY COMMUN	2,500	0	2,500	2,500.00	.00	100.0%
101540	65497	SO MAINE AREA AGEN	1,400	0	1,400	1,400.00	.00	100.0%
101540	65499	CROSSROADS HOUSE,	2,000	0	2,000	2,000.00	.00	100.0%
TOTAL COMMUNITY AGENCIES			7,900	0	7,900	7,900.00	.00	100.0%
101720 PLANNING BOARD & BOA								
101720	65010	POSTAGE	250	0	250	268.94	.00	107.6%*
101720	65040	EDUCATIONAL/MEETIN	1,000	0	1,000	90.00	.00	9.0%
101720	65060	PRINTING	250	0	250	44.00	.00	17.6%
101720	65080	LEGAL NOTICES & OT	1,000	0	1,000	952.42	.00	95.2%
101720	65480	OTHER PROFESSIONAL	2,000	0	2,000	.00	2,000.00	.0%
101720	66010	OFFICE SUPPLIES	150	0	150	.00	150.00	.0%
101720	66026	SMRPC MEMBERSHIP	5,685	0	5,685	5,685.00	.00	100.0%
TOTAL PLANNING BOARD & BOA			10,335	0	10,335	7,040.36	.00	68.1%
101721 PLANNING / CODE								
101721	64005	CODE ENFORCEMENT S	70,702	0	70,702	51,615.58	.00	73.0%
101721	64006	PLANNER SALARY	63,000	0	63,000	46,426.20	.00	73.7%
101721	64010	DEVELOPMENT STAFF	40,126	0	40,126	29,574.03	.00	73.7%
101721	64017	ASSISTANT PLANNER	21,000	0	21,000	18,483.44	.00	88.0%
101721	64018	ASST CODE ENFORCEM	51,328	0	51,328	38,297.84	.00	74.6%
101721	64030	OVERTIME	0	0	0	92.55	.00	100.0%*
101721	64042	DIRECTOR OF PLANNI	100,052	0	100,052	74,271.50	.00	74.2%
101721	65010	POSTAGE	700	0	700	1,181.16	.00	168.7%*
101721	65020	TELEPHONE & INTERN	1,400	0	1,400	1,312.71	.00	93.8%
101721	65030	TRANSPORTATION	1,800	0	1,800	.00	1,800.00	.0%
101721	65040	EDUCATIONAL/MEETIN	3,000	0	3,000	937.00	.00	31.2%
101721	65060	PRINTING	650	0	650	.00	650.00	.0%
101721	65300	MACHINE & EQUIPMEN	3,700	0	3,700	3,666.57	.00	99.1%
101721	65310	VEHICLE MAINTENANC	300	0	300	114.02	.00	38.0%
101721	65311	GAS, GREASE, & OIL	600	0	600	353.61	.00	58.9%
101721	65400	LEGAL SERVICES	7,500	0	7,500	1,359.00	.00	18.1%
101721	65410	COMPUTER SERVICES	25,635	0	25,635	23,371.00	.00	91.2%
101721	65411	BOARD OF ASSESMEN	200	0	200	.00	200.00	.0%
101721	65423	PERSONAL PROPERTY	6,000	0	6,000	.00	6,000.00	.0%
101721	65480	OTHER PROFESSIONAL	140,000	0	140,000	99,289.76	.00	70.9%

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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101721 65521	UNIFORMS	250	0	250	.00	.00	250.00	.0%
101721 66010	OFFICE SUPPLIES	1,000	0	1,000	161.08	.00	838.92	16.1%
101721 66020	BOOKS/SUBSCRIPTION	500	0	500	33.27	.00	466.73	6.7%
101721 66030	OTHER SUPPLIES	250	0	250	.00	.00	250.00	.0%
101721 66035	ABSTRACTS & LIENS	400	0	400	.00	.00	400.00	.0%
101721 67510	OFFICE FURNITURE &	500	0	500	.00	.00	500.00	.0%
TOTAL PLANNING / CODE		540,593	0	540,593	390,540.32	.00	150,052.68	72.2%
101730 IN TOWN PARKS								
101730 64007	PARKS 10% COMM SAL	9,741	0	9,741	7,338.58	.00	2,402.42	75.3%
101730 64010	FULL TIME SALARIES	49,558	0	49,558	62,646.27	.00	-13,088.27	126.4%*
101730 64020	PART TIME SALARIES	46,800	0	46,800	11,599.99	.00	35,200.01	24.8%
101730 64030	OVERTIME	1,400	0	1,400	36.33	.00	1,363.67	2.6%
101730 65040	EDUCATIONAL/MEETIN	100	0	100	.00	.00	100.00	.0%
101730 65060	PRINTING	100	0	100	.00	.00	100.00	.0%
101730 65080	LEGAL NOTICES/OTHE	150	0	150	.00	.00	150.00	.0%
101730 65200	ELECTRICITY	1,538	0	1,538	822.53	.00	715.47	53.5%
101730 65220	WATER	7,400	0	7,400	4,202.31	.00	3,197.69	56.8%
101730 65300	MACHINE & EQUIPMEN	2,000	0	2,000	829.51	.00	1,170.49	41.5%
101730 65302	PROTECTIVE & SAFET	350	0	350	854.15	.00	-504.15	244.0%*
101730 65303	FACILITY SAFETY IN	625	0	625	799.91	.00	-174.91	128.0%*
101730 65310	VEHICLE MAINTENANC	1,200	0	1,200	480.60	.00	719.40	40.1%
101730 65311	GAS, GREASE, & OIL	5,500	0	5,500	1,153.06	.00	4,346.94	21.0%
101730 65312	TIRES & TUBES	1,000	0	1,000	1,034.15	.00	-34.15	103.4%*
101730 65457	LOAM & SOD	3,000	0	3,000	.00	.00	3,000.00	.0%
101730 65480	OTHER PROFESSIONAL	30,000	0	30,000	22,348.00	.00	7,652.00	74.5%
101730 65500	MAINTENANCE OF BLD	1,000	0	1,000	172.02	.00	827.98	17.2%
101730 65521	UNIFORMS	800	0	800	1,600.00	.00	-800.00	200.0%*
101730 66011	HAND TOOLS	150	0	150	77.11	.00	72.89	51.4%
101730 66030	OTHER SUPPLIES	150	0	150	.00	.00	150.00	.0%
101730 66040	JANITORIAL SUPPLIE	500	0	500	.00	.00	500.00	.0%
101730 67520	OPERATING EQUIPMEN	1,000	0	1,000	503.90	.00	496.10	50.4%
TOTAL IN TOWN PARKS		164,062	0	164,062	116,498.42	.00	47,563.58	71.0%
101735 FT FOSTER SEAPOINT & CRESCENT								
101735 64007	PARKS 15% COMM SAL	14,611	0	14,611	11,007.79	.00	3,603.21	75.3%

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>101735 64010 FULL TIME SALARIES</u>	51,790	0	51,790	39,484.56	.00	12,305.44	76.2%
<u>101735 64020 PART TIME SALARIES</u>	62,080	0	62,080	28,047.30	.00	34,032.70	45.2%
<u>101735 64030 OVERTIME</u>	7,055	0	7,055	2,159.69	.00	4,895.31	30.6%
<u>101735 65020 TELEPHONE & INTERN</u>	1,400	0	1,400	1,228.47	.00	171.53	87.7%
<u>101735 65040 EDUCATIONAL/MEETIN</u>	100	0	100	.00	.00	100.00	.0%
<u>101735 65060 PRINTING</u>	3,500	0	3,500	959.00	.00	2,541.00	27.4%
<u>101735 65080 LEGAL NOTICES/OTHE</u>	200	0	200	.00	.00	200.00	.0%
<u>101735 65200 ELECTRICITY</u>	513	0	513	142.50	.00	370.50	27.8%
<u>101735 65220 WATER</u>	600	0	600	.00	.00	600.00	.0%
<u>101735 65300 MACHINE & EQUIPMEN</u>	1,500	0	1,500	163.79	.00	1,336.21	10.9%
<u>101735 65302 PROTECTIVE & SAFET</u>	600	0	600	355.65	.00	244.35	59.3%
<u>101735 65303 FACILITY SAFETY IN</u>	625	0	625	421.95	.00	203.05	67.5%
<u>101735 65310 VEHICLE MAINTENANC</u>	1,200	0	1,200	597.08	.00	602.92	49.8%
<u>101735 65311 GAS, GREASE, & OIL</u>	5,500	0	5,500	336.02	.00	5,163.98	6.1%
<u>101735 65312 TIRES & TUBES</u>	700	0	700	.00	.00	700.00	.0%
<u>101735 65480 OTHER PROFESSIONAL</u>	4,000	0	4,000	.00	.00	4,000.00	.0%
<u>101735 65500 MAINTENANCE OF BLD</u>	4,500	0	4,500	2,339.24	.00	2,160.76	52.0%
<u>101735 65510 PAINTING</u>	400	0	400	8.26	.00	391.74	2.1%
<u>101735 65521 UNIFORMS</u>	700	0	700	400.00	.00	300.00	57.1%
<u>101735 66011 HAND TOOLS</u>	150	0	150	21.81	.00	128.19	14.5%
<u>101735 66030 OTHER SUPPLIES</u>	900	0	900	578.12	.00	321.88	64.2%
<u>101735 66040 JANITORIAL SUPPLIE</u>	6,000	0	6,000	83.88	.00	5,916.12	1.4%
<u>101735 67520 OPERATING EQUIPMEN</u>	1,200	0	1,200	1,218.00	.00	-18.00	101.5%*
<u>101735 67575 SEAPOINT BEACH</u>	200	0	200	.00	.00	200.00	.0%
TOTAL FT FOSTER SEAPOINT & CRESCENT	170,024	0	170,024	89,553.11	.00	80,470.89	52.7%
<u>101740 MISCELLANEOUS ACCOUNTS</u>							
<u>101740 65023 EPA STORMWATER 4 P</u>	19,600	0	19,600	4,065.00	.00	15,535.00	20.7%
<u>101740 65025 COMPUTER REPAIR/RE</u>	65,000	0	65,000	34,768.99	.00	30,231.01	53.5%
<u>101740 65455 MEMORIAL DAY ACTIV</u>	700	0	700	.00	.00	700.00	.0%
<u>101740 68525 MOSQUITO/TICK CONT</u>	38,580	0	38,580	38,856.08	.00	-276.08	100.7%*
<u>101740 69200 PSAP PAID TO YORK</u>	35,000	0	35,000	31,359.25	.00	3,640.75	89.6%
TOTAL MISCELLANEOUS ACCOUNTS	158,880	0	158,880	109,049.32	.00	49,830.68	68.6%
<u>101750 STATE/BANK FEES</u>							
<u>101750 65952 OVERAGE/SHORTAGE</u>	0	0	0	-48.50	.00	48.50	100.0%

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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED	
<u>101750</u>	<u>65954</u>	<u>BANK FEES/CHARGES</u>	600	0	600	37.69	.00	562.31	6.3%
	TOTAL STATE/BANK FEES	600	0	600	-10.81	.00	610.81	-1.8%	
101760 CAPITAL IMPROVEMENT PLAN									
<u>101760</u>	<u>68750</u>	<u>CIP HOLDING DEDICA</u>	530,000	0	530,000	530,000.00	.00	.00	100.0%
<u>101760</u>	<u>68751</u>	<u>CIP DEPT CAPITAL R</u>	625,500	0	625,500	625,500.00	.00	.00	100.0%
<u>101760</u>	<u>68752</u>	<u>CIP CAP FUNDING RE</u>	300,000	0	300,000	300,000.00	.00	.00	100.0%
	TOTAL CAPITAL IMPROVEMENT PLAN	1,455,500	0	1,455,500	1,455,500.00	.00	.00	100.0%	
101810 LIBRARY									
<u>101810</u>	<u>64010</u>	<u>FULL TIME SALARIES</u>	195,233	0	195,233	144,635.92	.00	50,597.08	74.1%
<u>101810</u>	<u>65002</u>	<u>LIBRARY DIRECTOR</u>	80,126	0	80,126	59,492.75	.00	20,633.25	74.2%
<u>101810</u>	<u>65003</u>	<u>LIBRARY PART TIME</u>	10,140	0	10,140	4,364.26	.00	5,775.74	43.0%
<u>101810</u>	<u>65010</u>	<u>POSTAGE</u>	400	0	400	616.10	.00	-216.10	154.0%*
<u>101810</u>	<u>65020</u>	<u>TELEPHONE & INTERN</u>	1,200	0	1,200	1,130.36	.00	69.64	94.2%
<u>101810</u>	<u>65060</u>	<u>PRINTING</u>	400	0	400	.00	.00	400.00	.0%
<u>101810</u>	<u>65200</u>	<u>ELECTRICITY</u>	7,175	0	7,175	4,630.02	.00	2,544.98	64.5%
<u>101810</u>	<u>65220</u>	<u>WATER</u>	600	0	600	219.90	.00	380.10	36.7%
<u>101810</u>	<u>65230</u>	<u>FUEL OIL</u>	9,500	0	9,500	5,394.59	.00	4,105.41	56.8%
<u>101810</u>	<u>65250</u>	<u>SEWER</u>	1,000	0	1,000	600.00	.00	400.00	60.0%
<u>101810</u>	<u>65338</u>	<u>E-BOOKS CHILDREN</u>	1,000	0	1,000	55.00	.00	945.00	5.5%
<u>101810</u>	<u>65339</u>	<u>AV DVD CHILDREN/TE</u>	1,100	0	1,100	671.36	.00	428.64	61.0%
<u>101810</u>	<u>65340</u>	<u>E-BOOKS</u>	6,000	0	6,000	5,531.73	.00	468.27	92.2%
<u>101810</u>	<u>65341</u>	<u>AUDIO VISUAL/DVD</u>	14,420	0	14,420	14,381.09	.00	38.91	99.7%
<u>101810</u>	<u>65342</u>	<u>LIBRARY COPIER EXP</u>	3,400	0	3,400	2,671.95	.00	728.05	78.6%
<u>101810</u>	<u>65431</u>	<u>PROFESSIONAL DUES</u>	1,000	0	1,000	55.00	.00	945.00	5.5%
<u>101810</u>	<u>65432</u>	<u>LIBRARY TECHNOLOGY</u>	13,000	0	13,000	8,448.25	.00	4,551.75	65.0%
<u>101810</u>	<u>65433</u>	<u>LIBRARY PROGRAMS</u>	2,480	0	2,480	1,842.54	.00	637.46	74.3%
<u>101810</u>	<u>65434</u>	<u>LIB PROG CHILD/TEE</u>	10,000	0	10,000	5,962.23	.00	4,037.77	59.6%
<u>101810</u>	<u>65435</u>	<u>CONFERENCES & WORK</u>	200	0	200	35.00	.00	165.00	17.5%
<u>101810</u>	<u>65480</u>	<u>OTHER PROF SERV -</u>	1,700	0	1,700	2,048.60	.00	-348.60	120.5%*
<u>101810</u>	<u>65500</u>	<u>MAINTENANCE OF BLD</u>	6,000	0	6,000	10,289.80	.00	-4,289.80	171.5%*
<u>101810</u>	<u>65505</u>	<u>REPAIRS</u>	13,000	0	13,000	6,420.48	.00	6,579.52	49.4%
<u>101810</u>	<u>65803</u>	<u>MISCELLANEOUS</u>	1,650	0	1,650	362.35	.00	1,287.65	22.0%
<u>101810</u>	<u>66010</u>	<u>OFFICE SUPPLIES</u>	700	0	700	926.12	.00	-226.12	132.3%*
<u>101810</u>	<u>66012</u>	<u>LIB PROCESSING SUP</u>	3,400	0	3,400	3,333.17	.00	66.83	98.0%

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TOWN OF KITTEERY - LIVE
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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>101810</u>	<u>66020</u>	<u>BOOKS/SUBSCRIPTION</u>	0	37,249	31,815.05	.00	5,433.95	85.4%
<u>101810</u>	<u>66021</u>	<u>BOOKS CHILD/TEEN</u>	0	14,550	14,682.04	.00	-132.04	100.9%*
<u>101810</u>	<u>67510</u>	<u>OFFICE FURNITURE &</u>	0	2,000	587.12	.00	1,412.88	29.4%
TOTAL LIBRARY			0	438,623	331,202.78	.00	107,420.22	75.5%
101830 RECREATION								
<u>101830</u>	<u>64008</u>	<u>RECREATION DIRECTO</u>	0	81,428	61,502.91	.00	19,925.09	75.5%
<u>101830</u>	<u>64009</u>	<u>ASST DIRECTOR/GEN</u>	0	59,627	42,056.89	.00	17,570.11	70.5%
<u>101830</u>	<u>64010</u>	<u>EARLY CHILDHOOD SU</u>	0	42,920	2,445.89	.00	40,474.11	5.7%
<u>101830</u>	<u>64012</u>	<u>RECREATION SUPERVI</u>	0	46,049	33,933.84	.00	12,115.16	73.7%
<u>101830</u>	<u>64013</u>	<u>ASST EARLY CHILDCA</u>	0	35,313	.00	.00	35,313.00	.0%
<u>101830</u>	<u>64014</u>	<u>LEAD TEACHERS</u>	0	61,235	1,626.63	.00	59,608.37	2.7%
<u>101830</u>	<u>64015</u>	<u>SPORTS COORDINATOR</u>	0	38,089	28,030.07	.00	10,058.93	73.6%
<u>101830</u>	<u>64016</u>	<u>RECEPTIONISTS</u>	0	63,250	31,752.21	.00	31,497.79	50.2%
<u>101830</u>	<u>64017</u>	<u>BOOKKEEPER/SECRETA</u>	0	22,439	20,542.03	.00	1,896.97	91.5%
<u>101830</u>	<u>64020</u>	<u>PT SAFE SCHOOL YEA</u>	0	30,500	40,763.87	.00	-10,263.87	133.7%*
<u>101830</u>	<u>64021</u>	<u>SAFE SUMMER SALARI</u>	0	13,650	.00	.00	13,650.00	.0%
<u>101830</u>	<u>64024</u>	<u>FT CUSTODIANS</u>	0	37,467	27,705.69	.00	9,761.31	73.9%
<u>101830</u>	<u>64025</u>	<u>PRE-SCHOOL STAFF S</u>	0	162,556	567.85	.00	161,988.15	.3%
<u>101830</u>	<u>64027</u>	<u>CUSTODIAN WAGES</u>	0	33,711	21,920.93	.00	11,790.07	65.0%
<u>101830</u>	<u>64028</u>	<u>THEATRE TECHNICIAN</u>	0	250	.00	.00	250.00	.0%
<u>101830</u>	<u>64030</u>	<u>OVERTIME</u>	0	4,500	1,116.81	.00	3,383.19	24.8%
<u>101830</u>	<u>64041</u>	<u>FACILITIES MAINT S</u>	0	53,219	39,817.64	.00	13,401.36	74.8%
<u>101830</u>	<u>65010</u>	<u>POSTAGE</u>	0	1,215	373.44	.00	841.56	30.7%
<u>101830</u>	<u>65020</u>	<u>TELEPHONE & INTERN</u>	0	3,450	2,834.44	.00	615.56	82.2%
<u>101830</u>	<u>65030</u>	<u>TRANSPORTATION</u>	0	12,000	145.99	.00	11,854.01	1.2%
<u>101830</u>	<u>65060</u>	<u>PRINTING</u>	0	8,500	4,216.19	.00	4,283.81	49.6%
<u>101830</u>	<u>65200</u>	<u>ELECTRICITY / UTIL</u>	0	36,000	18,567.66	.00	17,432.34	51.6%
<u>101830</u>	<u>65220</u>	<u>WATER</u>	0	3,322	2,655.77	.00	666.23	79.9%
<u>101830</u>	<u>65230</u>	<u>NATURAL GAS</u>	0	34,000	25,268.80	.00	8,731.20	74.3%
<u>101830</u>	<u>65250</u>	<u>SEWER</u>	0	3,300	1,009.89	.00	2,290.11	30.6%
<u>101830</u>	<u>65300</u>	<u>MACHINE & EQUIPMEN</u>	0	4,305	3,748.78	.00	556.22	87.1%
<u>101830</u>	<u>65310</u>	<u>VEHICLE MAINTENANC</u>	0	250	.00	.00	250.00	.0%
<u>101830</u>	<u>65478</u>	<u>PROGRAM SERVICES</u>	0	2,500	1,416.37	.00	1,083.63	56.7%
<u>101830</u>	<u>65480</u>	<u>OTHER PROFESSIONAL</u>	0	2,500	938.00	.00	1,562.00	37.5%
<u>101830</u>	<u>65500</u>	<u>MAINTENANCE OF BLD</u>	0	14,500	21,400.55	.00	-6,900.55	147.6%*
<u>101830</u>	<u>65521</u>	<u>UNIFORMS</u>	0	0	225.72	.00	-225.72	100.0%*
<u>101830</u>	<u>65610</u>	<u>SAFE SCHOOL YEAR P</u>	0	3,500	7,505.08	.00	-4,005.08	214.4%*
<u>101830</u>	<u>65615</u>	<u>SAFE SUMMER PROGRA</u>	0	3,000	.00	.00	3,000.00	.0%
<u>101830</u>	<u>65630</u>	<u>INSTRUCTORS-CONTRA</u>	0	27,000	9,729.78	.00	17,270.22	36.0%

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>101830 65640 SPECIAL EVENTS</u>	13,500	0	13,500	6,239.08	.00	7,260.92	46.2%
<u>101830 65650 SENIOR PROGRAMS</u>	1,500	0	1,500	.00	.00	1,500.00	.0%
<u>101830 65670 TEAM EXPENSE</u>	6,750	0	6,750	2,451.61	.00	4,298.39	36.3%
<u>101830 65680 PRESCHOOL PROGRAM</u>	8,000	0	8,000	447.26	.00	7,552.74	5.6%
<u>101830 65801 CONTRACTED SERVICE</u>	49,000	0	49,000	44,256.61	.00	4,743.39	90.3%
<u>101830 65802 ANNEX UTILITIES</u>	2,000	0	2,000	.00	.00	2,000.00	.0%
<u>101830 65803 MISCELLANEOUS</u>	5,500	0	5,500	1,451.69	.00	4,048.31	26.4%
<u>101830 66010 OFFICE SUPPLIES</u>	3,000	0	3,000	1,377.73	.00	1,622.27	45.9%
<u>101830 66030 OTHER SUPPLIES</u>	3,000	0	3,000	16.98	.00	2,983.02	.6%
<u>101830 66031 THEATRE SUPPLIES</u>	750	0	750	.00	.00	750.00	.0%
<u>101830 66040 JANITORIAL SUPPLIE</u>	15,000	0	15,000	6,176.15	.00	8,823.85	41.2%
TOTAL RECREATION	1,053,545	0	1,053,545	516,236.83	.00	537,308.17	49.0%
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101840 HARBORMASTER-K.P.A							
<u>101840 64010 HARBOR MASTER FULL</u>	57,927	0	57,927	43,743.08	.00	14,183.92	75.5%
<u>101840 64020 PART TIME SALARIES</u>	14,100	0	14,100	10,942.64	.00	3,157.36	77.6%
<u>101840 65010 POSTAGE</u>	250	0	250	206.85	.00	43.15	82.7%
<u>101840 65020 TELEPHONE & INTERN</u>	1,100	0	1,100	1,437.67	.00	-337.67	130.7%*
<u>101840 65200 ELECTRICITY</u>	1,800	0	1,800	1,232.35	.00	567.65	68.5%
<u>101840 65220 WATER</u>	500	0	500	136.01	.00	363.99	27.2%
<u>101840 65240 DUMPSTERS/TRASH RE</u>	1,000	0	1,000	513.00	.00	487.00	51.3%
<u>101840 65305 BOAT EQUIPMENT MAI</u>	3,000	0	3,000	3,237.27	.00	-237.27	107.9%*
<u>101840 65311 GAS, GREASE, & OIL</u>	2,000	0	2,000	682.02	.00	1,317.98	34.1%
<u>101840 65452 SAFETY</u>	1,000	0	1,000	.00	.00	1,000.00	.0%
<u>101840 65462 RIGGING</u>	10,000	0	10,000	3,858.50	.00	6,141.50	38.6%
<u>101840 65463 SANITATION</u>	3,500	0	3,500	602.68	.00	2,897.32	17.2%
<u>101840 65470 PROFESSIONAL DEVE</u>	1,000	0	1,000	172.13	.00	827.87	17.2%
<u>101840 65480 OTHER PROFESSIONAL</u>	2,500	0	2,500	2,614.30	.00	-114.30	104.6%*
<u>101840 65500 MAIN BLDG/GROUNDS</u>	6,000	0	6,000	4,017.62	.00	1,982.38	67.0%
<u>101840 65521 UNIFORMS</u>	1,000	0	1,000	137.46	.00	862.54	13.7%
<u>101840 66010 OFFICE SUPPLIES</u>	400	0	400	314.25	.00	85.75	78.6%
<u>101840 66040 JANITORIAL SUPPLIE</u>	500	0	500	11.69	.00	488.31	2.3%
TOTAL HARBORMASTER-K.P.A	107,577	0	107,577	73,859.52	.00	33,717.48	68.7%
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101930 RESOURCE RECOVERY FACILITY							
<u>101930 64009 SOLID WASTE 40% CO</u>	38,964	0	38,964	29,354.30	.00	9,609.70	75.3%

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101930 64010	FULL TIME SALARIES	173,637	0	173,637	122,872.57	.00	50,764.43	70.8%
101930 64030	OVERTIME	8,500	0	8,500	5,566.10	.00	2,933.90	65.5%
101930 65020	TELEPHONE & INTERN	2,000	0	2,000	670.73	.00	1,329.27	33.5%
101930 65030	TRANSPORTATION	200	0	200	.00	.00	200.00	.0%
101930 65040	EDUCATIONAL/MEETIN	1,000	0	1,000	.00	.00	1,000.00	.0%
101930 65060	PRINTING	1,500	0	1,500	1,690.00	.00	-190.00	112.7%*
101930 65090	ZERO WASTE PROGRAM	2,500	0	2,500	.00	.00	2,500.00	.0%
101930 65200	ELECTRICITY	11,275	0	11,275	11,007.54	.00	267.46	97.6%
101930 65220	WATER	950	0	950	414.84	.00	535.16	43.7%
101930 65230	FUEL OIL	1,230	0	1,230	.00	.00	1,230.00	.0%
101930 65300	MACHINE & EQUIPMEN	3,500	0	3,500	9,538.73	.00	-6,038.73	272.5%*
101930 65302	PROTECTIVE & SAFET	1,000	0	1,000	1,093.21	.00	-93.21	109.3%*
101930 65303	FACILITY SAFETY IN	1,250	0	1,250	1,305.49	.00	-55.49	104.4%*
101930 65311	GAS, GREASE, & OIL	12,000	0	12,000	3,845.41	.00	8,154.59	32.0%
101930 65312	TIRES & TUBES	3,000	0	3,000	520.59	.00	2,479.41	17.4%
101930 65480	OTHER PROFESSIONAL	270,500	0	270,500	184,646.90	.00	85,853.10	68.3%
101930 65500	MAINTENANCE OF BLD	8,000	0	8,000	7,472.51	.00	527.49	93.4%
101930 65521	UNIFORMS	2,000	0	2,000	2,400.00	.00	-400.00	120.0%*
101930 66009	SHOP SUPPLIES	6,000	0	6,000	3,647.50	.00	2,352.50	60.8%
101930 66010	OFFICE SUPPLIES	250	0	250	72.08	.00	177.92	28.8%
101930 66011	HAND TOOLS	200	0	200	171.90	.00	28.10	86.0%
101930 66030	OTHER SUPPLIES	250	0	250	.00	.00	250.00	.0%
101930 66040	JANITORIAL SUPPLIE	2,200	0	2,200	1,071.54	.00	1,128.46	48.7%
101930 67516	PLANT EQUIPMENT MA	12,500	0	12,500	2,889.07	.00	9,610.93	23.1%
101930 67553	ASPHALT SURFACE MA	7,500	0	7,500	.00	.00	7,500.00	.0%
TOTAL RESOURCE RECOVERY FACILITY		571,906	0	571,906	390,251.01	.00	181,654.99	68.2%
103000 SHARED EXPENSES - OTHER INSURA								
103000 64060	FICA EMPLOYER SHAR	441,891	0	441,891	289,873.80	.00	152,017.20	65.6%
103000 64070	WORKERS' COMP INSU	143,972	0	143,972	92,875.73	.00	51,096.27	64.5%
103000 64090	RETIRED EMP MEDICA	226,535	0	226,535	168,265.38	.00	58,269.62	74.3%
103000 64092	DISABILITY INSURAN	26,419	0	26,419	27,016.41	.00	-597.41	102.3%*
103000 65101	MMA RISK POOL	183,124	0	183,124	178,174.10	.00	4,949.90	97.3%
103000 65115	UNEMPLOYMENT COMPE	5,000	0	5,000	22,916.50	.00	-17,916.50	458.3%*
103000 65150	MISCELLANEOUS INSU	4,994	0	4,994	4,901.70	.00	92.30	98.2%
103000 65210	UNION CENTRAL LIFE	3,320	0	3,320	1,923.18	.00	1,396.82	57.9%
TOTAL SHARED EXPENSES - OTHER INSURA		1,035,255	0	1,035,255	785,946.80	.00	249,308.20	75.9%
103001 SHARED EXPENSE - HEALTH/DENTAL								
103001 64090	MAJOR MEDICAL INSU	1,233,556	0	1,233,556	1,060,326.88	.00	173,229.12	86.0%

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<u>103001 64091 DENTAL INSURANCE</u>	13,204	0	13,204	10,789.61	.00	2,414.39	81.7%
TOTAL SHARED EXPENSE - HEALTH/DENTAL	1,246,760	0	1,246,760	1,071,116.49	.00	175,643.51	85.9%
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103002 RETIREMENT							
<u>103002 64050 MAINE STATE RETIRE</u>	574,260	0	574,260	369,937.50	.00	204,322.50	64.4%
<u>103002 64051 ICMA EMPLOYER SHAR</u>	29,351	0	29,351	21,507.69	.00	7,843.31	73.3%
TOTAL RETIREMENT	603,611	0	603,611	391,445.19	.00	212,165.81	64.9%
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108000 ADULT ED							
<u>108000 69480 ADULT EDUCATION FU</u>	98,970	0	98,970	98,970.00	.00	.00	100.0%
TOTAL ADULT ED	98,970	0	98,970	98,970.00	.00	.00	100.0%
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1111 TOWN REVENUE							
<u>1111 43001 PROPERTY TAX REVENUE</u>	-10,223,033	0	-10,223,033	-10,322,915.95	.00	99,882.95	101.0%*
<u>1111 43003 PROPERTY TAX ABATEME</u>	0	0	0	26,855.22	.00	-26,855.22	100.0%*
<u>1111 43004 PAYMENT IN LIEU OF T</u>	-3,200	0	-3,200	.00	.00	-3,200.00	.0%*
<u>1111 43006 EXEMPT STATE REIMB F</u>	-300,000	0	-300,000	-310,771.00	.00	10,771.00	103.6%
<u>1111 43007 TREE GROWTH REVENUE</u>	-2,750	0	-2,750	-1,359.68	.00	-1,390.32	49.4%*
<u>1111 43031 EXCISE TAX AUTOMOBIL</u>	-1,600,000	0	-1,600,000	-1,491,741.92	.00	-108,258.08	93.2%*
<u>1111 43032 EXCISE TAX BOAT</u>	-20,000	0	-20,000	-13,695.00	.00	-6,305.00	68.5%*
<u>1111 43109 SIGN PERMITS</u>	-2,000	0	-2,000	-1,225.00	.00	-775.00	61.3%*
<u>1111 43110 CODE ENFORCEMENT FEE</u>	-225,000	0	-225,000	-284,556.93	.00	59,556.93	126.5%
<u>1111 43113 BOARD OF ASSESSMENT</u>	0	0	0	-100.00	.00	100.00	100.0%
<u>1111 43114 ADDITIONAL LAND USE</u>	-3,000	0	-3,000	-4,300.00	.00	1,300.00	143.3%
<u>1111 43115 PLANNING FEES (SUBDI</u>	-10,000	0	-10,000	-2,803.00	.00	-7,197.00	28.0%*
<u>1111 43120 TOWN CLERK FEES</u>	-24,000	0	-24,000	-15,863.40	.00	-8,136.60	66.1%*
<u>1111 43121 WILDLIFE AGENT FEE</u>	-1,200	0	-1,200	-577.00	.00	-623.00	48.1%*
<u>1111 43122 ANIMAL WELFARE AGENT</u>	-1,600	0	-1,600	-1,485.00	.00	-115.00	92.8%*
<u>1111 43130 TOWN REGISTRATION FE</u>	-25,000	0	-25,000	-30,637.00	.00	5,637.00	122.5%
<u>1111 43135 HWY PERMITS & FEES</u>	0	0	0	-1,298.00	.00	1,298.00	100.0%
<u>1111 43140 SOLID WASTE PERMITS</u>	-70,000	0	-70,000	-90,188.99	.00	20,188.99	128.8%
<u>1111 43145 SOLID WASTE RECYCLIN</u>	-45,000	0	-45,000	-47,808.12	.00	2,808.12	106.2%

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1111 43147	DINGHY FEES	-10,000	0	-10,000	-4,720.00	.00	-5,280.00	47.2%*
1111 43148	TRANSIENT SLIP RENTA	-1,500	0	-1,500	-4,146.00	.00	2,646.00	276.4%
1111 43149	KPA APPLICATION FEES	-500	0	-500	-750.00	.00	250.00	150.0%
1111 43150	MOORING FEES	-80,000	0	-80,000	-73,577.30	.00	-6,422.70	92.0%*
1111 43151	LAUNCH FEE	-12,000	0	-12,000	-8,453.80	.00	-3,546.20	70.4%*
1111 43152	TRANSIENT MOORING	-2,500	0	-2,500	-4,990.55	.00	2,490.55	199.6%
1111 43153	WAIT LIST FEE	-1,100	0	-1,100	-424.00	.00	-676.00	38.5%*
1111 43154	HARBOR & WATER USAGE	0	0	0	-55.00	.00	55.00	100.0%
1111 43156	PIER USAGE FEE	-1,000	0	-1,000	-1,290.00	.00	290.00	129.0%
1111 43157	MOORING LATE FEE	0	0	0	-326.00	.00	326.00	100.0%
1111 43160	FORT FOSTER FEES	-175,000	0	-175,000	-188,501.05	.00	13,501.05	107.7%
1111 43210	LIEN FEES	-7,000	0	-7,000	-6,304.61	.00	-695.39	90.1%*
1111 43220	PENALTY INTEREST	-38,000	0	-38,000	-43,323.72	.00	5,323.72	114.0%
1111 43221	LIBRARY FINES & FEES	-10,000	0	-10,000	-1,669.59	.00	-8,330.41	16.7%*
1111 43320	RECREATION FEES	-850,000	0	-850,000	-60,450.83	.00	-789,549.17	7.1%*
1111 43330	ANIMAL CONTROL	-4,000	0	-4,000	-1,475.00	.00	-2,525.00	36.9%*
1111 43335	POSTAGE	0	0	0	-49.76	.00	49.76	100.0%
1111 43336	PHOTO COPIES	-200	0	-200	-137.75	.00	-62.25	68.9%*
1111 43351	ACCIDENT REPORTS	-3,000	0	-3,000	-1,941.00	.00	-1,059.00	64.7%*
1111 43352	PARKING TICKETS	-30,000	0	-30,000	-40,355.00	.00	10,355.00	134.5%
1111 43353	GUN PERMITS	-2,000	0	-2,000	-895.00	.00	-1,105.00	44.8%*
1111 43354	ELIOT DISPATCHING SE	-123,360	0	-123,360	-61,680.00	.00	-61,680.00	50.0%*
1111 43355	ORDINANCE FINES	-350	0	-350	-350.00	.00	.00	100.0%
1111 43356	WITNESS FEES	-300	0	-300	-40.00	.00	-260.00	13.3%*
1111 43358	FALSE ALARMS	-880	0	-880	-560.00	.00	-320.00	63.6%*
1111 43359	AMBULANCE DISPTACH F	-16,000	0	-16,000	-8,000.00	.00	-8,000.00	50.0%*
1111 43410	MDOT HWY MAINTENANCE	-11,500	0	-11,500	-12,000.00	.00	500.00	104.3%
1111 43420	STATE REVENUE SHARIN	-450,000	0	-450,000	-645,085.25	.00	195,085.25	143.4%
1111 43421	STATE PARK FEE REV S	-275	0	-275	-2,718.56	.00	2,443.56	988.6%
1111 43443	RESTITUTION INCOME/U	-2,000	0	-2,000	-704.70	.00	-1,295.30	35.2%*
1111 43470	STATE OF MAINE GENER	-45,000	0	-45,000	-19,862.35	.00	-25,137.65	44.1%*
1111 43480	MARY SAFFORD WILDES	-25,000	0	-25,000	-12,500.00	.00	-12,500.00	50.0%*
1111 43510	INTEREST ON INVESTME	-45,000	0	-45,000	-12,034.86	.00	-32,965.14	26.7%*
1111 43530	MISCELLANEOUS REVENU	-15,000	0	-15,000	-5,590.27	.00	-9,409.73	37.3%*
1111 43540	SEWER DEPT RENT	-22,900	0	-22,900	-22,900.00	.00	.00	100.0%
1111 43555	SNOWMOBILE/HANDICAP/	-655	0	-655	-628.90	.00	-26.10	96.0%*
1111 43560	GMH HOUSING	-286,000	0	-286,000	-238,073.45	.00	-47,926.55	83.2%*
1111 43576	TRANSFER IN FROM OTH	-35,000	0	-35,000	.00	.00	-35,000.00	.0%*
1111 43580	USE OF CARRY FORWARD	0	-75,000	-75,000	.00	.00	-75,000.00	.0%*
1111 45020	MMA W/C DIVIDEND	-10,000	0	-10,000	.00	.00	-10,000.00	.0%*
1111 45025	SCHOOL RESOURCE OFFI	-47,741	0	-47,741	-55,274.39	.00	7,533.39	115.8%
TOTAL TOWN REVENUE		-14,920,544	-75,000	-14,995,544	-14,136,309.46	.00	-859,234.54	94.3%
TOTAL TOWN GENERAL FUND		0	0	0	-2,702,751.95	.00	2,702,751.95	100.0%
TOTAL REVENUES		-14,920,544	-75,000	-14,995,544	-14,136,309.46	.00	-859,234.54	
TOTAL EXPENSES		14,920,544	75,000	14,995,544	11,433,557.51	.00	3,561,986.49	

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TOWN OF KITTEERY - LIVE
GENERAL FUND

3/31/21

P 16
glytdbud

FOR 2021 09

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	0	0	0	-2,702,751.95	.00	2,702,751.95	100.0%

** END OF REPORT - Generated by PATRICIA MOORE **

Town of Kittery FISCAL YEAR 2021
Fund Balances - Capital Projects and Special Revenues
For the month ending March 31, 2021

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2020	Transfers FY21	CIP Appropriation 7/1/2020	YTD Expense	YTD Revenue	Ending Fund Balance
Special Revenues (Grants, Designated Accounts, etc)								
SR	2005	Senior Tax Credit Program	55,000.00	-		(51,000.00)		4,000.00
SR	2006	FEMA Reimbursement	37,277.60					37,277.60
SR	2012	Fire Hazmat Spill Recovery Fees	12,971.25			(2,636.05)	1,450.60	11,785.80
SR	2014	Police Grants	517.32					517.32
SR	2022	Compensated Absences	188,922.33			(81,164.46)		107,757.87
SR	2028	Ballot Machines	6,078.00					6,078.00
SR	2032	ASA Applicant Code	2,665.33	5,959.17		(3,243.74)	1,273.74	6,654.50
SR	2055	ASA Applicant Code NEW	-	4,765.13				4,765.13
SR	2038	Kittery Block Party	1,595.34					1,595.34
SR	2056	Concerts in the Park	(3.09)			(800.00)		(803.09)
SR	2059	Conservation Comm	912.02			(344.12)		567.90
SR	2060	Wetlands Mitigation	53,343.00				27,360.00	80,703.00
SR	2063	Kittery Community Center (KCC) Donations	20,945.01			(6,367.79)	600.00	15,177.22
SR	2066	Police Forfeiture	9,128.59				2,258.66	11,387.25
SR	2068	Fort Foster Bench Donations	11,280.80			(206.44)	50.00	11,124.36
SR	2069	Boating Infrastructure Grant (BIG)	1,583.71	(1,583.71)				-
SR	2071	D.A.R.E	216.03					216.03
SR	2074-67500	TIF District #1						-
SR	2074-67503	TIF District #3	80,061.44	27,000.00		(6,752.69)		100,308.75
SR	2074-67502	TIF District #2						-
SR	2086	Spruce Creek PH 5 Grant	1,072.19			(15,905.50)	14,270.09	(563.22)
SR	2081	Channel 22 (PEG) Capital Funding	260,947.46	(35,000.00)		(20,983.50)	73,508.23	278,472.19
SR	2082	KCC Playgrounds	64,718.36					64,718.36
SR	2083	One-time Grants	-			(7,096.50)	7,096.50	-
SR	2091/67500	FEMA Flood Maps Ins Rate Appeal	-					-
SR	2091/43600	FEMA Flood Maps Ins Rate Appeal - Phase 2	-					-
SR	4001-67500/43600	State Aid to Roads General	632,668.76				148,840.00	781,508.76
SR	4001-67502/43602	Whipple Road Improvements	250,601.63			(2,376.19)		248,225.44
SR	4001-67503/43603	Memorial Circle Improvements	47,760.34			(42,208.68)		5,551.66
SR	4001-67508/43608	Walker/Wentworth	200,305.40					200,305.40
SR	4001-67509/43605	Government Street	16,094.50					16,094.50
SR	4030	Public Safety Impact Fees	42,593.32			(15,836.27)	47,760.00	74,517.05
SR	2093	LWCF Grant - Emery Field Phase 1	-					-
SR	2094	LWCF Grant - Emery Field Phase 2	83,570.00		300,000.00	(12,825.00)		370,745.00
SR	2210	Ogden KCC Grant	(1,205.06)	(1,194.94)				(2,400.00)
SR	2301	Billable Police Details	14,361.16			(18,919.15)	28,320.00	23,762.01

Town of Kittery FISCAL YEAR 2021
Fund Balances - Capital Projects and Special Revenues
For the month ending March 31, 2021

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2020	Transfers FY21	CIP Appropriation 7/1/2020	YTD Expense	YTD Revenue	Ending Fund Balance
SR	2303	Grant Supported Police Details	(5,620.84)			(2,937.72)	2,379.43	(6,179.13)
SR	2087	Joint Land Use OEA PH1	(451.93)					(451.93)
SR	4124	Tax Acquired Properties	(40,479.79)	-		(3,698.05)		(44,177.84)
SR	4125	Fort Foster Restoration (FEMA)	218,822.16	-				218,822.16
SR	4126	KCC Visual Arts Com	2,024.20			(210.00)	550.00	2,364.20
SR	5023	Library Donations	71,448.02	(63,764.87)		(5,664.68)	6,402.70	8,421.17
SR	5500	MMA Grants	181.56			(4,061.00)	4,000.00	120.56
SR	5501	Mass Transit Reserve Fund	115,000.00			(32,500.00)		82,500.00
SR	5502	Keep Maine Healthy Grant	(1,914.38)			(333,508.59)	338,641.97	3,219.00
SR	5503	CTCL Election Grant	-			(46,996.19)	55,000.00	8,003.81
Total Special Revenue			2,454,991.74	(63,819.22)	300,000.00	(718,242.31)	759,761.92	2,732,692.13

CIP Bonds

CP	2036	Kittery Community Center Bonds	373.48	(373.48)				-
CP	2085	2016 Municipal Projects	30,949.03	(30,949.03)		(30,504.38)	34,504.20	3,999.82

CIP Programs

CP	2057	Open space	6,889.64	(6,889.64)				-
CP	2078	Athletic Fields Master Plan (Design)	2,142.34	(2,142.34)				-
CP	4002	Right of Way Reserve	755,317.40		450,000.00	(519,642.90)	18,206.18	703,880.68
CP	4011	KCC Vehicle Reserve	25,121.00			(2,071.34)		23,049.66
CP	4012	Public Works Vehicles/Equipment	74,117.38		361,000.00	(181,755.98)		253,361.40
CP	4013	Fire Apparatus Reserve	195,591.14					195,591.14
CP	4017	GIS/MS4 Compliance	40,320.31			(39,838.93)		481.38
CP	4018	KPA Boat Reserve	24,098.02			(17,210.00)	3,575.00	10,463.02
CP	4019	KCC Equipment Reserve	5,162.82					5,162.82
CP	4020	Municipal Technology Reserve	25,229.76	7,637.56	45,000.00	(16,402.39)		61,464.93
CP	4022	Police Vehicle/Equipment	63,657.49		147,000.00	(38,534.09)	19,375.00	191,498.40
CP	4026	Records Preservation	10.13		-			10.13
CP	4027	Municipal Facility Reserve	121,782.50	40,354.49	80,000.00	(19,467.00)		222,669.99
CP	4031	Public Safety Base Station Radio Replace	-					-
CP	4043	Parks Building & Grounds	37,850.05		15,000.00	(3,250.00)		49,600.05
CP	4051	KCC Facility Reserve	8,545.86					8,545.86
CP	4053	Pepperrell Cove Paving/Utilities	3,595.52	(1,495.52)		(2,100.00)		-
CP	4055	KPA Equipment Reserve	59,037.30	1,583.71		(896.14)		59,724.87
CP	4056	Fire Dept Equipment Reserve	169,736.84		44,000.00	(3,060.00)		210,676.84
CP	4100	Fire Dept Facility Reserve (was Boiler Replacements)	318.84		13,500.00			13,818.84

Town of Kittery FISCAL YEAR 2021
Fund Balances - Capital Projects and Special Revenues
For the month ending March 31, 2021

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2020	Transfers FY21	CIP Appropriation 7/1/2020	YTD Expense	YTD Revenue	Ending Fund Balance
CP	4110	PW Sign Shed	20.00					20.00
CP	4116	KPA Facility Reserve (was Gov Pier)	12,888.50	1,495.52		(6,228.22)		8,155.80
CP	4122	Zoning Recodification and GIS Upgrade	23,010.23	(7,637.56)		(15,372.67)		-
CP	4060	Rice Rehab/Expansion (as of 2-1)	224,314.57	63,764.87		(360,373.22)	5,073,173.49	5,000,879.71
CP	4123	LED Streetlight Conversion	40,763.58			(4,124.50)		36,639.08
Total Capital Projects			1,950,843.73	65,348.58	1,155,500.00	(1,260,831.76)	5,148,833.87	7,059,694.42
TOTAL GENERAL OPERATIONS			4,405,835.47	1,529.36	1,455,500.00	(1,979,074.07)	5,908,595.79	9,792,386.55
Permanent Funds (Scholarship Funds/Trust Funds)								
PF	5001	Connie Samuels Beautification Fund	58,600.93					58,600.93
PF	5002	Public Health	27,275.44			(896.56)		26,378.88
PF	5003	York Hospital Scholarship	16,161.40				10,000.00	26,161.40
PF	5005	Lester Raynes Fund	9,228.16			(765.90)		8,462.26
PF	5007	Thresher Memorial Fund	9,262.79			(3,786.38)	2,050.00	7,526.41
PF	5010	Kittery Education Scholarship Fund	4,827.38			650.00	7,584.87	13,062.25
PF	5021	Cemetery	0.35					0.35
Total Permanent Funds			125,356.45	-	-	(4,798.84)	19,634.87	140,192.48
Enterprise Fund (Sewer)								
ER	2900	Sewer Impact fees	640,634.06			(55,229.99)	67,600.00	653,004.07
ER	2901	Sewer Betterment (Entrance)	139,862.55			(3,863.57)	66,000.00	201,998.98
ER	2902	Sewer Safety Grants	2,997.86				(2,971.22)	26.64
ECP	4900	Sewer Vehicle Reserve	45,722.80					45,722.80
ECP	4901	Sewer Capital Reserve	301,639.17			(11,427.50)		290,211.67
Total Enterprise Funds			1,130,856.44	-	-	(70,521.06)	130,628.78	1,190,964.16
GRAND TOTAL ALL FUNDS			5,662,048.36	1,529.36	1,455,500.00	(2,054,393.97)	6,058,859.44	11,123,543.19

KITTERY TOWN COUNCIL Unapproved Minutes

March 22, 2021

Remote Meeting

6:00PM

1 1. Call to Order

2 Chair Thomson called meeting to order at 5:59 PM.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Cyrus Clark,
7 and Judith Spiller.

8 5. Agenda Amendment and Adoption

9 Under New Business item b. amended to read The Kittery Town Council moves to elect
10 a Vice Chair pro tempore.

11 Under New Business the addition of item g. (030321-8) The Kittery Town Council
12 moves to hold a Public Hearing on April 12, 2021 to authorize the Town Manager to
13 enter into a lease agreement for two electric vehicles.

14 Under New Business the addition of item h. (030321-9) The Kittery Town Council
15 moves to appoint a Councilor to meet with the Chair of the Education Scholarship
16 Committee to interview Cameron Hamm for a three-year term expiring 12/31/2024.

17 Chair Thomson moved to accept the agenda as amended, seconded by Councilor
18 Spiller.

19 Motion Carried 5-0-0

20 6. Town Manager's Report

21 The Town Manager reported on: COVID – 19 restrictions, Emery Field phase 2, Officer
22 Robert Byrnes retirement, and a new animal control and parking officer.

23 Upcoming Dates: Mooring renewals due April 15 2021, KEEP property tax payment
24 applications available now, the Community print & color Egg Hunt is on March 25,2021
25 sign-up at the Kittery Community Center, Egg Hunt at Shapleigh Field is on March
26 27,2021 sign-up at the Kittery Community Center, Toward a Sustainable Kittery is on
27 March 31, 2021 6PM, presentation via ZOOM, Town Council nomination papers

28 deadline is April 8, 2021, at the Town Clerk office, and Kittery Education Scholarship
29 application deadline is on April 15, 2021, at the Town Clerk's office.

30 7. Acceptance of Previous Minutes

31 • March 8, 2021 – Regular Meeting

32 • March 10, 2021 – Special Meeting

33 Chair Thomson moved to accept the March 8, 2021 and the March 10, 2021 Council
34 minutes as presented, seconded by Councilor Spiller.

35 Motion Carried 5-0-0

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

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

39 10. PUBLIC HEARINGS –

40 a. (030321-1) The Kittery Town Council moves to approve a New Victualer's License
41 application from K'sone's Thai Cuisine located at 340 US Route 1 Unit 10, Kittery.

42 Moved by Councilor Spiller, Seconded by Councilor Pelletier.

43 Motion Carried 5-0-0

44 11. DISCUSSION

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

47 Bob Gray, 14 Manson Road, Kittery, ME stated the name of the individual that did the
48 investigation was not on the report.

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

50 Roger Cole, 148 Brave Boat Harbor Road, Kittery Point, ME wanted to thanked the
51 Town Manager and the Town Council for the prompt and appropriate action in
52 unanimously accepting the resignations of former Town Councilors, Charles Denault
53 and Kenneth Lemont.

54 Julie and George Patten, 161 Norton Road, Kittery, ME. spoke about the negative
55 impact using Norton Road for parking as access to the Norton Preserve.

56 Mary Oplinger, 71 Brave Boat Harbor Road, Kittery Point, ME, wanted to thank the
57 Council for addressing the issues with Town Councilors, Charles Denault and Kenneth
58 Lemont.

59 Rex Richards, 53 Love Lane, Kittery, ME. wanted to give a personal thanks for
60 facilitating and voting to retain the one-way experiment on Love Lane.

61 Gary Beers, 54 Lewis Road, Kittery, ME requested the Town Council establish a
62 commission of private citizens, pursuant to the Town Charter § 2.11 (3) to conduct an
63 investigation into the conduct of any official, department or any matter relating to the
64 welfare of the town.

65 D. Allen Kerr, 4 Colonial Road, Kittery, ME. stated he disagreed with the way the Town
66 Councilors Charles Denault and Kenneth Lemont were portrayed.

67 mohrhead@google.com disagreed with the decision concerning Town Councilors
68 Charles Denault and Kenneth Lemont.

69 L.P., resident of Eliot, ME. commented on increasing non-resident parking at Seapoint
70 Beach.

71 c. Chairperson's response to public comments.

72 Chair Thomson responded to Julie and George Patten by asking the Town Manager to
73 speak with the Kittery Land Trust to find out what might have changed to cause the
74 parking issue on Norton Road.

75 Chair Thomson responded to L.P., resident of Eliot, ME by stating parking has been an
76 issue since 1978 at Seapoint Beach.

77 Chair Thomson read a statement concerning the circumstances resulting in the
78 resignation of Town Councilors Charles Denault and Kenneth Lemont, as well as the
79 Oath taken by new Town Council members at the beginning of their term.

80 12. UNFINISHED BUSINESS - None

81 13. NEW BUSINESS

82 a. Donations/gifts received for Council disposition –

83 (030321-2) The Kittery Town Council moves to approve the following sponsored
84 spaces.

85 • Children's Garden – Given in memory of Ann H. Grinnell

86 • Book Stacks – Given in memory of Ada Cohen and Maxine Keen Clifford

87 Moved by Councilor Spiller, seconded by Councilor Pelletier.

88 Motion Carried 5-0-0

89 b. (030321-3) The Kittery Town Council moves to elect a Vice Chair pro tempore.
90 Councilor Dow nominated Councilor Spiller, seconded by Councilor Pelletier.

91 Motion Carried 5-0-0

92 c. (030321-4) The Kittery Town Council moves to review vacant Council Board
93 and Committee assignments.

94 The only change was on the Disbursement Warrant for Town Expenses (Primary,
95 Secondary, Tertiary) which Chair Thomson and Vice Chair pro tempore Spiller
96 volunteered to take those positions.

97 d. (030321-5) The Kittery Town Council moves to vote on the Town Meeting Warrant
98 Articles language for the June 8, 2021 Town Meeting.

99 Chair Thomson read the Town Meeting Warrant Articles language for the June 8, 2021
100 Town Meeting.

101 Chair Thomson moved to approve the Town Meeting Warrant Articles language for the
102 June 8, 2021 Town Meeting, seconded by Vice Chair pro tempore Spiller.

103 Motion Carried 5-0-0

104 e. (030321-6) The Kittery Town Council moves to return the Title 16 - Marijuana
105 Amendments to the Planning Board for further review.

106 Chair Thomson moved to accept the motion as read with the understanding other
107 information would be coming to the Town Manager before March 29, 2021 for inclusion
108 with Councilor Clarks comments to go back to the Planning Board, seconded by
109 Councilor Pelletier.

110 Motion Carried 5-0-0

111 f. (030321-7) The Kittery Town Council moves to disband the Taylor Building
112 Committee, with gratitude.

113 Moved by Councilor Pelletier, seconded by Vice Chair pro tempore Spiller.

114 Motion Carried 5-0-0

115 g. (030321-8) The Kittery Town Council moves to hold a Public Hearing on April 12,
116 2021 to authorize the Town Manager to enter into a lease agreement for two electric
117 vehicles.

118 Move by Chair Thomson, seconded by Councilor Pelletier.

119 Motion Carried 5-0-0

120 h. (030321-9) The Kittery Town Council moves to appoint a Councilor to meet with the
121 Chair of the Education Scholarship Committee to interview Cameron Hamm for a term
122 expiring 12/31/2024.

123 Chair Thomson moved to appoint Councilor Clark, seconded by Councilor Dow.

124 Motion Carried 5-0-0

125 14. COUNCILOR ISSUES OR COMMENTS

126 Councilor Clark stated outdoor seating for restaurants in the Foreside should be
127 permanent.

128 Vice Chair pro tempore Spiller mentioned there would be two Maine energy efficiency
129 experts at the Energy Efficiency zoom meeting on March 31, 2021.

130 Vice Chair pro tempore Spiller also thanked the Town Manager and Chair Thomson for
131 their leadership through the difficult process regarding former Town Councilors Charles
132 Denault and Kenneth Lemont.

133 15. COMMITTEE AND OTHER REPORTS

134 a. Communications from the Chairperson

135 Chair Thomson spoke about Maine Preservation, Maine's most endangered and historic
136 places.

137 Chair Thomson suggested returning to in person Council meetings at the KCC in May.

138 All were in favor.

139 b. Committee Reports

140 Councilor Dow stated the EDC had a meeting on March 17, 2021 and wanted to
141 mention what a great job The Director of Planning and Development, Adam Causey,
142 and the Town Planner, Bart McDonough was doing.

143 16. EXECUTIVE SESSION - None

144 17. ADJOURNMENT

145 Vice Chair pro tempore Spiller moved to adjourn at 6:52 PM, seconded by Councilor
146 Pelletier.

147 Motion Carried 5-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.

KITTERY TOWN COUNCIL

Remote Special Meeting - Requested by Chairperson Thomson

April 5, 2021 6:00PM

1 1. Call to Order

2 Chair Thomson called the meeting to order at 6:00 P.M.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Cyrus Clark,
7 and Vice Chair pro tempore Judith Spiller.

8 5. DISCUSSION – Discussion is limited to the matter on the agenda for this meeting
9 only.

10 a. The public may submit public comment in writing or raise their hand in the webinar for
11 the DISCUSSION agenda - None

12 b. Chairperson may read written comments into the public record

13 c. Chairperson's response to public comments

14 6. New Business

15 a. (040121-1) The Kittery Town Council moves to receive the 2021-2022 School Budget
16 Presentation.

17 School Superintendent Eric Waddell presented the 2021-2022 School Budget.

18 b. (040121-2) The Kittery Town Council moves to take a preliminary vote of the 2021-
19 2022 School Budget for the June 8, 2021 Town Meeting.

20 Vice Chair pro tempore Spiller moved in support of taking a preliminary vote of the
21 2021-2022 School Budget for the June 8, 2021 Town Meeting, seconded by Councilor
22 Pelletier.

23 Motion Carried 5-0-0

24 7. ADJOURNMENT

25 Councilor Pelletier moved to adjourn at 6:28 P.M., seconded by Councilor Dow.

26 Motion Carried 5-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.



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

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

Applicant's Name Deborah McCluskey and Michael McCluskey
please print

Applicant's Address 65 Martin Road Kittery, Maine 03904
please print

Applicant's mailing address if different from above: _____


Applicant's Email address (required) deb@lilscafe.com

Date of Birth 06/05/1970 Applicant's Telephone Number: 2077526630

Business Name: Lil's Cafe
please print

Business Address: 7 Wallingford Square #106 Kittery, Maine 03904
please print

Business Telephone Number: 2077032800

Signature of Applicant  DATE: 03/22/2021
Deborah McCluskey

LICENSE FEE: \$ 50.⁰⁰

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

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



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

REPORT TO TOWN COUNCIL

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

EXECUTIVE SUMMARY

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

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

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

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

PROPOSED VEHICLES

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

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

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

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

PROPOSED SOLUTION/RECOMMENDATION

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

ATTACHMENTS

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

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

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

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

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

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

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

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

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

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



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

WWW.BILLDODGEAUTOGROUP.COM

WESTBROOK • BRUNSWICK • SACO

BUYER

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

CO-BUYER

Name:
 Home #:
 Cell #:

SALES INFORMATION

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

VEHICLE INFORMATION

New Used Certified Pre-Owned

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

TRADE-IN INFORMATION

VIN: Mileage:
 Year:
 Make:
 Model:

CASH OPTION	
MSRP:	\$39,690.00
Discount:	\$0.00
Sale Price:	\$39,690.00
Options / Accessories	
WHEEL LOCKS :	\$99.00
:	
:	
:	
:	
:	

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

Sales Price Sub-Total:	\$39,789.00
Rebate:	\$22,100.00
Trade Allowance:	\$0.00
Difference:	\$17,689.00
Tax:	\$0.00
Tag & Title Fees:	\$34.00
Inspection Fee:	\$18.50
Documentation Fee:	\$549.00
Trade Payoff:	

Residual Value
 \$17,463.60

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

Customer _____ Date _____ *Tom Hilton* _____ Date *04/01/21* _____
 Manager



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 BRUNSWICK (207) 721-8300
 SACO (207) 283-3999

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 WESTBROOK • BRUNSWICK • SACO

BUYER

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

CO-BUYER

Name:
 Home #:
 Cell #:

SALES INFORMATION

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

VEHICLE INFORMATION

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

TRADE-IN INFORMATION

VIN: Mileage:
 Year:
 Make:
 Model:

CASH OPTION

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

Options / Accessories
 WHEEL LOCKS : \$99.00

Sales Price Sub-Total: \$39,789.00
Rebate: \$22,100.00
Trade Allowance: \$0.00
Difference: \$17,689.00

Tax: \$0.00
Tag & Title Fees: \$34.00
Inspection Fee: \$18.50
Documentation Fee: \$549.00
Trade Payoff:

LEASE PAYMENTS (ESTIMATED)

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

Residual Value
 \$17,463.60

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

Customer

Date

Manager

Date

Kendra Amaral

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

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

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

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

Thank you Todd.

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

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

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

Thank you again!
Kendra

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

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

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

Good luck.



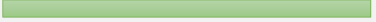










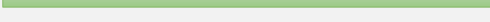
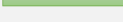
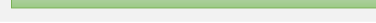

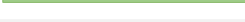
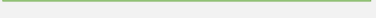
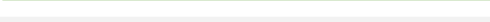
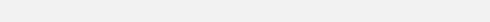
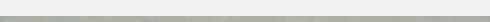


TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

The oldest incorporated town in Maine, the Town of Kittery has a long history of supporting the sustainability and resilience of its community. In 2019, Kittery joined a coalition of six towns in coastal York County to create the SMPDC Regional Sustainability and Resilience Program. The program aims to foster more sustainable and resilient communities by leveraging regional collaboration to enhance the effectiveness of local government action. To identify and direct sustainability and resilience efforts, the program is establishing a baseline of sustainability and resilience efforts and needs in individual communities and the Coastal York Country region. Kittery excels in waste management and watershed protection efforts. The Town is also making significant progress on climate change mitigation and adaptation initiatives, including establishing the Kittery Climate Adaptation Committee, incorporating climate resilience into the Comprehensive Plan, and conducting coastal flood vulnerability assessments.

Using the SMPDC Sustainability Progress Framework (SPF), Kittery was evaluated on a variety of sustainability and resilience strategies within twelve categories, with strategies grouped into 22 indicators as shown below. Kittery's status on each progress indicator ranges from "Not Yet Considered" to "Excelling". Explanations for each indicator are detailed on the following pages. Also listed are suggested *Next Steps* for potential future sustainability and resilience efforts that reflect priorities identified by Town staff as well as efforts identified by regional program staff for the Town to consider.

CATEGORY	INDICATOR	STATUS
Climate	Establish a GHG emissions inventory, target, and plan	 Getting Started
	Climate change vulnerability assessment	 Making Progress
Coastal Hazards	Integrate coastal risk reduction measures in zoning and regulations	 Making Progress
	Incorporate future climatic conditions into land use requirements and municipal policies	 Getting Started
Economic Development	Promote and support sustainability and resiliency actions for local businesses	 Getting Started
	Reduce municipal fossil fuel consumption and implement municipal energy efficiency measures	 Getting Started
Energy	Promote energy efficiency for residents and businesses	 Interested
	Support development of and access to renewable energy	 Getting Started
Land Ecosystems	Promote and practice environmentally-friendly and sustainable landscape approaches	 Almost There
Leadership	Participate as an active member of a national/regional sustainability and resilience network	 Almost there
Mobility	Promote and facilitate transit systems as well as bicycle and pedestrian networks	 Making Progress
	Adopt a complete streets policy	 Getting started
	Support the electrification of the transportation system, leading by example with the municipal fleet	 Getting started
	Formally adopt sustainability and resilience goals, policies, and strategies	 Almost there
Municipal Operations	Establish local financing strategies for sustainability and resilience activities	 Interested
	Incorporate sustainability and resilience criteria in municipal expenditure policies	 Making Progress
Sustainable Communities	Connect residents to resources and services that support well being and enhance community resilience	 Excelling
	Actively engage community members in local climate, sustainability, and resilience issues	 Getting started
Sustainable Development	Facilitate compact, mixed-use development that reduces environmental impacts and increases housing affordability	 Making Progress
Waste & Recycling	Deliver sustainable and affordable waste management services	 Excelling
Water	Include Low Impact Development in performance and design standards	 Excelling
	Establish and enforce progressive watershed protection measures	 Excelling

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

Climate: Kittery's actions on climate are guided by the goals and strategies laid out in the Coastal Community Resilience section in the Town's Comprehensive Plan. The Town is undertaking its first municipal greenhouse gas (GHG) inventory in 2020 and has also begun to address vulnerability to climate change and its impacts. In 2019, Kittery established the Kittery Climate Adaptation Committee (KCAC) to advance the Town's resilience to climate change.

NEXT STEPS:

- Work with KCAC to complete municipal and community-wide GHG inventories and to establish a GHG emissions reduction target for municipal and/or community-wide emissions.
- Assess non-coastal vulnerabilities to climate change.
- Create a climate adaptation or resilience plan and begin implementing climate adaptation strategies.

Coastal Hazards: The Town has recently undertaken several initiatives to evaluate and plan for coastal hazards, including completing the Maine Flood Resilience Checklist in 2020 and participating in an EDA grant-funded project assessing the economic and social vulnerabilities associated with sea level rise and coastal flood events. A UNH Sustainability fellow developed hazard assessment maps with different flooding/sea level rise scenarios and planning recommendations for the Town. Kittery's Comprehensive Plan addresses coastal resilience, providing the enabling foundation for adoption of regulatory and policy actions to make the Town more climate resilient.

NEXT STEPS:

- Establish a coastal hazard overlay zoning district, based on adopted sea level rise scenarios, and accompanying development standards to ensure new and redevelopment in areas vulnerable to storm surge and sea level rise are resilient.
- Amend the floodplain management ordinance to incorporate enhanced flood risk reduction measures such as increased freeboard height requirements and accounting for cumulative improvement costs in the definition of substantial improvement and damage.
- Incorporate future precipitation projections in land use regulations and amend ordinances to require the use of more robust storm frequencies (e.g., 24-hour rainfall of a 30-year storm event) for stormwater management and design standards.

Economic Development: In partnership with the Portsmouth Naval Shipyard, Kittery undertook a Joint Land Use Study to address community growth and military readiness, with a primary objective to provide for sustainable growth in an economically, environmentally, and socially conscious manner. Kittery engages the business community on sustainability and resiliency issues through the KCAC, which requires two members to be representatives of local business, one of which must include aquaculture.

NEXT STEPS:

- Engage the business community on climate change and resiliency issues, potentially as part of SMPDC's EDA grant-funded project on coastal economic resilience.
- Work through KCAC to support the establishment of a regional business sustainability award or recognition program.

Energy: Reducing municipal fossil fuel consumption and implementing energy efficiency measures are both recommendations of Kittery's comprehensive plan. Kittery completed an upgrade to LED streetlights in 2019. The KCAC is working to promote energy efficiency for residents and businesses. Kittery supported the development of renewable energy by adopting a Property Assessed Clean Energy (PACE) ordinance in 2011 and adding a solar stipulation for lot configurations to the Land Use and Development Code in 2015. The town is currently considering a solar energy ordinance prescribing the permitting, standards, and allowable use of roof-top and ground mounted solar.

NEXT STEPS:

- Improve municipal energy efficiency by tracking building energy consumption (i.e. with EnergyStar Portfolio Manager), conducting energy audits of municipal facilities to identify opportunities for energy conservation, and continuing to implement energy efficiency measures as opportunities arise.
- Work through KCAC to connect residents and businesses to energy efficiency resources and renewable energy options.
- Work through KCAC to review and adopt the solar energy ordinance.

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

Land Ecosystems: Kittery practices environmentally-friendly landscape practices through the public works Integrated Pest Management (IPM) program and the Spruce Creek Watershed Management Program. Kittery has begun incorporating sustainable landscaping standards into the Title 16: Land Use and Development Code. Kittery has hosted multiple outreach events to connect residents to sustainable landscaping information, such as Yardscaping workshops.

NEXT STEPS:

- Continue working through Conservation Commission to connect residents to sustainable landscaping resources.
- Continue incorporating sustainable landscape requirements into the Title 16: Land Use and Development Code.
- Work through the Conservation Commission to encourage community-wide use of integrated pest management to reduce impacts from fertilizers and pesticides.

Leadership: Kittery is playing an active role in leading sustainability and resilience efforts in Maine. Kittery's sustainability and resilience activities are guided by the Kittery Climate Adaptation Committee (KCAC). Town Manager Kendra Amaral serves on the Maine Climate Council transportation working group, and Kittery joined ICLEI Local Governments for Sustainability in 2020.

NEXT STEPS:

- Continue working through KCAC to actively participate in regional/state sustainability and resilience networks.
- Share information about municipal leadership in sustainability and resilience broadly in the community and externally.

Mobility: Kittery strives to facilitate transit systems and bike and pedestrian networks. The Town is in the process of developing a Bicycle and Pedestrian Plan. Kittery has also worked to extend regional transit and will be further exploring alternative transportation opportunities as part of a Joint Land Use Study (JLUS) Implementation Grant in collaboration with the Portsmouth Naval Shipyard. A complete streets policy is recommended in the Kittery Comprehensive plan. Kittery installed a level 2 EV charging station at Rice Library and is exploring EV charging station incentive opportunities and EV fleet vehicle opportunities. Kittery is in the process of acquiring their first electric vehicle.

NEXT STEPS:

- Complete the Bicycle and Pedestrian plan and begin implementing strategies.
- Ensure alternative transportation projects and initiatives result from the JLUS implementation grant.
- Begin developing a Complete Streets Policy.
- Continue to pursue EV charging station installation at public sites.
- Collaborate with businesses to develop EV infrastructure.
- Establish a fleet purchasing policy to prioritize electric vehicles.

Municipal Operations: Sustainability is a guiding principle of Kittery's Comprehensive plan and the KCAC is charged with addressing Kittery's sustainability and resilience issues. Kittery strives to embed sustainability and resilience into existing operations, financial planning and expenditures. Kittery is in the process of incorporating sustainability criteria into their Capital Improvement Program.

NEXT STEPS:

- Ensure sustainability and resilience criteria are successfully incorporated into the Capital Improvement Program.
- Formalize sustainability and resilience goals and plans for the Town, as recommended by the Comprehensive Plan.
- Explore strategies such as Power Purchase Agreements, leases, and Energy Savings Performance Contracts to finance renewable energy systems and energy efficiency projects for municipal buildings.
- Budget and plan for long-term energy efficiency equipment upgrades (i.e. boilers and chillers for heating and cooling, window, door and rooftop replacements, and modified ductwork).

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

Sustainable Communities: Kittery connects residents to vital community services that enhance wellbeing and community resilience through the Kittery Community Center and Kittery Welfare Assistance. The Town also has an Emergency Management Agency Ordinance to prepare for environmental disasters and public health crises. Kittery supports the Kittery Community Market to promote local food access, offering a space in the Kittery Community Center for the winter market. Kittery has begun working through the KCAC to engage residents on local climate, sustainability, and resilience issues.

NEXT STEPS:

- Apply emergency management lessons from the Covid-19 pandemic to increase community preparedness and resilience.
- Collaborate with partner organizations to support community gardens and increased access to local foods.
- Host events educating the public about climate change and local impacts and how to reduce GHG emissions.
- Develop online materials for the community about sustainability initiatives and other allied organizations and government agencies.

Sustainable Development: Kittery is undertaking a recodification of the Title 16: Land Use and Development Code to incorporate sustainable development principles and practices. It is addressing infill development, mixed use zoning, open space preservation, redevelopment of underutilized properties, transit-oriented development, and housing affordability. Kittery is also addressing housing affordability and transit-oriented development through the JLUS implementation grant. In 2020 Kittery approved a number of housing initiatives, establishing a housing reserve fund, creating a process to utilize the proceeds from the sale of tax-foreclosed properties for affordable housing, and formally establishing a Housing Committee to work on affordable housing initiatives.

NEXT STEPS:

- Continue addressing transit-oriented development and housing affordability through the JLUS implementation grant.

Waste & Recycling: Kittery delivers sustainable and affordable waste management services. The town requires mandatory recycling for residents and at the transfer station. Municipal departments are also required to recycle. There is a Freebie Barn at the transfer station for donations, and curbside composting is available to residents and businesses.

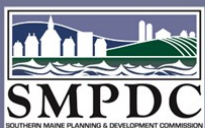
NEXT STEPS:

- Explore a construction and demolition recycling policy to keep these materials out of landfills and ensure they are recycled.
- Continue to explore partnerships with the schools to promote education about consumption and waste.

Water: An MS4 community and an active member of the Southern Maine Stormwater Management Group (SMSWG), Kittery has adopted enhanced stormwater management regulations and policies. The Town has implemented water quality protection measures through a wetlands conservation ordinance, the Spruce Creek Watershed project, and green infrastructure projects to manage stormwater runoff on municipal properties. The Town is currently amending its land use ordinance to require low impact development (LID) for commercial land uses.

NEXT STEPS:

- Enhance the Town's existing land use regulations and policies that encourage and/or require the use of low impact development and green infrastructure approaches for stormwater management for all development and redevelopment projects requiring site plan review.
- Enact a pesticide and fertilizer ordinance.
- Adopt a septic inspection and pump out ordinance to ensure septic systems, especially those in areas vulnerable to current and future flooding, function properly and to minimize potential detrimental impacts to water quality and the environment.



TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

RPL CORPORATION
8 WENTWORTH STREET
KITTERY, ME 03904

KENNEBUNK SAVINGS BANK
KITTERY BRANCH
KITTERY, ME 03904

3703

52-7450/2112

4/1/21

PAY TO THE ORDER OF Town of Kittery

\$ **15,000.00

Fifteen Thousand and 00/100*****

DOLLARS

Town of Kittery
200 Rogers Road
Kittery, ME 03904



MEMO Tranfer of Capital Campaign Funds

AUTHORIZED SIGNATURE

RPL CORPORATION

3703

Town of Kittery

4/1/21

Cohen & Clifford Book Cases
Margaret E. Burnham Charitable Trust)

10,000.00
5,000.00

Checking Account Tranfer of Capital Campaign Funds

15,000.00

Rice Public Library Corporation



April 1, 2021

Dear Kittery Town Council:

Please accept this gift of \$15,000 from the Rice Public Library Corporation.

This gift encompasses the following:

- A \$5000 grant from the Margaret E. Burnham Charitable Foundation;
- Private donations for the sponsored book stacks to honor Ada Cohen and Maxine Keene Clifford, both of which were approved at your March 22, 2021 meeting.

There is no sponsorship associated with the Burnham Foundation grant, and the Foundation will be recognized on our Donor Wall.

Thank you for your support of the Rice Public Library and the wonderful expansion and renovation project.

Best regards-

Dianne Fallon
Rice Library Campaign Chair

Cc: Rachel Dennis, RPLC President
Lee Perkins, Director, Rice Public Library

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

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

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

5. Business records are located at the following address:

1 Government st. Suite #3 Kittery, ME 03904

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

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

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

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

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

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

Yes No

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

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Samuel Michael Ostrow	06/29/1977	Concord, NH

Residence address on all the above for previous 5 years	
Name Samuel Ostrow	Address: 42 Fernald Ln. Eliot, ME 03903
Name	Address:
Name	Address:
Name	Address:

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Rosemarie Gaolini 1 Government St. Suite #1Kittery, ME 03904

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

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

Full service restaurant serving rustic Italian cuisine.

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

Name: Traip Academy

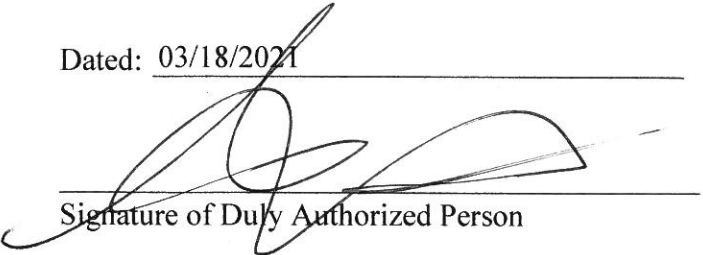
Distance: 0.50

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 03/18/2021



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Samuel Ostrow

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

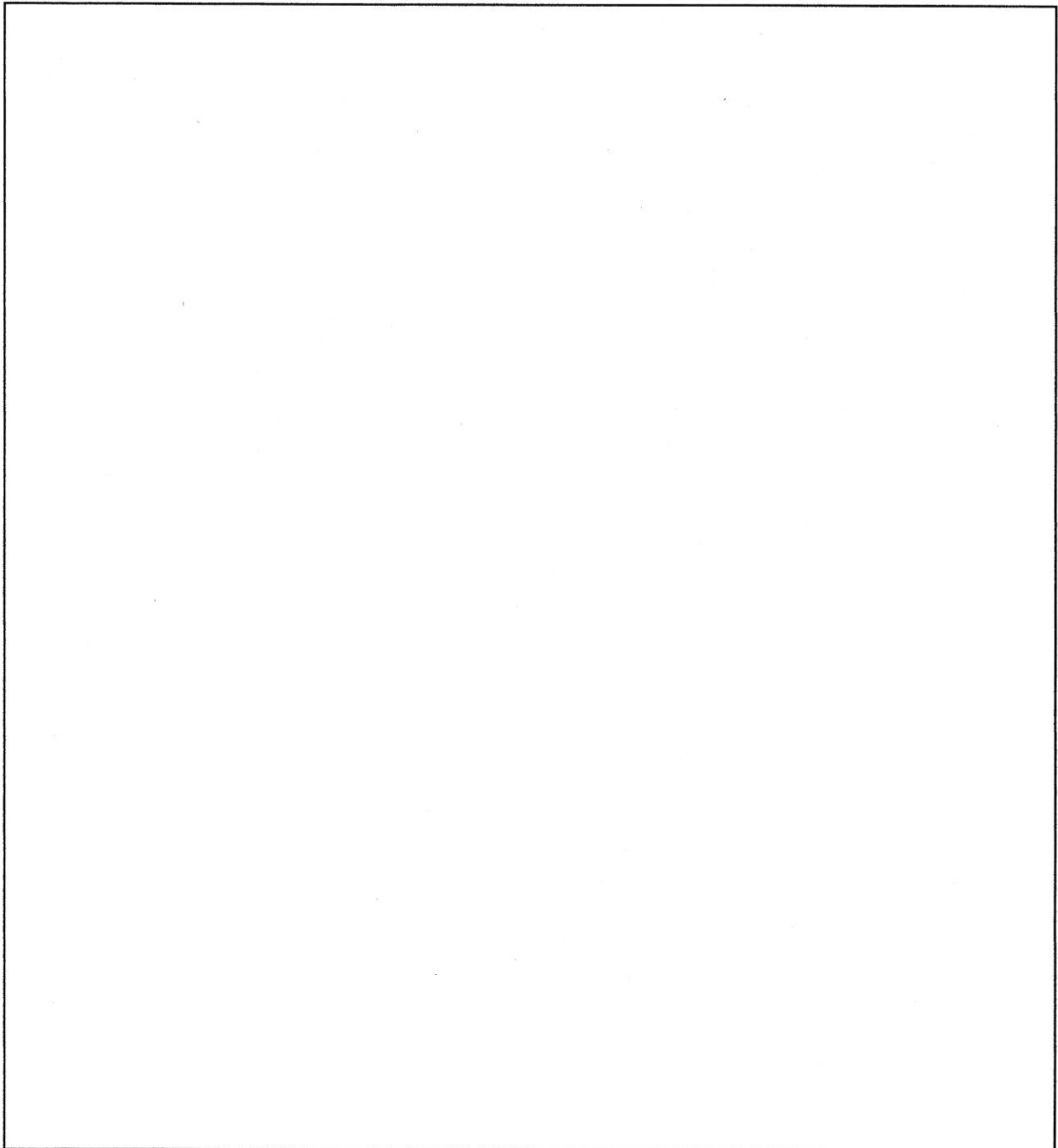
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

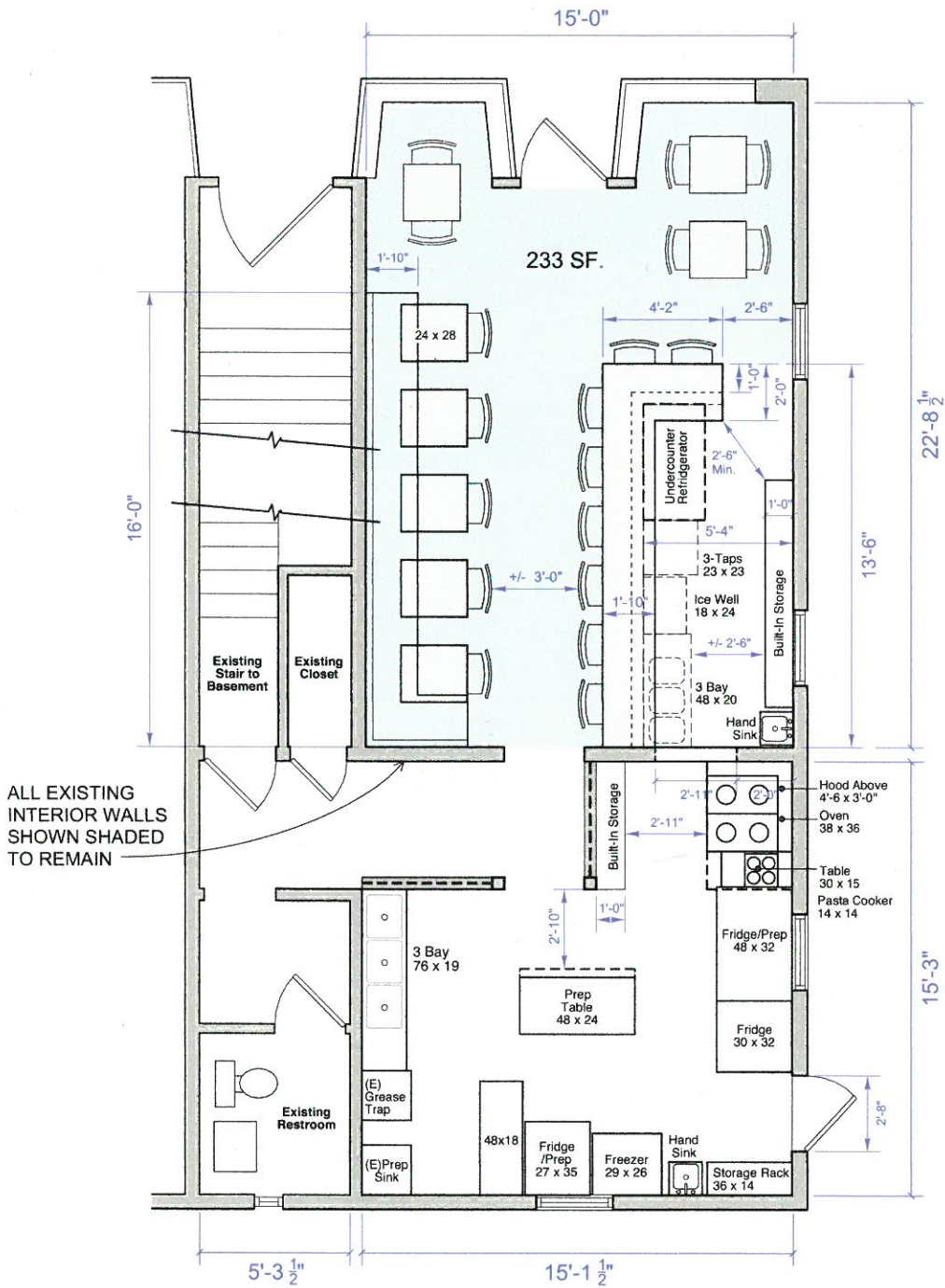
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis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

Section VI Premises Floor Plan

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

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

A large, empty rectangular box with a thin black border, intended for the applicant to draw and label their premises floor plan. The box occupies the central portion of the page and is currently blank.



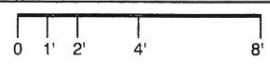
ALL EXISTING INTERIOR WALLS SHOWN SHADED TO REMAIN

NEW FLOOR PLAN - FESTINALENTE

1 Government Street, Kittery Maine

NOTE: Existing Space To Be Renovated, No Change Of Use

February 22, 2018
ARQ Architects - Kittery, Maine



A.1

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Festina Lente LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 01/26/2018 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Samuel Ostrow	42 Fernald Ln. Eliot, ME 03903	06/29/1977	Owner	100.0000

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

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

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

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

5. Business records are located at the following address:

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

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

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?
- Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- Yes No
- Not applicable – licensee/applicant(s) is a sole proprietor

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
JOHN HUDDLESTON	12/15/1959	PALESTINE, TX
KATHLEEN HUDDLESTON (LUCAS)	3/12/1959	BEVERLY, MA

Residence address on all the above for previous 5 years

Name: JOHN HUDDLESTON Address: 30 REMICKS LN KITTERY, ME 03904

Name: KATHLEEN HUDDLESTON Address: 30 REMICKS LN KITTERY, ME 03904

Name: Address:

Name: Address:

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

A&P REALTY TRUST 15 VAN BUREN PORTSMOUTH, NH

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

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

INTERIOR DINING ROOM (8 BOOTHS)
SEASONAL PATIO (2 PICNIC TABLES)

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

Name: ST. MARKS UNITED METHODIST CHURCH

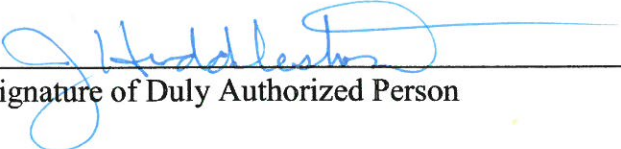
Distance: 0.50

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 4/1/2021



Signature of Duly Authorized Person

JOHN HUDDLESTON

Printed Name Duly Authorized Person



Signature of Duly Authorized Person

KATHLEEN HUDDLESTON

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
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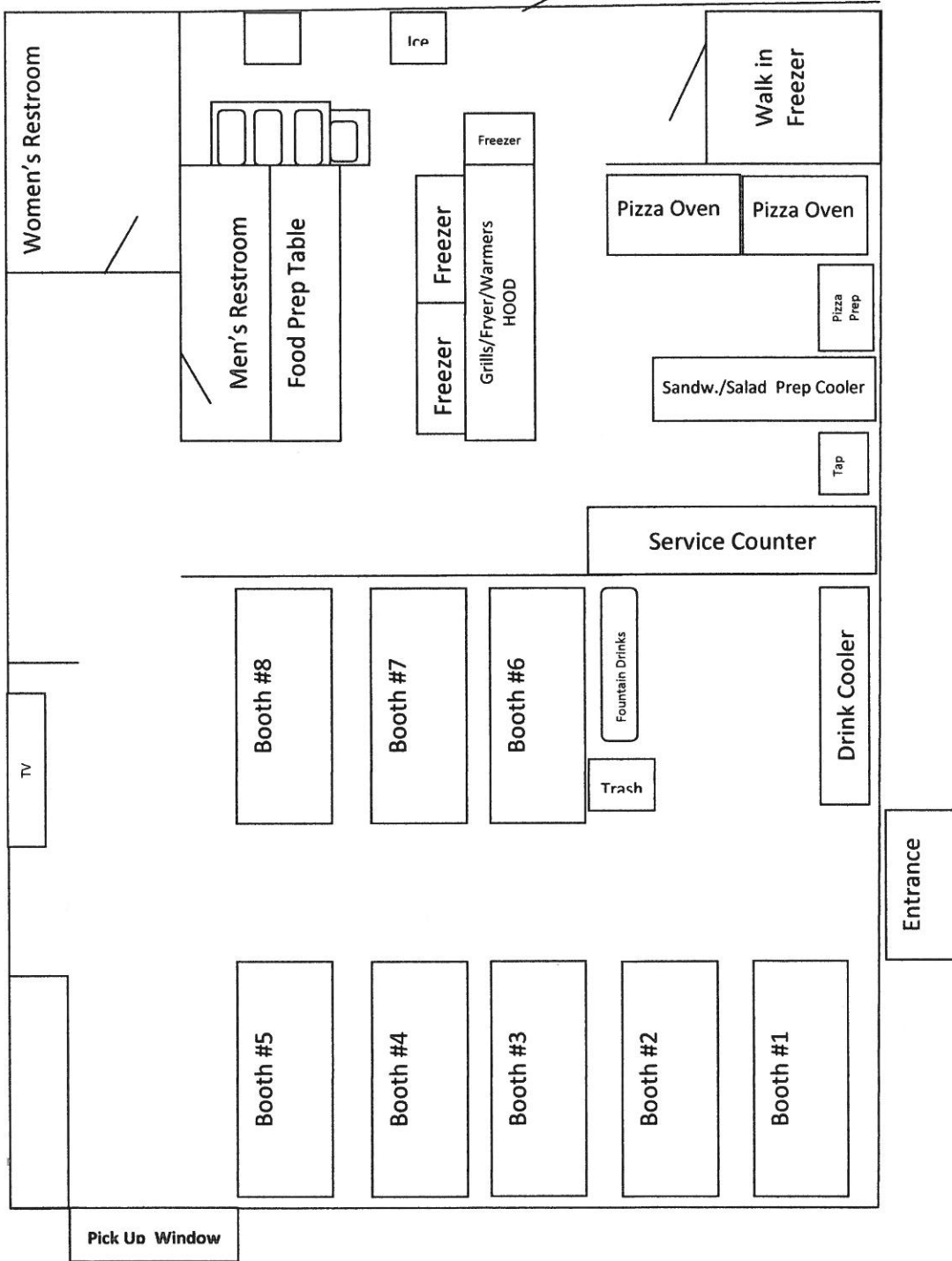
Section V: Fee Schedule

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

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

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

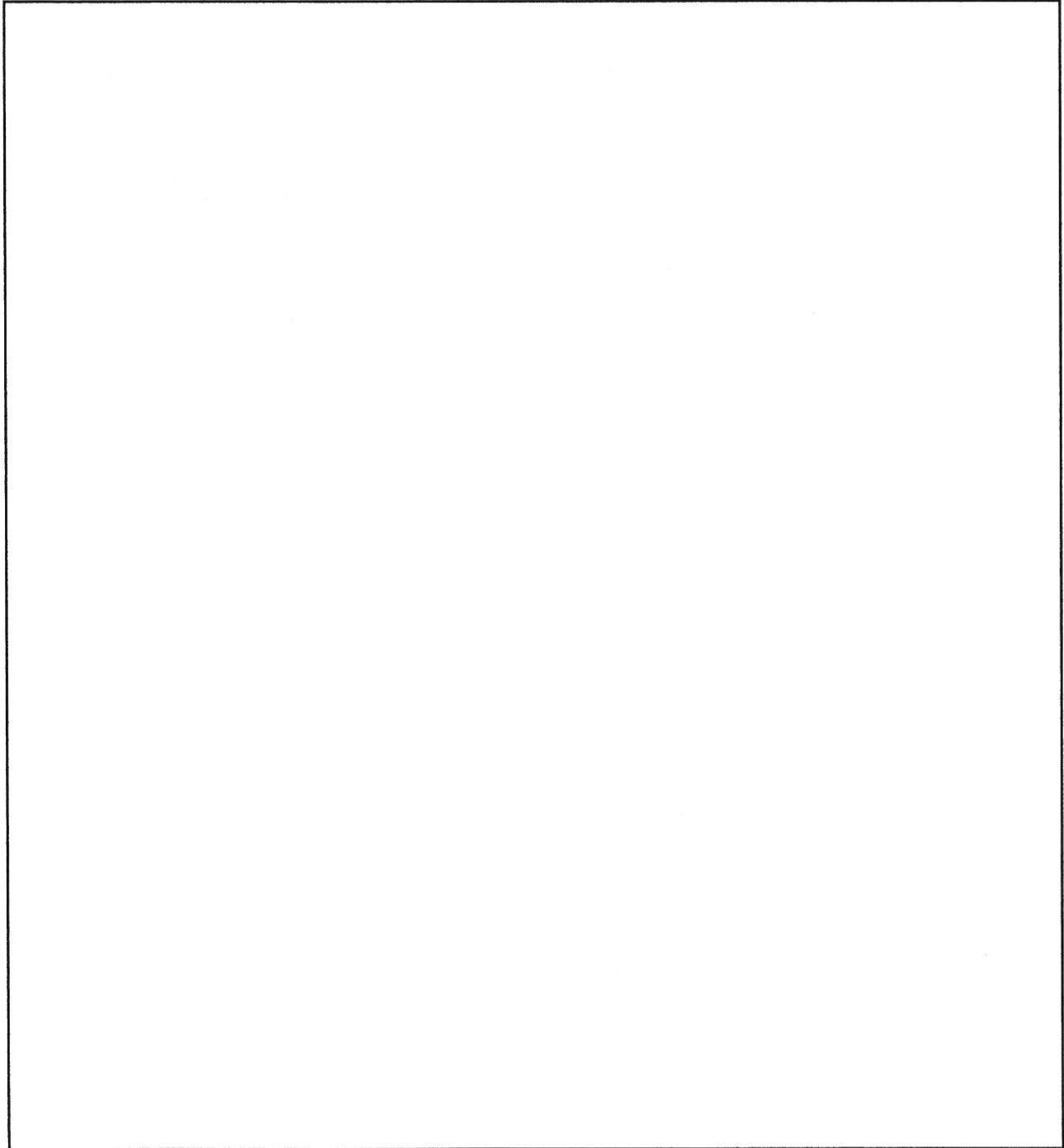
Badgers's Island Pizza Interior



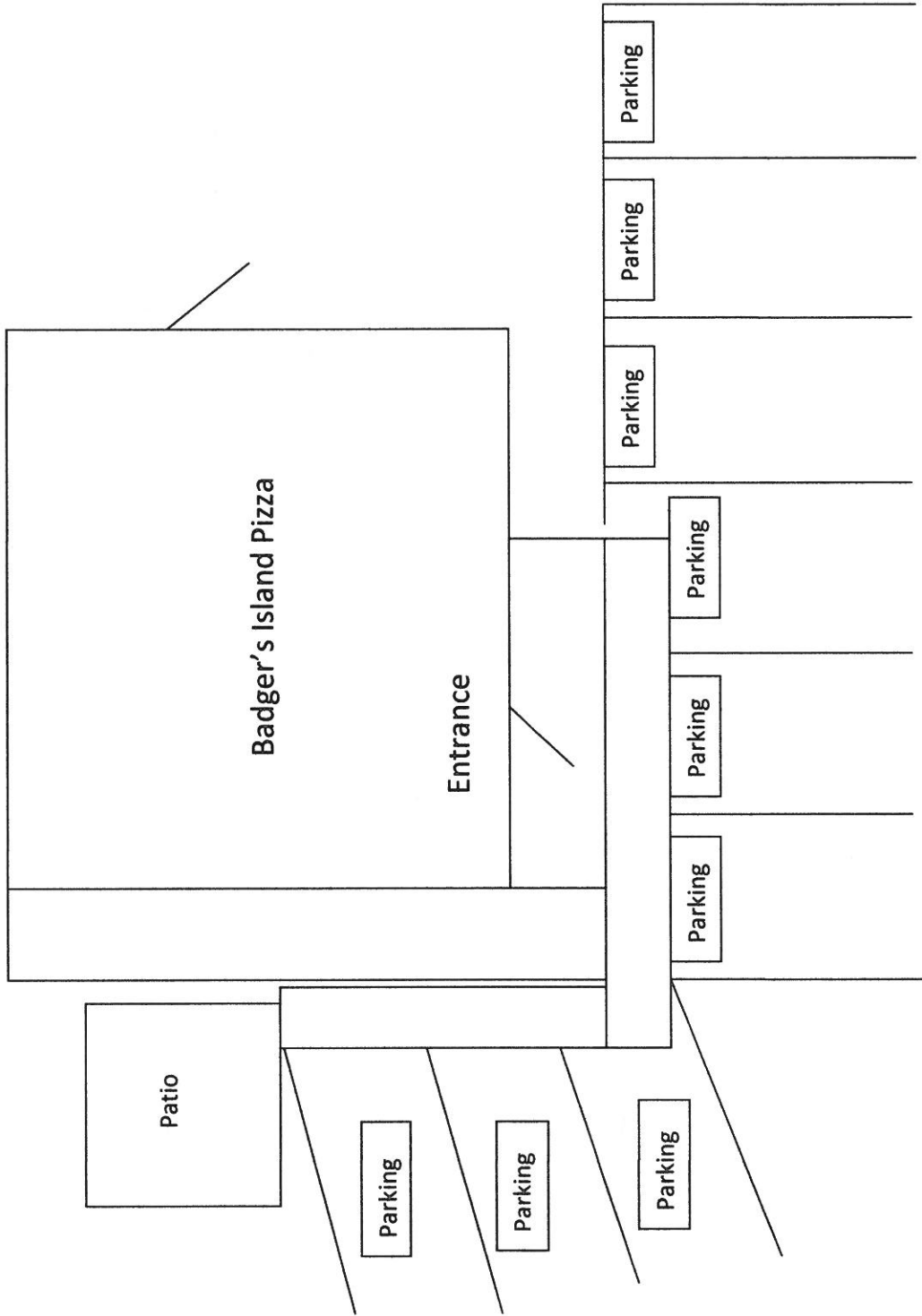
Section VI Premises Floor Plan

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

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



Badger's Island Pizza



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: BADGER'S ISLAND PIZZA, LLC
2. Doing Business As, if any: BADGER'S ISLAND PIZZA
3. Date of filing with Secretary of State: 4/1/2021 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
JOHN HUDDLESTON	30 REMECKS LN	12/15/1959	OWNER	50%
KATHLEEN HUDDLESTON	30 REMECKS LN	3/12/1959	OWNER	50%

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>Sonnet, Inc</u>	Business Name (D/B/A): <u>Amz Noodle Bar</u>
Individual or Sole Proprietor Applicant Name(s): <u>Julian Anastroy</u>	Physical Location: <u>7 Wallingford Sq unit 102 Kittery</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>Sonnetfoods@gmail.com</u>
Telephone # Fax #: <u>207 703 4298</u>	Business Telephone # Fax #:
Federal Tax Identification Number: <u>46-5034965</u>	Maine Seller Certificate # or Sales Tax #: <u>1168748</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>amznoodlebar.com</u>

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

If a renewal, please provide the following information:

Your current license expiration date: 5/1/21

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

Food: 1,000,000 Beer, Wine or Spirits: 400,000 Guest Rooms: _____

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

Malt Liquor (beer) Wine Spirits

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

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course with auxiliary and mobile cart options
(Class I, II, III, IV) | | <input type="checkbox"/> Tavern
(Class IV) |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |
| <input type="checkbox"/> Other: _____ | | |

Refer to Section V for the License Fee Schedule

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

5. Business records are located at the following address:

7 Wallingford sq. unit 102 Kittery, ME 03904

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

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

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Julian Armstrong	9/25/1981	Dover, NH
Residence address on all the above for previous 5 years		
Name: Julian Armstrong	Address:	37 Coffins Ct. Portsmouth, NH 03801
Name:	Address:	232 Bartlett St. Portsmouth, NH 03801
Name:	Address:	236 Middle St. Portsmouth, NH 03801
Name:	Address:	

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

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

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

- Yes No
- Not applicable – licensee/applicant(s) is a sole proprietor

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

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

- Yes No

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

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

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

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

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

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

Name: Julia Armstrong Date of Conviction: Sept 27 2004
Offense: Criminal Trespassing Location: Pottermouth, NH
Disposition: on suspended sentencing, mustachadur

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

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

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

Michael Landgarten 315 rt. 1 Kittery, ME 03904

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

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

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

Name: Second Christian Church

Distance: 0.3 miles

Section II: Signature; Fee; Delivery of application

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

Please sign and date in blue ink.

Dated: 4/24/2021



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Julian Anthony

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

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

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

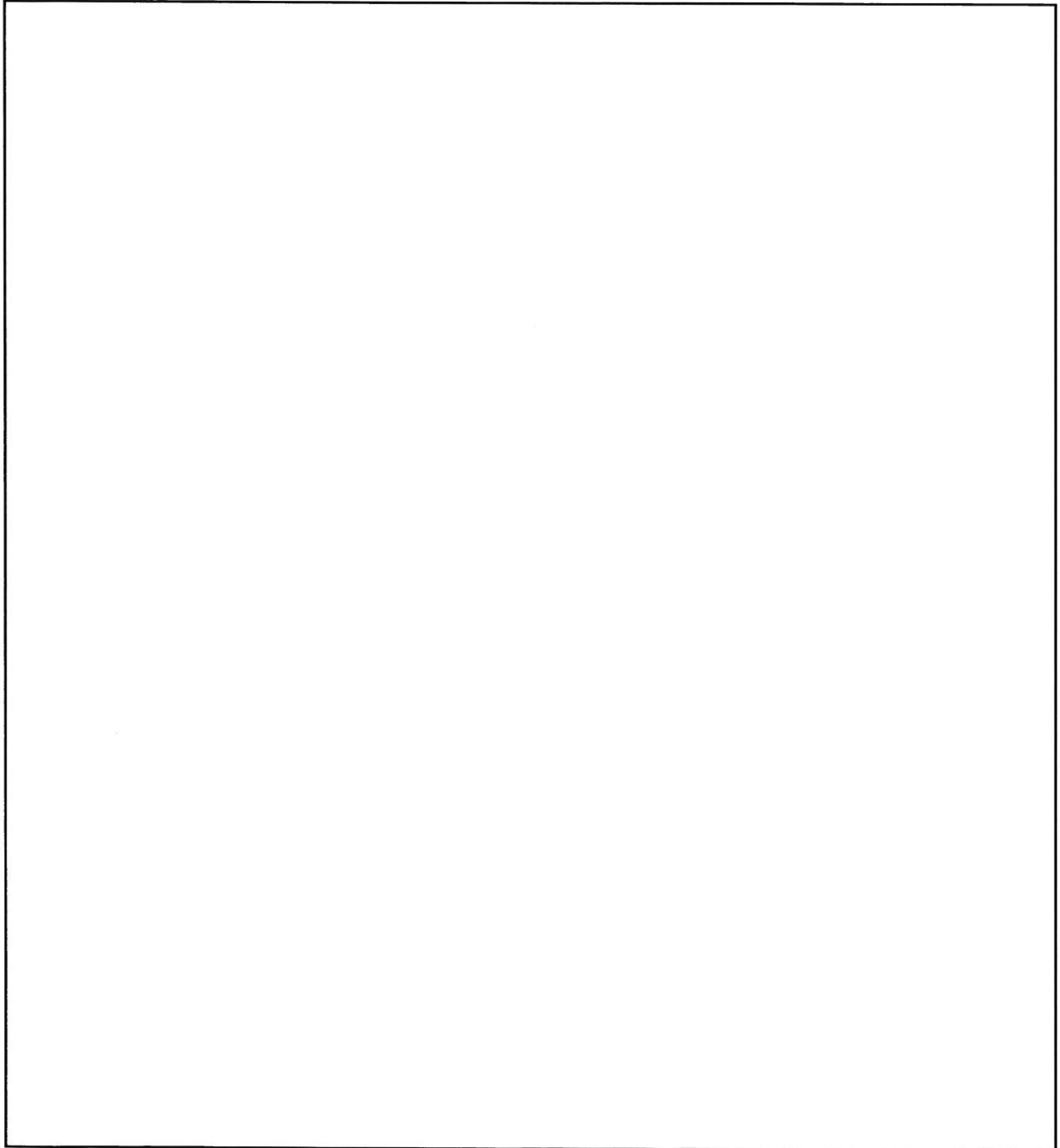
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

Section VI Premises Floor Plan

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

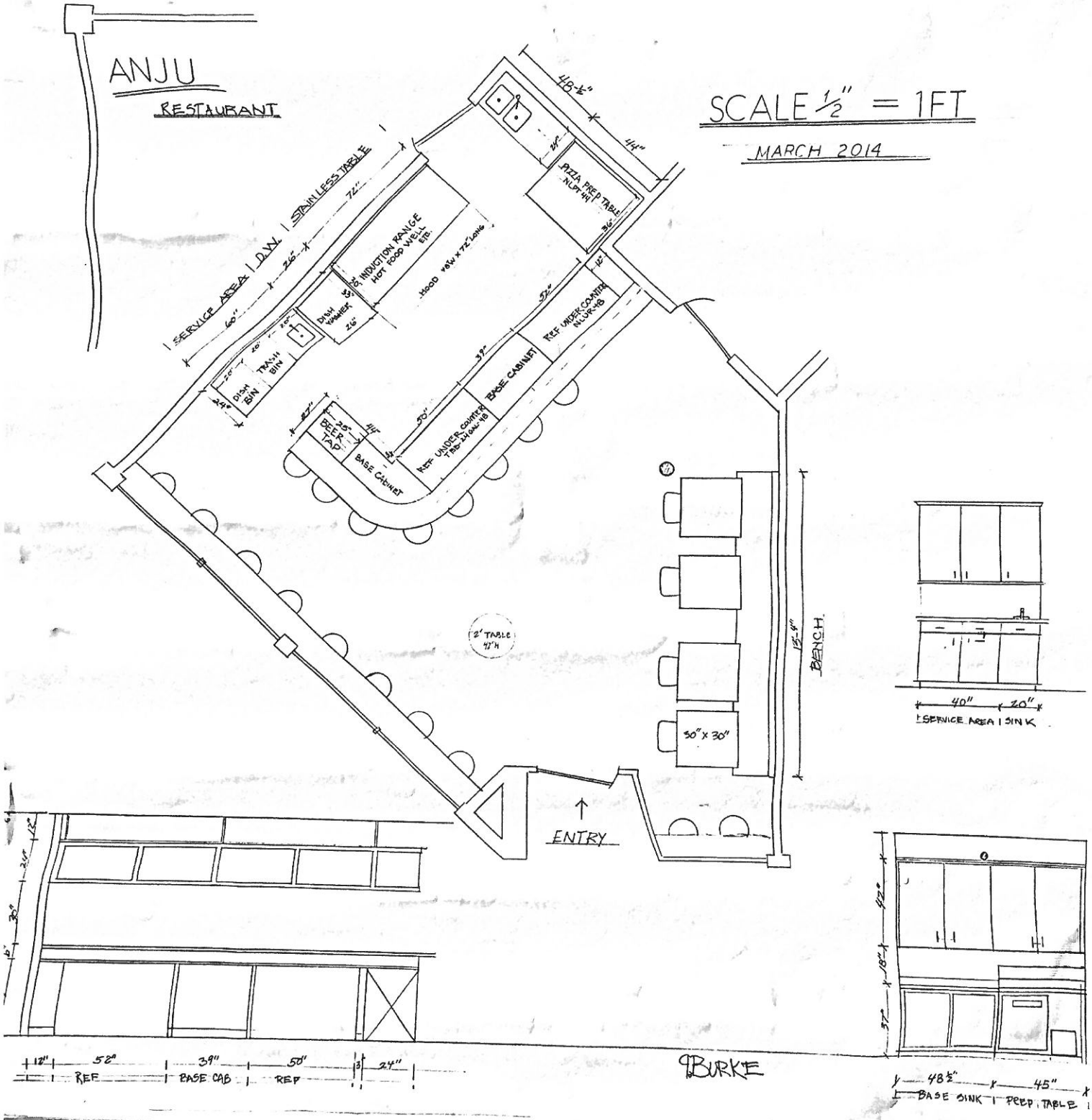
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside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



ANJU
RESTAURANT

SCALE 1/2" = 1FT

MARCH 2014

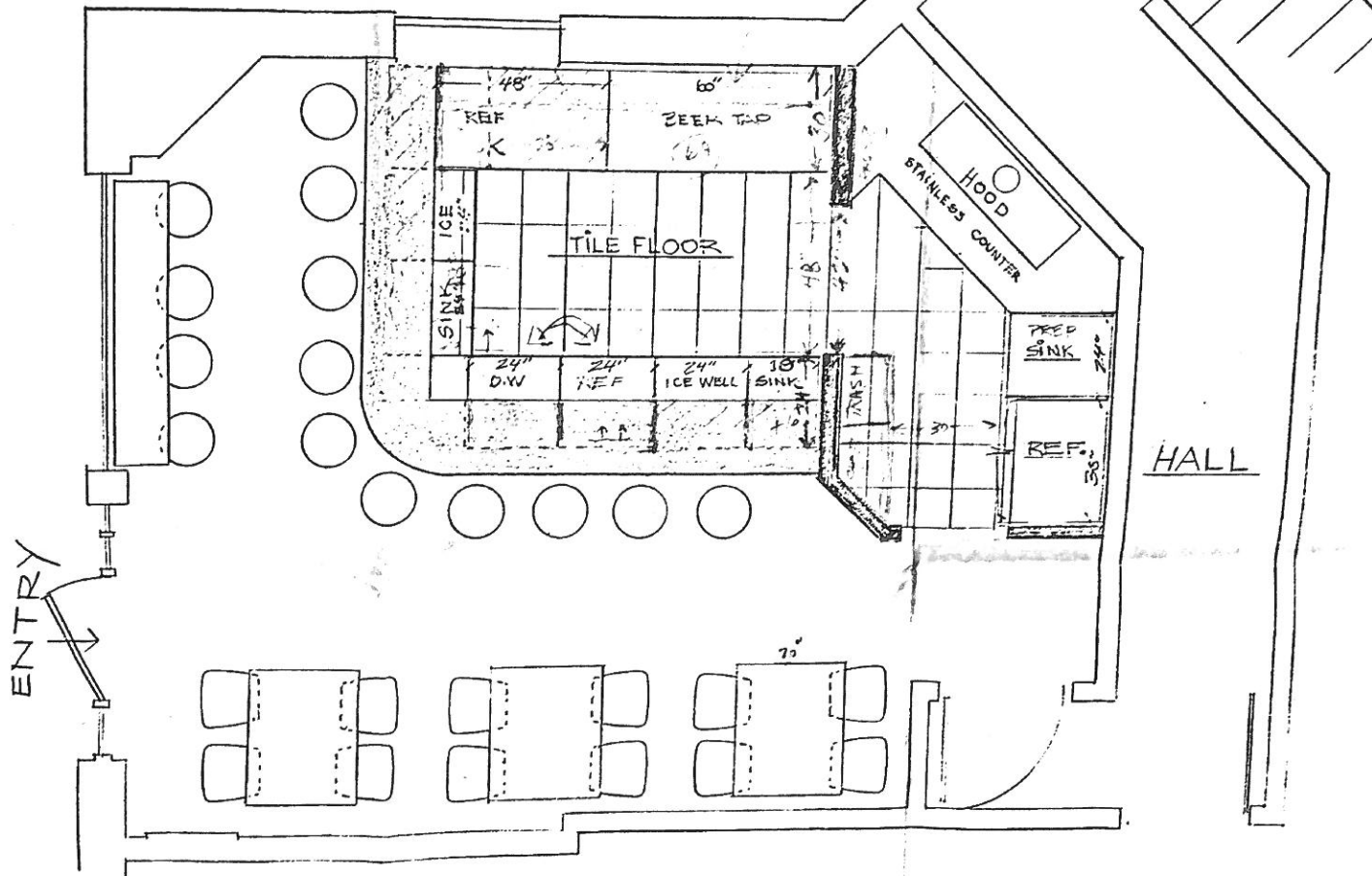


BURKE

WALLINGFORD SQUARE

BAR

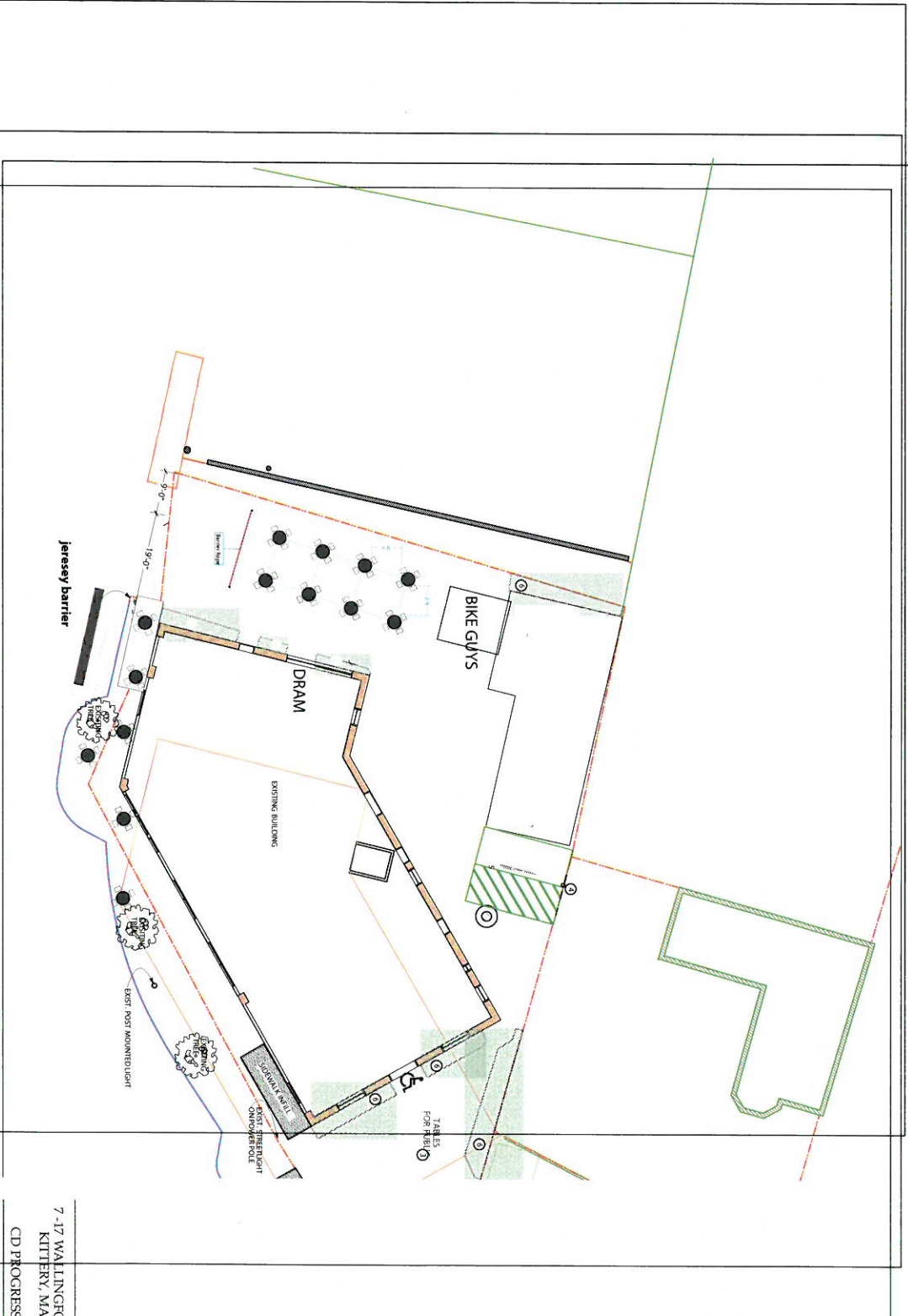
24" x 90" long
option 2 J



CLASSIC BUILDING & DESIGN CO.
CRAFTING TIMELESS LIVING SPACES

SCALE $\frac{1}{2}$ " = 1 FT

JANUARY 21 20



7-17 WALLINGFORD SQ.
 KITTERY, MAINE
 CD PROGRESS SET

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Sommat, LLC
2. Doing Business As, if any: ANZO Noodle Bar
3. Date of filing with Secretary of State: 4/15/2014 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Sulian Armstrong	37 Coffins Court, Portland, ME 04101 232 Middle St	9/25/81	Prop.	100

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



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: April 12, 2021
From: Kendra Amaral, Town Manager
Subject: Wetlands Preservation Fund
Councilor Sponsor: Chairperson Jeffrey Thomson

EXECUTIVE SUMMARY

The Parks Commission has been working with Public Works to address issues with invasive species impacting the flora in the park. In 2018 an invasive plant inventory and map was completed for Fort Foster. The following year an invasive management plan was developed to guide the Town in its efforts to manage existing invasive plants and prevent further spread throughout the park.

The Town submitted a grant application in 2020 to the Maine Nature Conservancy, who administers funds from Army Corp of Engineering mitigation Payment in Lieu requirements. The application was denied due to the focus on invasive management, which the grant program does deem an ineligible grant activity.

The Town is now seeking to utilize the Wetland Mitigation Funds for the first phase of the invasive management plant implementation. The phases are broken up into years, and will take approximately 6 years to complete.

BACKGROUND

Per Town Code 16.9.3.9.3 the Planning Board recommends and the Council approves release of funds in the Wetlands Preservation Fee fund.

The first year will cost approximately \$65,000 and include both mechanical and hand cutting, as well as herbicide treatment of invasive plants. The work will require permitting and monitoring throughout.

The Wetlands Mitigation Fund currently has a balance of \$80,703.

The administration, Parks Commission, Conservation Commission, and Planning Board recommend the release of Wetlands Preservation Fee funds for the project.

PROPOSED SOLUTION/RECOMMENDATION

Authorize release of funds as recommended.



Town of Kittery, Maine

Conservation Commission

200 Rogers Road, Kittery, Maine 03904

To: Dutch Dunkelberger, Planning Board Chair
Karen Kalmar, Planning Board Vice Chair
Bart McDonough, Town Planner

From: Earldean Wells, Chair

CC: Kendra Amaral, Town Manager
David Rich, Public Works Commissioner
Jessa Kellogg, Wetland Specialist

Date: March 7, 2021

Re: Fort Foster Invasive Plants Plan Implementation

During the March 4, 2021 regular meeting of the Conservation Commission, Kendra Amaral, David Rich and Jessa Kellogg presented their request for \$65,000 for Phase 1 of the Invasive Plant Removal/Control project in Fort Foster. This project is broken into five Phases and expected to take five years. A bids request will be sent out as soon as the project has been reviewed by both the Planning Board and the Town Council and the funds have been released.

All the Conservation Commission member's concerns were addressed regarding how they intend to remove and/or control invasive plants; who will do the work; who will oversee the work; how the removed plants will be disposed; what tools and chemicals will be used and by whom; and protection of the cottontail habitat to our satisfaction.

The Conservation Commission then voted on whether the project meets the standards set in 16.9.3.9 Wetland Mitigation Funds, part d. Environmental and conservation projects. It was unanimously agreed that this project meets the standards and that the project should be moved on to the Planning Board for their review and recommendation to the Town Council.



Fort Foster Invasive Species Management Program
CIP 2020

Fort Foster

- This project will follow recommendations described in the “Invasive Species Management Plan for Fort Foster Park” presented by FB Environmental in February 2020.
- Upland areas of the park have significant invasive plant populations. Native plant populations have been severely diminished as well as species diversity and recreation activities.
- Has all four Priority Resource Wetland Types for southern Maine: Marine intertidal; Freshwater Wetland Emergent; Freshwater wetland Scrub- shrub and Freshwater unconsolidated bottom. These habitats are affected by both terrestrial and aquatic invasive plants.
- The park provides valuable habitat for migrating birds. Freshwater wetlands adjacent to marine habitats provide high priority resting areas and food for migrating birds
- Invasive plants include submerged, floating and emergent aquatic plants as well as numerous species of upland plants.

Goals:

- Manage the invasive plant populations
- Restore native vegetation habitat to wetlands and upland areas of the park
- Improvement of scenic views, recreation and educational opportunities

Tasks:

1. Implement an Integrated Vegetation Management (IVM) Program for invasive plants
 - a. Priorities include targeting species not fully established; containing, suppressing and excluding invasives on a site by site basis; and preventing invasion of areas not currently dominated.

- b. Utilizing both non chemical and herbicide controls including hand cutting, hand pulling, weed wrenching, hydraulic mowing and herbicide treatments
- 2. Develop and implement a pre and post (six year) monitoring plan
 - a. Identification and inventory of aquatic and upland invasive plants
 - b. Mapping invasive plant colonies over time
 - c. Update FB Environmental Invasive Species Management Plan 2020
- 3. State, federal and local permitting and regulatory compliance

Michael Morrison, Swamp, Inc. November 2020

Fort Foster Invasive Plant Management							
	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	Totals
Tasks							
Professional services							
Consultant services	\$ 5,000.00	\$ 6,265.00	\$ 6,265.00	\$ 6,265.00	\$ 6,265.00	\$ 6,265.00	\$ 36,325.00
Regulatory- permit app's/ compliance	\$ 3,370.00	\$ 1,195.00	\$ 1,195.00	\$ 1,195.00	\$ 1,195.00	\$ 1,195.00	\$ 9,345.00
Integrated Vegetation Management (IVM)							
Hydraulic mowing with excavator	\$ 19,845.00	\$ 10,535.00					\$ 30,380.00
Manual cutting/ pulling	\$ 15,410.00	\$ 7,705.00	\$ 5,561.00	\$ 5,561.00	\$ 5,561.00	\$ 5,561.00	\$ 45,359.00
Weed wrenching	\$ 3,551.00	\$ 3,551.00	\$ 3,551.00	\$ 3,551.00	\$ 3,551.00	\$ 3,551.00	\$ 21,306.00
Herbicide applications- upland	\$ 9,450.00	\$ 3,555.00	\$ 3,555.00	\$ 3,555.00	\$ 3,555.00	\$ 3,555.00	\$ 27,225.00
Herbicide applications- aquatic	\$ 7,490.00	\$ 3,790.00	\$ 3,790.00	\$ 3,790.00	\$ 3,790.00	\$ 3,790.00	\$ 26,440.00
Totals	\$ 64,116.00	\$ 36,596.00	\$ 23,917.00	\$ 23,917.00	\$ 23,917.00	\$ 23,917.00	\$ 196,380.00

INVASIVE SPECIES MANAGEMENT PLAN

FORT FOSTER PARK, KITTERY, MAINE

October 2019



marinas.com



Prepared by:
FB Environmental Associates
97A Exchange Street
Portland, ME 04101
www.fbenvironmental.com



Prepared for:
Town of Kittery, ME
200 Rogers Road
Kittery, ME 03904

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INTRODUCTION

BACKGROUND AND PURPOSE

Non-native, invasive plants (invasives) dominate entire sections of Kittery's Fort Foster Park. Invasives infringe on native plant populations and lead to a loss of biodiversity that ultimately is harmful to native plant and animal communities. Dense infestations of invasives can even limit public access for recreation. Beginning in August of 2018 the Town of Kittery began working with FB Environmental Associates (FBE) to conduct an invasive plant inventory and develop a comprehensive, effective, and feasible Invasive Plant Management Plan for Fort Foster Park. This Plan builds upon FBE's survey of the park in summer of 2018 that inventoried the invasive species present and their associated location and density (FB Environmental, 2018).

The recommendations within this document focus on controlling existing infestations and eradicating new ones, with the goal of restoring the dominance of native plant communities throughout the park. The plan also aims to incorporate community education and engagement while fostering public acceptance and volunteer effort.

DEFINITIONS

A **native** plant is a part of a given ecosystem that has developed over hundreds or thousands of years in a region or ecosystem. (The word native should be used with a geographic qualifier. All plants are native somewhere, but only plants that have been established for hundreds or thousands of years in Maine are considered native to Maine.) A **non-native** plant is a plant introduced to a new place or new type of habitat where it was not previously found, whether intentionally or accidentally. Not all non-native plants are invasive. When many non-native plants are introduced to new places, they cannot reproduce or spread readily without continued human help (e.g., many ornamental plants). An **invasive** plant is one that is both non-native and able to establish in many areas, grow quickly, and spread to the point of disrupting existing native plant communities or ecosystems. A **naturalized** plant is a non-native species that does not need human help to reproduce and maintain itself over time in an area where it is not native. Naturalized plants do not, over time, become native members of the local plant community. Many naturalized plants are found primarily near human-dominated areas. Since invasive plants also reproduce and spread without human help, they are considered naturalized. Naturalized invasives are a small, but troublesome, sub-category of naturalized plants.

THREATS POSED BY INVASIVE SPECIES

Invasive plants pose a direct threat to Maine's natural and working landscapes. The aggressive growth of these species can have negative effects on forest regeneration (following timber harvest, disease, fire, etc.), increase the cost of agriculture, and threaten recreational experiences (e.g., by rendering hiking trails impassable, disrupting views). Invasive plants out-compete native species for sunlight, nutrients, and space by growing quickly enough to crowd out native species. Thus, shifts to invasive species dominance may alter wildlife habitat by eliminating native foods, altering physical structure of an area, and destroying bird nesting opportunities.

Invasive species are considered the second greatest threat to worldwide biodiversity after habitat loss (Madren, 2011). Note however that these species (or any species for that matter) are not intrinsically evil. Most invasive plants in the U.S. were deliberately introduced. It is humans' decisions regarding species introductions and land use that have led to the spread of these species. Conservation biologist Michael Klemens coined the term "subsidized species" to characterize invasive species that have attained population levels that have deleterious effects on ecosystem function and human activities.

RATIONALE

Considering the wealth and breadth of ecologically and historically significant features and recreational opportunities in the park, invasive species management is worthwhile as it provides a suite of benefits including:

1. Restoration of native land cover types
2. Improvement of recreational opportunities for park visitors
3. Improvement of access to a historically significant site

This management plan provides protocols for implementing invasive species control measures on state land, and will describe:

1. Which invasive plant species should be targeted
2. What management practices are required
3. When individual management practices should be implemented

This management plan is a living document and should be revisited and revised periodically to reflect the dynamic nature of invasive species and the state of knowledge of best management practices (BMPs). Project stakeholders will continue to help revise this management plan, with refinement of prioritized objectives, implementation efforts, and garnering community support for the plan.

PRIORITIES

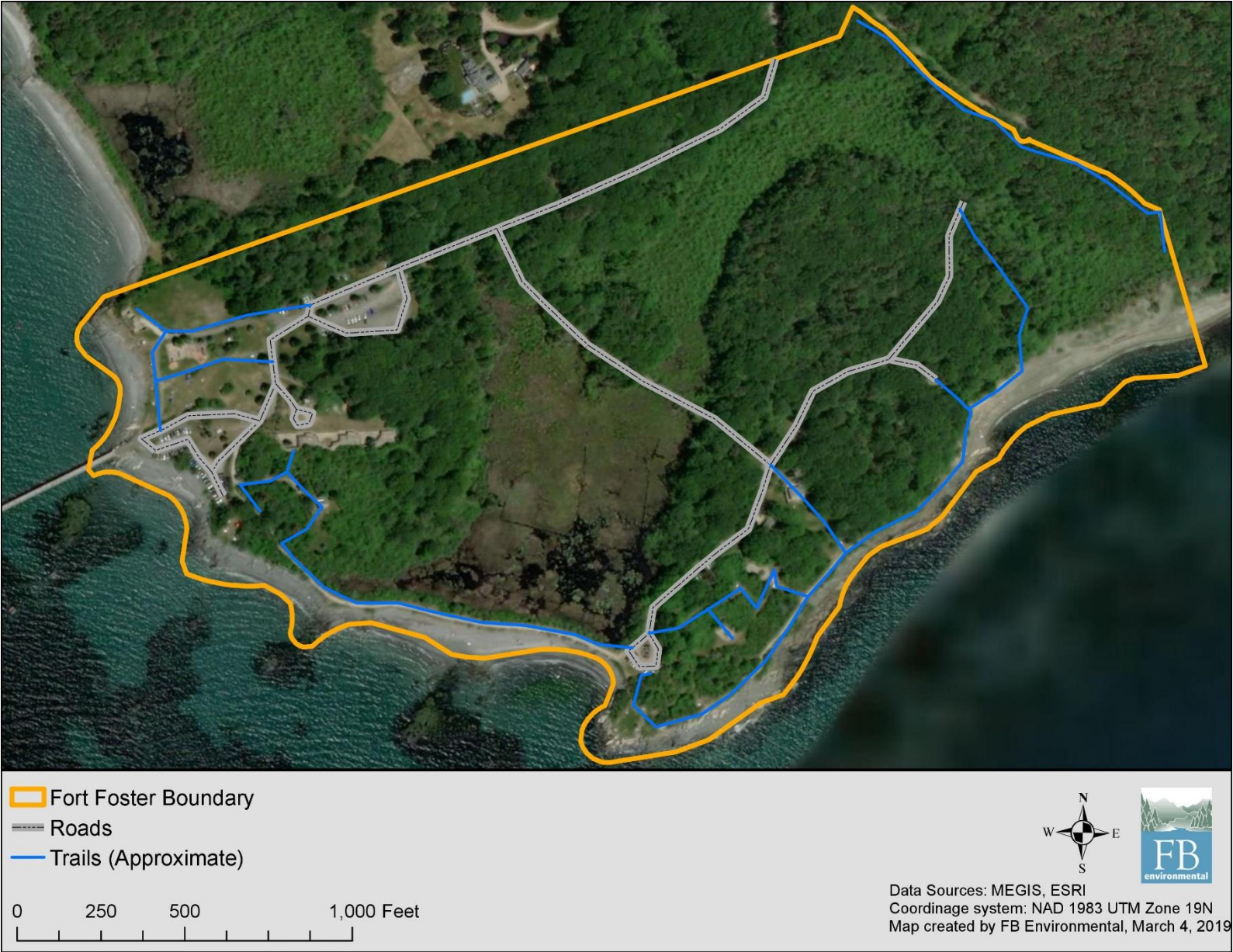
A stakeholder meeting was held on Thursday May 9, 2019 to discuss a prioritization scheme for the invasive management plan. The meeting was attended by Kittery Town Manager Kendra Amaral, Public Works Commissioner Dave Rich, and members from both Kittery's Parks and Conservation Commissions. A prioritization scheme for this plan was developed in this initial stakeholder meeting:

1. Target species that have not fully established where the potential exists to completely eradicate them. Such species identified were black swallowwort (*Cynanchum louiseae*) and common reed (*Phragmites australis*) as these species within Fort Foster that are not yet omnipresent and, with diligent effort, could possibly be eradicated.
2. Contain, suppress, and exclude invasives on a site-by-site basis. This plan outlines specific site management recommendations rated by relative cost and impact that will allow the town to select which areas can be prioritized based on available budget and resources.
3. Prevent invasion in areas that are not currently dominated by invasives.

SITE DESCRIPTION

LOCATION AND HISTORY

Fort Foster Park encompasses approximately 88 acres on the southwest tip of Gerrish Island in Kittery, Maine. The namesake of Fort Foster was inspired by American Civil War Era Brevet Major General John G. Foster of New Hampshire. Between 1898-1946 Fort Foster was home to World War I and World War II gun batteries. The property has since been acquired by the Town of Kittery and is a very popular destination for hiking, dog-walking, birdwatching, and beach recreation. The Park is bound by the Atlantic Ocean along the southeastern border and the Piscataqua River on the southwestern border. The remaining park perimeter is bound by private property (demarcated with fencing in most areas). Fort Foster is comprised of wetland, upland, and shoreline ecosystems.



Map 1. Fort Foster Boundary Map.

INVASIVE PLANT SPECIES AT FORT FOSTER

The State of Maine has established a list of 20 plant species that are considered invasive within the state. At least eight of these species have been documented within Fort Foster Park (Table 1). Species with the greatest threat to wetlands in the park include purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). These two plants are known to spread rapidly, forming monocultures that outcompete native wetland species in relatively short time spans. Fortunately, in Fort Foster Park both species have relatively low population densities. Oriental bittersweet (*Celastrus orbiculatus*), honeysuckle (*Lonicera morrowii*), and glossy false buckthorn (*Frangula alnus*) are the major threat to the forested upland communities throughout The Park. These species are documented to have the greatest density and distribution throughout the park. The following section provides descriptions of invasive plants that were documented in Fort Foster during FBE's site visits in August 2018.

Table 1. Common and scientific names of Maine invasive plant species found in Fort Foster Park.

Common Name	Scientific Name
Oriental bittersweet	<i>Celastrus orbiculatus</i>
Black swallowwort	<i>Cynanchum louiseae</i>
Common reed	<i>Phragmites australis</i>
Glossy false buckthorn	<i>Frangula alnus</i>
Japanese barberry	<i>Berberis thunbergii</i>
Morrow's honeysuckle	<i>Lonicera morrowii</i>
Multiflora rose	<i>Rosa multiflora</i>
Purple loosestrife	<i>Lythrum salicaria</i>

JAPANESE BARBERRY (*BERBERIS THUNBERGII*)

Japanese barberry is a shrub that can grow 2 to 4.5 ft. (0.6-1.3 m) tall. It was first introduced as an ornamental plant when seeds from Russia were planted in the Arnold Arboretum in Boston, MA in 1875. The species now covers much of New England and Midwest states and occurs in a broad range of habitats. Japanese barberry can be identified by long woody grooved stems with small, smooth-edged, and oval leaves growing in clusters of two to six. At each cluster node is a single spine, a defining feature from the European variety. The leaves range in color from green to bluish-green, to dark red. In late spring the plant has pale yellow flower clusters that transition to bright red oblong berries in late summer through the winter. Japanese barberry seeds spread by small mammals and birds that eat the red fruit. This shrub is found throughout Fort Foster Park, most commonly as individual plants and occasionally in dense thickets.



ORIENTAL/ASIATIC BITTERSWEET (*CELASTRUS ORBICULATUS*)

Oriental bittersweet was introduced as an ornamental from China around 1860. It is a deciduous, climbing woody vine that can grow to lengths of 60 ft. (18.3 m). The alternate, elliptical leaves are light green in color and 2 to 5 in. (5-13 cm) long. Small flowers develop in the spring. Fruits are round and green when young, ripen to yellow in the fall, and split to reveal showy, scarlet berries that persist into winter. Some shade tolerance allows it to also grow in open forests, encircle trees, and girdle them. Vines can completely cover other vegetation, shade, out-compete, and kill even large trees. Bittersweet berries and their seeds can be dispersed widely and quickly via birds. Bittersweet is found throughout Fort Foster Park, and in places where it entangles trees, it poses a significant risk to larger tree species.

BLACK SWALLOWWORT (*CYNANCHUM LOUISEAE*)

Black swallowwort was introduced intentionally as an ornamental plant from Southern Europe in the 1850's. It is a vine that can form extensive patches that suffocate native plants. Opposite leaves grow to approximately 3 to 4 in. (7.6-10 cm) in length. Clusters of small dark purple star flowers emerge in June and give way to oblong seed pods in late summer. Seed pods can be green to brown depending on their developmental stage, and the number of pods is directly dependent on the amount of light the plant receives. One of the reasons black swallowwort is such an effective invader is because it is polyembryonic, which means that a single seed can contain multiple embryos and produce multiple seedlings (Michigan Department of Natural Resources, 2012). A square meter patch of black swallowwort is capable of producing 1, 000 to 2,000 seeds per year, which could give rise to double or triple the number of seedlings (Cornell University Cooperative Extension, 2019). Black swallowwort is not fully established in Fort Foster Park, but it is gaining ground in sunny, early successional areas.



MORROW'S HONEYSUCKLE (*LONICERA MORROWII*)

Morrow's honeysuckle is a native of eastern Asia and was first introduced into North America in the late 1800s. It has been planted widely as an ornamental and for wildlife food and cover. It is a multi-stemmed, upright, deciduous shrub that grows up to 7 ft. (2.1 m) tall. The leaves are opposite, round, and hairy underneath. Honeysuckle is often one of the first shrubs to leaf out in the spring. The fragrant flowers are tubular, white to cream-colored, and develop in mid- spring.



Illinoiswildflowers.org

Abundant berries ripen to orange or red in color and often persist throughout winter. The bark is light brown and often pubescent on young stems. Several species of exotic bush honeysuckles occur, and distinguishing individual species can be difficult. Morrow's honeysuckle readily invades open woodlands, old fields, and other disturbed sites. It can spread rapidly due to birds and mammals dispersing the seeds and can form a dense understory thicket which can restrict native plant growth and tree seedling establishment. Morrow's honeysuckle is present throughout Fort Foster Park. It also provides protective habitat and possible food for the endangered New England cottontail.

GLOSSY FALSE BUCKTHORN (*RHAMNUS FRAGULA*)

Glossy false buckthorn (or glossy buckthorn) is native to Europe and was first introduced into the United States in the mid-1800s as an ornamental. It is a large shrub or small tree that can grow to heights of 30 ft. (9.1 m). The dark green leaves are shiny and alternate (sometimes opposite) with distinctly prominent venation. The flowers are inconspicuous, pale yellow in color, and occur in clusters in the leaf axis. In the fall, fleshy fruits ripen to a dark purple color. Glossy buckthorn bark is gray to brown with white lenticels. It invades moist woodlands and disturbed areas throughout the Northeast and Midwest. Its rapid growth and prolific seed production make these plants an aggressive invader that can form dense thickets which shade and displace native understory plants, shrubs, and tree seedlings. Glossy buckthorn can be found throughout upland habitats in Fort Foster Park.



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MULTIFLORA ROSE (*ROSA MULTIFLORA*)



The U.S. Soil Conservation Service promoted the use of multiflora rose in the early 1900’s for erosion control and wildlife habitat. It grows as a perennial, thorny bush made of hardy stems that can be about 10 to 15 ft. (3-4.5 m) tall. Leaves are sharply toothed, alternate, and arranged in leaflets of five to eleven. The base of each leaf has distinctive fringed stipules. The plant grows clusters of white or pink flowers in June that last through July before forming red rosehips in the fall. In Fort Foster, multiflora rose is most common along road, trails, and early successional areas with ample sunlight.

Multiflora rose is a different species of the *Rosa* genus than the beach rose (*Rosa rugosa*). Beach rose is also known as salt spray rose, dune rose, and rugosa rose. The species is currently being planted on the shoreline of Fort Foster Park. When beach rose is planted along coastal banks, it can help reduce erosion and stabilize the bank, thus reducing potential storm damage. Although beach rose is non-native, it does not have the invasive rigor of multiflora rose. Beach rose will not be targeted for removal within this plan.



PURPLE LOOSESTRIFE (*LYTHRUM SALICARIA*)

Purple loosestrife is native throughout Europe, Russia, and Asia. It was introduced to the northeastern U.S. and Canada for ornamental and medicinal reasons and is still sold in many garden stores. It is recognized by cone shaped purple flowers that bloom during the summer and persist until fall. Purple loosestrife can grow up to 10 ft. tall but usually growth maxes out around 4 ft. The stems are four-sided, woody, and have opposite or whorled leaves that are lance shaped. Mature plants can have 30 to 50 stalks rising from the same root system. Purple loosestrife is most likely found outcompeting native grasses and wetland species in low lying areas. Purple loosestrife was found in some wetlands in Fort Foster Park, but the extent of its invasion is somewhat unknown due to difficult access in its dense, wet habitat.



COMMON REED (*PHRAGMITES AUSTRALIS*)

Common reed is a perennial grass that can grow to be 15 ft. in height. This introduced species established itself along the Atlantic coast after arriving through ballast water from European ships in the late 18th century. It



grows in wetland conditions and quickly alters the hydrology of the area by shading out native species with its long, thin leaves. Stands of common reed are made up of both live and dead stems from the past years growth that quickly crowd native species. The grass flowers in late summer and are purple to golden in color. As the seeds mature in the early fall, the ends of the stalks take on a furry cone appearance that turn gray as the season passes. Common reed creeps along the banks of rivers and wetlands and spreads very easily through water systems. Fortunately, common reed occurs in two, isolated populations in Fort Foster Park making complete eradication possible.

INVASIVE MANAGEMENT PLAN

PREVIOUS INVASIVE MANAGEMENT EFFORTS

Volunteer work on the property has reduced the vigor of some invasive populations within Fort Foster. Specifically, the cutting of glossy buckthorn stems has proved very effective and has reduced the plant's presence in many areas of the park. Since FBE's initial survey in August 2018, invasive density has been reduced in several areas, and these reductions are displayed in an updated invasive map (Map 2). Areas that have seen a reduction in invasives due to volunteer hand removal efforts are Area 5, Area 9, and Area 12. Site walks in summer 2019 revealed that black swallowwort population has grown since FBE's initial summer 2018 invasive plant survey. However, we recommend prioritizing black swallowwort control as the species is yet to expand throughout the park, so the population can be effectively suppressed.

INVASIVE CONTROL METHODS

There is no single action, whether it is mechanical, biological, or physical, that can provide optimal control of multiple invasive species in the moderate to high densities located within Fort Foster Park. Any management plan that attempts to address the control of invasive species will have to rely on a multi-faceted approach that will protect the safety of park visitors and secure the long-term commitment of partners and stakeholders. While some populations of invasive species are isolated, such as common reed, purple loosestrife, and black swallowwort, others such as bittersweet, buckthorn, and honeysuckle exist as dense thickets, leaving little room for native plants to occupy these areas. Control methods that combine mechanical, manual, and chemical treatments are timed to be most effective. The repetition that a multi-year commitment provides will allow native plants the opportunity to once again thrive within The Park.

An Integrated Vegetation Management (IVM) approach should be implemented to provide the most effective, long-term control strategy. This includes minimizing impacts to non-target species through a series of techniques that allow native plant communities to increase while suppressing invasive plant species.

Techniques to be implemented include hand cutting, pulling, and mowing as well as selective herbicide treatments such as cut stump and low-volume foliar herbicide applications applied by a licensed commercial applicator. More detail regarding treatment methods is below.

MECHANICAL/MANUAL TREATMENT METHODS

- Pull: Manually pulling entire plant, including roots. Volunteers can be organized annually to uproot seedlings from infested areas.
- Cut-Stem: Cutting stems with hand or power tools can be used alone or in combination with application of systemic herbicide. Herbicide kills the plant and prevents resprouting.
- Mowing: Utilizing brush mowers and large mechanical machines (e.g. hydro ax, brontosaurus brush mower, skid steer).

In this plan, we refer to **Mechanical Treatment** as any pulling, cutting, or mowing that will occur with power tools and will require hiring a professional. **Manual cutting** refers to the action of cutting or pulling that could be done safely by a volunteer by hand or with loppers.

BIOLOGICAL CONTROL METHODS

- Insect Pest Introduction: Insects, usually from the native range of an invasive species, that are known pests to the invasive species of concern, are released into the local environmental.

CHEMICAL TREATMENT METHODS

- Low-Volume Foliar Backpack: Licensed pesticide applicators walk established transects over the entire area spraying herbicide on the foliage of invasive plants (Table 2). The herbicide mixture will include an anti-drift agent to keep spray directed on target species and to enhance sensitivity.
- Cut-Surface Treatment: This method involves applying herbicide to freshly cut surfaces of invasives (i.e., cut stumps and branches). Licensed applicators typically use this method to effectively treat target species in wetlands. The method is also used when in close in proximity to native species to avoid overspray.
- Basal Bark Treatment: Basal treatment is herbicide mixed with oil that is applied to the lower 15 inches of a tree trunk or brush stem down to the ground. This method is especially effective to minimize disturbance and control resprouting when treating species such as buckthorn. Licensed applicators use the basal application method to selectively treat individual woody plants.

Table 2. List of commonly used herbicides currently registered in the state of Maine.

Chemical Name	Examples of Brand Names	Target Use	Target Species
Triclopyr	Garlon3A®; Habitat®; Garlon 4®	Cut surface and/or basal bark treatment; foliar spray; Broad-leaf selective.	Bittersweet, buckthorn, barberry, multiflora rose, honeysuckle
Glyphosate	Roundup®	Cut surface and/or basal bark treatment; foliar spray. Non-selective.	Barberry, honeysuckle, buckthorn
Glyphosate (aquatic formulation)	Rodeo®; Aquamaster®; Accord®	Cut surface; application near or in open water. Non-selective.	Honeysuckle, barberry, purple loosestrife, buckthorn, common reed
Imazapyr	Habitat®; Arsenal®	Foliar, cut surface. Non-selective. Habitat® labeled for aquatic applications.	Common reed

IDENTIFYING INVASIVE PLANT MANAGEMENT PRIORITIES

Management priorities are set with the goal of achieving the greatest benefit while minimizing the total, long-term workload and project costs. It is difficult to clearly define, rank, or prioritize where invasive plant control methods should begin, as the ranking is often subjective. Rather than prioritizing areas strictly based on infestation load or probability of eradication, this management plan takes a multifaceted and staggered approach that supports sustainable, community-driven management actions. The approach is neither strictly by area or by species but by feasibility and efficiency. The following descriptions detail objectives outlined in the May 2019 stakeholder meeting.



Flowering black swallowwort at Fort Foster. Photo Credit: FBE.

OBJECTIVE 1: CONTROL SMALL, NOT FULLY ESTABLISHED POPULATIONS

The first priority identified by stakeholders is to control the invasive populations that are yet to be fully established or widespread across the park. This consist of black swallowwort and common reed; an early detection and rapid response approach will hopefully contain and eradicate or minimize the populations before they spread across the park.

FBE observed black swallowwort during the August 2018 visit in small pockets along the seaside trail (See Map 2, Area 8). Subsequent visits in 2019 revealed more black swallowwort than initially noted, as it is now present along the pavilion (Map 2, Area 8) and along the trails in Area 4.

Controlling Fort Foster Park's black swallowwort population is a multi-year effort that will require a variety of tactics. Collecting pods in the late summer prior to dispersal can be an effective method for preventing the previous year's established plants from dispersing thousands of seeds into the Fort Foster Park seedbank (Table 3). This method is relatively cheap and could easily be carried out by a group of volunteers. Volunteers would collect seed pods and place them in plastic bags. It is critical that seed pods are properly disposed of, preferably burned or bagged and disposed of in a municipal landfill.

Chemical treatment will provide an excellent complement to hand removal in controlling the black swallowwort population and should be applied in a two-step process (Table 3). In the spring, triclopyr can be applied during bolting, which typically occurs around June. Flagging of individuals should also occur in the spring, so they are easier to find during follow up chemical application in the fall. In the following September, glyphosate should be applied. Note that rapid regrowth should be expected in following summers until the seedbank is exhausted. Follow-up applications of glyphosate should occur in the fall of the following year. After the second year, managers will need to evaluate the need for future chemical treatment on an annual basis.

Black swallowwort is also present within the New England cottontail habitat (Map 2, Areas 4 and 8). If a licensed, experienced herbicide applicator takes care to target only black swallowwort, the shrubs that provide cottontail habitat and food should be largely unaffected.

Common reed is present in a small patch on the southeastern corner of Area 20 wetland and another small patch along the border of Area 17 and Area 15. Both populations are very small, and we should expect complete eradication. Because both populations are in a wetland, chemical treatment will require a permit from the State of Maine Department of Environmental Protection and the Maine Board of Pesticides Control (See State and Local Permitting section below). The most effective technique to suppress common reed is a combination of manual and chemical treatment that should occur in the early fall in dry conditions. Approximately five to ten stems should be tied or taped together (masking tape works well) approximately three feet from the ground and cut. Cuttings need to be removed from common reed habitat (shoreline and wetlands) but can be safely composted in upland areas, burned, or brought to a landfill. After cutting, aquatic formulated glyphosate can be applied to the cut surface. This protocol needs to be repeated for multiple years (minimum of three) for effective eradication. If permitted, a small, controlled burn in the spring can promote native plant regeneration.

Table 3. Cost and impact analysis for targeting each species in Objective 1.

Species	Method	Timing	Impact	Cost	Expertise
Black Swallowwort	Pick seed pods	Late summer	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Late spring / Early fall	High Impact	Medium Cost	Certified Applicator
Common Reed	Manual cutting	Early fall	High Impact	Low Cost	Volunteers
	Chemical treatment	Early fall	High Impact	Medium Cost	Certified Aquatic Applicator

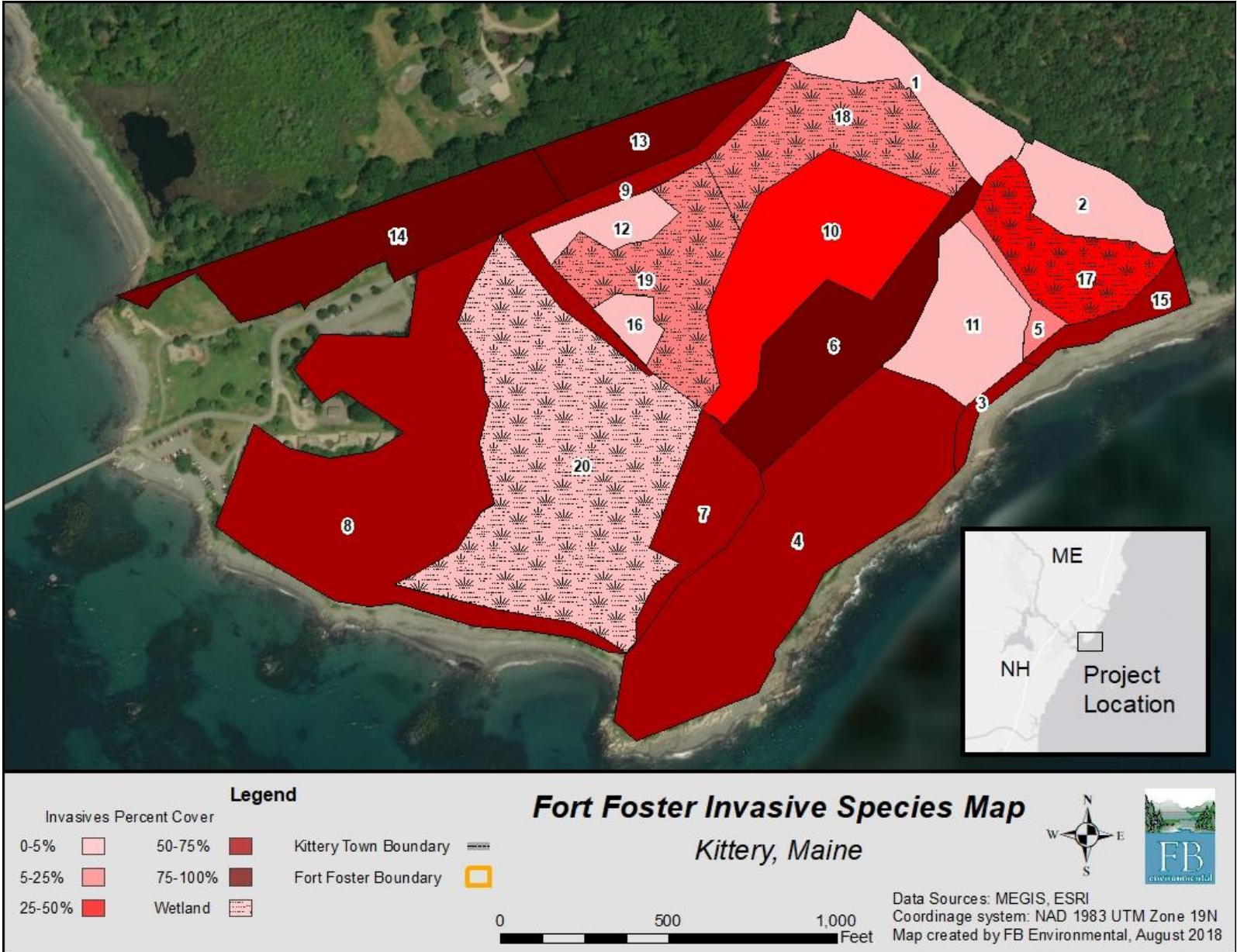
OBJECTIVE 2: AREA BY AREA APPROACH BASED ON COST AND IMPACT

At the May 2019 stakeholder meeting, the group decided the second priority would be to take an area by area approach to combating invasives. This is an effective approach because the organization of the property by area characteristics allows managers to be most effective when coordinating mechanical, chemical, and volunteer-driven removal. For example, if mechanical equipment is rented, it could be rented for one week to tackle all areas within the park that require mechanical equipment, instead of more expensive daily rentals over a longer period. Area by area management plans also allow land managers to create a prioritization scheme that can be rolled out over time based on resources and funding available at the time. Within each area, we provided species-specific management techniques when necessary.

During the May 2019 stakeholder meeting, the group was unable to rank which areas to pursue first because the method of removal for each area was then unknown. In June 2019, Dave Rich and Amanda Gavin conducted a site walk with Jeff Taylor of Taylor’s Invasive Plant Control, where Jeff determined the management techniques necessary and subsequent impact and cost for each mapped Area in the park (see Map 2).



Sunset at Fort Foster. Photo Credit: Gary Mitchell.



Map 2. Fort Foster Invasive Species Map updated from the August 2018 FBE Invasive Plant Survey.

In this section, the invasive management techniques deemed most suitable for each area are presented and assigned a cost and impact rating. The areas are ranked by invasive plant density from greatest to least. This approach will provide the stakeholder group with the information necessary to decide which areas to tackle first as funds and resources become available. Each area corresponds to a polygon number in Map 2.

AREA 14: Glossy buckthorn, Morrow’s honeysuckle, Japanese barberry, Oriental bittersweet

Area 14 is a the most heavily infested area of Fort Foster Park. FBE recommends starting work on this parcel in the early part of the invasive management process. This is a high-traffic area, so beginning management here will introduce Fort Foster Park users to the invasive plant management project that will be occurring during the following years. If executed properly, this area should show dramatic improvement after one year of treatment, which hopefully will inspire the community to be supportive and involved in Fort Foster Park’s invasives removal project. Given this parcels’ central location to the entrance, parking, and beach, it would be a prime candidate for an informative and educational kiosk regarding the project.

Area 14 is the only area in Fort Foster Park that requires extensive mechanical mowing for invasive plant removal (Table 4). The use of machinery to pull down the extensive bittersweet vines and penetrate through dense honeysuckle shrubs will be necessary to provide access to the area herbicide application. FBE recommends that an expert botanist be on site to direct machine operator(s) to invasive plants that need to be removed. At the very least, invasive plants should be flagged, or spray painted to indicate individuals appropriate for removal. Stems that are five inches or smaller can be hand cut. There are two options for chemical treatment after mechanical removal: 1) Glyphosate can be applied immediately following mechanical treatment, and 2) Triclopyr can be applied as a basal application up to several weeks after mechanical treatment. The type and timing of chemical removal will depend on the resources available during the day of machine removal.

The area should be treated again after one full growing season has passed. This allows time for the sunlight to stimulate the seed bed and for early-successional native plants to regenerate. In following years, we recommend semi-annual monitoring in the spring and fall and maintenance using manual cuttings, basal stem treatments, and low volume, target foliar applications as needed. If this area is selected for a native planting project, fast-growing, early successional species should be used. Potential suitable species include raspberry (*Rubus sp.*), viburnum (*Viburnum sp.*), and winterberry (*Ilex sp.*) species.

Table 4. Cost and impact analysis for targeting each species in Area 14.

Species	Method	Timing	Impact	Cost	Expertise
Buckthorn	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Honeysuckle	Mechanical cutting	Fall	High Impact	High Cost	Certified Applicator
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Barberry	Mechanical cutting	Fall	High Impact	High Cost	Certified Applicator
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Bittersweet	Mechanical cutting	Fall	High Impact	High Cost	Certified Applicator
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator

AREA 6: Glossy buckthorn, Japanese barberry

Area 6 is a heavily infested area, but due to the lack of vines and honeysuckle shrubs, it does not require mechanical treatment. FBE recommends manual cutting followed by targeted herbicide application using the cut-surface or basal bark treatment (Table 5). After waiting one growing season for the seed bank to regenerate, a selective low-volume foliar application should be applied in the spring at leaf-out. Spring treatment can be followed by another cutting and targeted application such as cut-surface or basal bark treatment in the fall.

Table 5. Cost and impact analysis for targeting each species in Area 6.

Species	Method	Timing	Impact	Cost	Expertise
Buckthorn	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Barberry	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator

AREA 8: Glossy buckthorn, Morrow’s honeysuckle, Japanese barberry, Oriental bittersweet, Black swallowwort, Multiflora rose

Area 8 encompasses a variety of trails, public use areas, shoreline, and New England cottontail habitat. Because this Area includes both cottontail habitat and black swallowwort, we recommend beginning with the swallowwort management that is outlined in Objective 1. Beyond the methods outlined in Objective 1, extreme caution should be taken with this area. The process of managing and replacing invasives should be very slow and targeted. We recommend removing and replacing only one or two invasive shrub patches per year. When shrubs that may provide New England cottontail habitat are targeted for removal, FBE recommends hand cutting in the fall, followed by a basal bark application (Table 6). Invasive shrubs that leaf out earlier than native species in the spring should be targeted with a low volume foliar application. Given the proximity to parking, picnic areas, and the entrance, this area is also a prime candidate for a revegetation and a community education project. As shrubs are removed, native shrubs that provide cottontail habitat and food can be replaced. Legumes and raspberry species are known to provide quality food sources and thick cover. Also, Area 8 has a steeper slope and more artillery batteries than the other sites, so managing for erosion is critical. Erosion control mulch can be applied to slopes if treatment creates bare spots.

Due to the sensitive nature of cottontail habitat, we don’t recommend mechanical mowing all invasive shrubs present, but some mechanical mowing may be necessary for established bittersweet and multiflora rose. Because this is a sensitive area, we recommend targeted mowing once the ground is frozen to minimize soil disturbance.

Table 6. Cost and impact analysis for targeting each species in Area 8. Note that black swallowwort is included under Objective 1.

Species	Method	Timing	Impact	Cost	Expertise
Buckthorn	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Honeysuckle	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Barberry	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Bittersweet	Mechanical cutting	Fall	High Impact	High Cost	Certified Applicator
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Multiflora rose	Mechanical cutting	Fall	High Impact	High Cost	Certified Applicator
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator

AREA 4: Glossy buckthorn, Morrow’s honeysuckle, Japanese barberry, Oriental bittersweet, Black swallowwort, Multiflora rose

Area 4 encompasses a variety of trails, public use areas, shoreline, and cottontail habitat. Because Area 4 includes both cottontail habitat and black swallowwort, FBE recommends beginning with the swallowwort management that is outlined in Objective 1. Given the similarities between Area 4 and Area 8, the same treatment plan (Table 6) can be implemented, with the exception of managing the shoreline of Area 4.

Given the proximity to surface waters in Area 4 the cut surface treatment using glyphosate. Mechanical devices such as Weed Wrenches could be employed to limit disturbance from larger machines, or a small skid steer could be utilized without creating significant impacts. Beach rose (*Rosa rugosa*) is currently being planted in this section as a shoreline buffer by The Federal Emergency Management Agency (FEMA), so revegetation efforts along the shoreline in Area 4 could involve planting rugosa rose in spots where honeysuckle is removed.



Morrow’s honeysuckle in fruit on a cobble beach in Area 4. Photo Credit; FBE.

AREAS 18 AND 19: Glossy buckthorn, Purple loosestrife

Areas 18 and 19 are freshwater wetlands found in the interior of Fort Foster Park. These sites have dense vegetation and are very wet, so assessing invasive plant load was difficult. A few purple loosestrifes were found in small densities in Area 18 in Fort Foster Park. Due to the sensitive nature of wetlands and difficulty finding purple loosestrife outside of its flowering time, utilizing a biological control would be preferable (Table 8).

Biological control for purple loosestrife is achieved using the *Galerucella californiensis* beetle. Releases are typically of pupae and adult beetles. The larger the numbers released, the better the chance for establishment. A minimum of 2,000 to 3,000 beetles per area are recommended. Releases in three successive years will improve the chance for establishment (Kenning, 2011).

Given the wet and sensitive nature of these areas, primary exclusion and prevention management techniques should be implemented. By managing the perimeter of the wetland and surrounding areas, dispersal of invasive plants into the wetland is less likely. Additionally, woody invasives could be hand cut by volunteers in the winter, as frozen ground and lack of dense leaves make the wetland more accessible and less susceptible to disturbance. If winter hand cutting is deployed, follow-up treatments should reoccur annually during winter.

Table 7. Cost and impact analysis for targeting each species in Areas 18 and 19.

Species	Method	Timing	Impact	Cost	Expertise
Buckthorn	Manual cutting	Winter	Medium Impact	Low Cost	Volunteers
Purple loosestrife	Biological treatment	Spring	High Impact	Medium Cost	Volunteers

AREA 13: Glossy buckthorn, Morrow’s honeysuckle, Japanese barberry

Area 13 is a narrow area near the entrance of the park with a moderate invasive load. FBE recommends targeting invasive woody shrubs such as buckthorn, honeysuckle, and barberry with hand cutting and basal bark treatment in the fall and following up with a low volume foliar spray after leaf out in the spring (Table 8).

Table 8. Cost and impact analysis for targeting each species in Area 13.

Species	Method	Timing	Impact	Cost	Expertise
Buckthorn	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Honeysuckle	Manual cutting	Fall	High Impact	Medium Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator
Barberry	Manual cutting	Fall	Medium Impact	Low Cost	Volunteers
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator

AREA 17: Glossy buckthorn, Common reed

Area 17 is a wetland in the park that likely experiences saltwater intrusion due to proximity to the shore and has a moderate invasive plant load. See description in Objective 1 for targeting the common reed along the southeastern edge of Area 17. First time application of common reed is rarely 100% effective, so three to five years of follow up treatment should be expected. Given the density of glossy buckthorn throughout this wetland, FBE recommends hand cutting or using a small motorized cutting tool in the winter when frozen ground increases accessibility and minimizes disturbance (Table 9). Additionally, we recommend using exclusion and prevention management techniques here. By managing the perimeter of the wetland and surrounding areas, dispersal of invasive plants into the wetland is less likely.

Table 9. Cost and impact analysis for targeting each species in Area 13.

Species	Method	Timing	Impact	Cost	Expertise
Buckthorn	Manual cutting	Winter	Medium Impact	Low Cost	Volunteers

AREAS 3 AND 15: Morrow’s honeysuckle

Given the proximity to surface waters and sensitivity to disturbance, hand cutting of Morrow’s honeysuckle should be implemented in these areas although limited mechanical mowing may be necessary for larger shrubs. Mechanical means such as Weed Wrenches could be employed to limit disturbance from larger machines, or a small skid steer could be utilized without creating significant impacts. After cutting, we recommend cut-stem glyphosate treatment in the fall and a following up with low volume foliar spray after leaf out in the spring. Rugosa rose is currently being planted in this section as a shoreline buffer by FEMA, so removed honeysuckle could be replaced with additional rugosa rose.

Table 10. Cost and impact analysis for targeting each species in Areas 3 and 15.

Species	Method	Timing	Impact	Cost	Expertise
Honeysuckle	Manual/Mechanical cutting	Fall	Medium/High Impact	Low/ High Cost	Volunteers/Certified Applicator
	Chemical treatment	Fall/spring	High Impact	Medium Cost	Certified Applicator

OBJECTIVE 3: PREVENTION

Substantial work has already been done by volunteers to reduce invasive plant load in Areas 1, 2, 5, 7, 9, 10, 11, 12, and 16. FBE recommends semi-annual invasive monitoring in the spring and fall to ensure early detection and rapid response of any new invasive populations. In these areas, volunteers can continue to maintain invasive plant cuttings by hand, but the density of invasive plants does not require chemical treatments.

DISPOSAL OF INVASIVE PLANT SPECIES

Proper disposal of invasive plant material is critical to the invasive control process, as left-over material can often cause new infestations or re-infest the existing project area. Japanese barberry, glossy buckthorn, Morrow’s honeysuckle, and multiflora rose can be disposed of by stacking brush in piles and chipping or burning. Common reed seed heads are easily dispersed by wind, so it is necessary to dry the seed heads out in the sun before composting or mulching in upland areas. Both black swallowwort pods and Oriental bittersweet need to

be taken off the site in bags and disposed of or burned. If controlled by beetles, purple loosestrife does not require disposal.

STATE AND LOCAL PERMITTING

As this project involves removal of invasives within and surrounding protected resources (e.g., all coastal wetlands are classified as wetlands of special significance), a permit approved by Maine Department of Environmental Protection (MEDEP) will be required under Maine’s Natural Resource Protection Act. Section 12 of the Permit by Rule standards allows for “Restoration of Natural Areas” which includes removal of invasive plant species. Prior to the initiation of on-the-ground activities, a completed permit-by-rule form and associated maps and documents must be submitted to MEDEP. Upon receipt of a complete permit-by-rule form with necessary attachments, MEDEP has a 14-day review period after which activities may proceed. If the application is found to be deficient, or MEDEP follows up with questions, the preparer will be notified within the 14-day review period. Granted permits are valid for two years.

State law requires that herbicide application not take place within 25 ft. of a wetland, though in some circumstances limited herbicide application within or near wetlands is warranted. Licensed pesticide applicators (e.g., Vegetation Control Services (VCS), Taylor’s Invasive Plant Control) can acquire a variance from the Maine Board of Pesticides Control to carefully apply herbicide within wetland boundaries, and to use motorized equipment.

In some cases, individual municipalities may have additional regulations in their local code regarding invasive species removal or pesticide application.

The Town of Kittery has taken on the responsibility of acquiring all necessary permits for activities associated with invasives management. A possible exception is that any hired licensed pesticide applicator will need to acquire a permit to apply herbicide within and near wetlands.

MONITORING

Monitoring plays an important role in managing invasive plants, as it provides information on where management actions are meeting objectives, detects actions that are ineffective, and signal early detection warnings for new populations. As mentioned in the introduction, this plan is meant to be living document and will be most effective if it is revised in an iterative fashion to reflect the dynamic nature of invasive species. We recommend that Fort Foster Park institute a semi-annual monitoring plan to track the changes in invasive species populations throughout the management process.

COST

Costs associated with invasive plant management can vary greatly. Access, level of infestation, species present, safety of park visitors, presence of threatened or endangered habitat, and long-term control strategies will all affect cost. During the 2019 site walk with Jeff Taylor of Taylor’s Invasive Plant Control, Jeff provided cost estimates for the invasive management proposed at Fort Foster Park. Often, the most expensive aspect of invasive plant removal is mechanical removal. As discussed during the 2019 site visit with Dave Rich and Jeff Taylor, the Town of Kittery can reduce costs by renting the appropriate machinery and having qualified town staff operate. It is most economical to rent the needed equipment for a longer time period and tackle all the mechanical removal, instead of removing smaller areas at a time using daily rentals.

Hiring a certified professional for chemical treatment, based on current hourly rates, can cost between \$1,000 to \$2,000 per day. The amount of treatment that can occur in one day varies greatly based on the severity of invasives and type of chemical treatment selected. A certified professional can treat between a half acre and six acres per day. For example, hiring a certified professional to apply chemical treatment to Area 14 after the mechanical removal process would take approximately one to two days. However, for areas with lower invasive density, a certified professional could cover multiple areas within a day.

PROPOSED TIMELINE

The following list and accompanied Gannt chart outlines a proposed timeline for the Fort Foster Invasive Management Plan over the next five years.

Fall 2019

Area 14, pg. 15

- Volunteers begin manual cutting of buckthorn.
- Certified applicator uses mechanical removal for honeysuckle, barberry, buckthorn, and bittersweet, and follows up with a chemical treatment.

Area 6, pg. 16

- Volunteers begin manual cutting of buckthorn and barberry.
- Certified applicator follows up manual cutting with targeted herbicide application.

Winter 2020

Area 17, pg. 19

- Volunteers begin manual winter cutting of buckthorn.

Spring 2020

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Certified applicator uses chemical treatment on black swallowwort.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Summer 2020

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Volunteers pick seed pods.

Fall 2020

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Certified applicator uses chemical treatment on black swallowwort.

Common reed (Areas 17 and 5) pg. 12 – 13

- Volunteers begin manual cutting of common reed.
- Certified applicator begins chemical treatment of common reed.

Areas 3 and 15, pg. 19

- Volunteers begin hand cutting of honeysuckle, supplementing with mechanical cutting by a certified applicator as necessary.
- Certified applicator begins chemical treatment of honeysuckle.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Winter 2021

Areas 18 and 19, pg. 18

- Volunteers begin manual winter cutting of buckthorn.

Area 17, pg. 19

- Volunteers follow up with more manual cutting of buckthorn.

Spring 2021

Area 14, pg. 15

- Certified applicator does follow up chemical treatment on honeysuckle, barberry, bittersweet, and buckthorn.

Area 6, pg. 16

- Certified applicator does follow up chemical treatment on buckthorn and barberry.

Areas 3 and 15, pg. 19

- Certified applicator does follow up chemical treatment on honeysuckle.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Summer 2021

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Volunteers pick seed pods.

Fall 2021

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Certified applicator does follow up chemical treatment on black swallowwort.

Common reed (Areas 17 and 5) pg. 12 – 13

- Volunteers manually cut common reed regrowth.
- Certified applicator does follow up chemical treatment of common reed.

Area 14, pg. 15

- Volunteers follow up with manual cutting of buckthorn.
- Certified applicator follows up with mechanical removal and chemical treatment for honeysuckle, barberry, buckthorn, and bittersweet.

Area 6, pg. 16

- Volunteers follow up with manual cutting of buckthorn and barberry.
- Certified applicator follows up manual cutting with targeted herbicide application.

Area 8, pg. 16

- Volunteers begin manual cutting of buckthorn, honeysuckle, and barberry.
- Certified applicator uses mechanical removal for bittersweet and multiflora rose.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 13, pg. 18

- Volunteers begin manual cutting of buckthorn, barberry, and honeysuckle.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Winter 2022

Areas 18 and 19, pg. 18

- Volunteers follow up with manual winter cutting of buckthorn.

Area 17, pg. 19

- Volunteers follow up with manual winter cutting of buckthorn.

Spring 2022

Area 14, pg. 15

- Certified applicator does follow up chemical treatment on honeysuckle, barberry, bittersweet, and buckthorn.

Area 6, pg. 16

- Certified applicator does follow up chemical treatment on buckthorn and barberry.

Area 8, pg. 16

- Volunteers follow up with manual cutting of buckthorn, barberry, and honeysuckle.
- Certified applicator uses chemical treatment on all invasives cut this season.

Areas 18 and 19, pg. 17

- Volunteers release *Galerucella californiensis* beetle for Purple loosestrife control.

Area 13, pg. 18

- Certified applicator does follow up treatment on buckthorn, honeysuckle, and barberry.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Summer 2022

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Volunteers pick seed pods.

Fall 2022

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Certified applicator does follow up chemical treatment on black swallowwort.

Common reed (Areas 17 and 5) pg. 12 – 13

- Volunteers manually cut common reed regrowth.
- Certified applicator does follow up chemical treatment of common reed.

Area 14, pg. 15

- Volunteers follow up with manual cutting of all invasives.
- Certified applicator follows up with chemical treatment as needed.

Area 6, pg. 16

- Volunteers follow up on manual cutting of buckthorn and barberry.
- Certified applicator follows up with chemical treatment as needed.

Area 8, pg. 16

- Volunteers follow up with manual cutting of buckthorn, barberry, and honeysuckle.
- Certified applicator uses mechanical removal for bittersweet and multiflora rose.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 4, pg. 17

- Volunteers begin manual cutting of buckthorn, honeysuckle, and barberry.
- Certified applicator uses mechanical removal for bittersweet and multiflora rose.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 13, pg. 18

- Volunteers follow up with manual cutting of buckthorn, honeysuckle, and barberry.

Areas 3 and 15, pg. 19

- Volunteers follow up with hand cutting of honeysuckle, supplementing with mechanical cutting by a certified applicator as necessary.
- Certified applicator uses chemical treatment for honeysuckle.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Winter 2023

Areas 18 and 19, pg. 18

- Volunteers follow up with manual winter cutting of buckthorn.

Area 17, pg. 19

- Volunteers follow up with manual winter cutting of buckthorn.

Spring 2023

Area 14, pg. 15

- Certified applicator follows up with chemical treatment as needed.

Area 6, pg. 16

- Certified applicator does follow up chemical treatment on buckthorn and barberry.

Area 8, pg. 16

- Volunteers follow up with manual cutting of buckthorn, barberry, and honeysuckle.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 4, pg. 17

- Volunteers follow up with manual cutting of buckthorn, honeysuckle, and barberry.
- Certified applicator uses chemical treatment on all invasives cut this season.

Areas 18 and 19, pg. 17

- Volunteers release *Galerucella californiensis* beetle for Purple loosestrife control.

Area 13, pg. 18

- Certified applicator does follow up treatment on buckthorn, honeysuckle, and barberry.

Areas 3 and 15, pg. 19

- Volunteers follow up with hand cutting of honeysuckle.
- Certified applicator follow's up with chemical treatment of honeysuckle, as needed.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Summer 2023

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Volunteers pick seed pods.

Fall 2023

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Certified applicator does follow up chemical treatment on black swallowwort.

Common reed (Areas 17 and 5) pg. 12 – 13

- Volunteers manually cut common reed regrowth.
- Certified applicator does follow up chemical treatment of common reed.

Area 14, pg. 15

- Volunteers follow up with manual cutting of all invasives.
- Certified applicator follows up with chemical treatment as needed.

Area 6, pg. 16

- Volunteers follow up on manual cutting of buckthorn and barberry.
- Certified applicator follows up with chemical treatment as needed.

Area 8, pg. 16

- Volunteers follow up with manual cutting of buckthorn, barberry, and honeysuckle.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 4, pg. 17

- Volunteers follow up with manual cutting of buckthorn, honeysuckle, and barberry.
- Certified applicator uses mechanical removal for bittersweet and multiflora rose.

- Certified applicator uses chemical treatment on all invasives cut this season.

Area 13, pg. 18

- Volunteers follow up with manual cutting of buckthorn, honeysuckle, and barberry.

Areas 3 and 15, pg. 19

- Volunteers follow up with hand cutting of honeysuckle.
- Certified applicator follow's up with chemical treatment of honeysuckle, as needed.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Winter 2024

Areas 18 and 19, pg. 18

- Volunteers follow up with manual winter cutting of buckthorn.

Spring 2024

Area 8, pg. 16

- Volunteers follow up with manual cutting of buckthorn, barberry, and honeysuckle.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 4, pg. 17

- Volunteers follow up with manual cutting of buckthorn, honeysuckle, and barberry.
- Certified applicator uses chemical treatment on all invasives cut this season.

Areas 18 and 19, pg. 17

- Volunteers release *Galerucella californiensis* beetle for Purple loosestrife control.

Area 13, pg. 18

- Certified applicator does follow up treatment on buckthorn, honeysuckle, and barberry.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Summer 2024

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Volunteers pick seed pods.

Fall 2024

Black swallowwort (Areas 8 and 4), pg. 12 – 13

- Certified applicator does follow up chemical treatment on black swallowwort.

Common reed (Areas 17 and 5) pg. 12 – 13

- Volunteers manually cut common reed regrowth.
- Certified applicator does follow up chemical treatment of common reed.

Area 8, pg. 16

- Volunteers follow up with manual cutting of buckthorn, barberry, and honeysuckle.
- Certified applicator uses chemical treatment on all invasives cut this season.

Area 4, pg. 17

- Volunteers follow up with manual cutting of buckthorn, honeysuckle, and barberry.
- Certified applicator uses mechanical removal for bittersweet and multiflora rose.
- Certified applicator uses chemical treatment on all invasives cut this season.

Prevention (Areas 1,2,5,7,9,10,11,12), pg. 19

- Monitoring to ensure early detection and rapid response. Hand cutting by volunteers as time permits.

Table 12. A Gantt chart outlines a possible timeline for Fort Foster Invasive Management Plan over the next five years. Each season is given a color, and the darker colors indicate more intensive management, and the lighter colors indicate less intensive, follow-up management practices. F = fall, W = winter, Sp = spring, and Su = summer. The management activities that correspond to each objective are outlined in the management section above.

Year		2019				2020				2021				2022				2023				2024			
Season		F	W	Sp	Su	F	W	Sp	Su	F	W	Sp	Su	F	W	Sp	Su	F	W	Sp	Su	F	W	Sp	Su
Objective 1	Black swallowwort			Sp	Su	F			Su	F			Su	F			Su			Sp	Su			Sp	Su
	Common reed					F				F				F											
Objective 2	Area 14	F						Sp		F						Sp									
	Area 6	F						Sp		F						Sp									
	Area 8																							Sp	
	Area 4																							Sp	
	Areas 18 and 19						W				W	Sp			W	Sp			W				W	Sp	
	Area 13																							Sp	
	Area 17		W				W				W				W				W						
Objective 3	Areas 3 and 15					F		Sp				Sp				Sp				Sp				Sp	
	Areas 1, 2, 5, 7, 9, 10, 11, 12, and 16			Sp				Sp				Sp				Sp				Sp				Sp	

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- Michigan Department of Natural Resources. (2012). *Invasive Species- Best Control Practices*. Michigan Department of Natural Resources.



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Amelia Burke

RESIDENCE: 15 Woodlawn Ave

MAILING (if different) _____

E-MAIL ADDRESS: amelia@ff.international

PHONE #: (H) _____ (W) _____ (C) 860-307-7824

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <input type="checkbox"/> Comprehensive Plan Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input checked="" type="checkbox"/> 1 Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input checked="" type="checkbox"/> 2 Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input checked="" type="checkbox"/> 4 KCC Board of Directors |
| <input type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> Library Advisory Committee |
| <input type="checkbox"/> Kittery Celebration Committee | Other _____ |

EDUCATION/TRAINING: Bachelors in French and Global Studies from Salve Regina University, Masters in International Education from SIT Graduate Institute

RELATED EXPERIENCE (Including other Boards and Commissions) _____

I currently work with young people (15-30) at my job at Friends Forever International. We run leadership programs for primarily youth and our alumni. Also, working at FFI has given me hands-on nonprofit experience and how to work with a governing board.

PRESENT EMPLOYMENT: Friends Forever Internation:

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

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

No

REASON FOR APPLICATION TO THIS BOARD: Be more involved with young people in Kittery

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.

SIGNATURE OF APPLICANT

1/27/2021

DATE

**NOTICE OF AMOUNTS ADOPTED AT TOWN COUNCIL MEETING
FOR VOTERS AT SCHOOL BUDGET
VALIDATION REFERENDUM**

TO: Clerk of Town of Kittery, State of Maine

Pursuant to 20-A M.R.S.A. §1486 (2) and 2307 this Notice is to be displayed at all polling places for the school budget validation referendum to be held on June 8, 2021, to assist the voters in voting on whether to ratify the school budget approved at the May 3, 2021 Town Council Meeting.

Cost Center Summary Budget Category	Amount Recommended by School Committee
01-Regular Instruction	\$7,843,383.62
02-Special Instruction	\$4,368,790.00
03-Career & Technical Education	\$6,752.00
04-Other Instruction	\$368,605.25
05-Student & Staff Support	\$2,054,847.48
06-System Administration	\$748,914.66
07-School Administration	\$1,080,585.32
08-Transportation	\$686,979.00
09-Facilities Maintenance	\$1,304,897.90
10-Debt	\$720,997.00
11-All Other Expenditures	\$100,000.00
Summary of Total Authorized	
General Fund Expenditures	\$19,284,752.23

The amount approved for the school budget at the Town Council meeting includes locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.

<u> Anne Gilbert </u>	<u> Karen Matso </u>
<u> [Signature] </u>	<u> Kim Bedard </u>
<u> [Signature] </u>	<u> [Signature] </u>
<u> Julie Dow </u>	<u> </u>

A majority of the School Committee

Completed and countersigned by: _____
 ___/___/2021

A true copy of the Notice, attest: Haven Estee , Town Clerk of Kittery

1V-A

Town of Kittery
Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts
for Fiscal Year 2021-2022

The Town of Kittery hereby ordains that \$ 205,000.00 be transferred from the school's audited 2019-2020 fiscal year undesignated general fund balance, and be expended as follows:

- \$ 45,000.00 for the School Maintenance Dedicated Account
- \$ 100,000.00 for the School Unfunded Liabilities Dedicated Account
- \$ - for the School Technology Dedicated Account
- \$ 60,000.00 for the School Unemployment Dedicated Account
- \$ - for the School Co/Extra Curricular Success Dedicated Account

Town of Kittery
Ordinance Approving School Budget for
Fiscal Year 2021-2022

The Town of Kittery hereby ordains pursuant to Title 20-A, sections 1485 and 15690, that:

1. The following school budget articles be adopted and approved for Fiscal Year 2021-2022

For Regular Instruction	\$7,843,383.62
For Special Education	\$4,368,790.00
For Career and Technical Education	\$6,752.00
For Other Instruction	\$368,605.25
For Student and Staff Support	\$2,054,847.48
For System Administration	\$748,914.66
For School Administration	\$1,080,585.32
For Transportation and Buses	\$686,979.00
For Facilities Maintenance	\$1,304,897.90
For Debt Service and Other Commitments	\$720,997.00 and
For All Other Expenses	\$100,000.00

2. The sum of \$12,900,245.29 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and the sum of \$10,850,497.01 be raised as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

State Mandated Explanation: The Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.

3. The sum of \$ 720,997.00 be raised and appropriated for the annual payments on debt service previously approved by the Town's legislative body for non-state-funded school construction projects, and non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the Town's contribution to the total cost of funding public education from kindergarten to grade 12;

State Mandated Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

4. The School Committee be authorized to expend \$19,284,752.23 for the fiscal year beginning **July 1, 2021 and ending June 30, 2022** from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.
5. The School Committee be authorized to expend State, Federal and other grants, aid, donations, gifts and other revenues for the fiscal year **July 1, 2021 through June 30, 2022** in addition to the school's general fund operating budget.

Town of Kittery
Ordinance Approving Additional Local Funds for School Budget
for Fiscal Year 2021-2022

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

The Town of Kittery hereby ordains in accordance with the separate approval requirement of Title 20-A, section 15671-A(5)(B) that \$ 5,222,809.94 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$ 5,222,809.94 as required to fund the budget recommended by the School Committee.

The School Committee recommends:

\$ 5,222,809.94 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$ 5,222,809.94

\$ 5,222,809.94 is needed in order to sustain educational services and programs for all students K-12. These funds support teachers, staff development, guidance counselors, nurses, co-curricular activities, auxiliary personnel and administrators to maintain class sizes and quality of educational services as expected by the town. Additionally the school district actively pursues all available avenues to collaborate and consolidate services in order to offset the escalating costs of utilities, insurance and other fixed costs.

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



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

REPORT TO TOWN COUNCIL

Meeting Date: April 12, 2021
From: Animal Control Working Group
Subject: Title 6 - Animal Control Phase 2
Council Sponsor: Vice Chair Judy Spiller

EXECUTIVE SUMMARY

Meeting over a four month period, the Council-appointed Animal Control Working Group (five citizens, the Town Manager, the Police Chief, the Animal Control Officer, and a Town Councilor), and after reviewing current dog-related regulations, those of surrounding communities, and comments received by Council about dogs over the past spring and summer, recommends that specific leash-only hours be designated at Fort Foster and Seapoint from the day after Labor Day until the day before Memorial Day, excluding weekends in May and September when the Park is open for visitors, and year round at Rogers Park (Table 1). Further, it suggests Council formally designate the Pier East Beach (Mother's Beach) as no dogs allowed when Fort Foster is open as a park, and that it strike Title 12.4.8, which restricts Seapoint/Crescent to Kittery-resident dogs only in the summer.

BACKGROUND

Responding to controversy over how to address dog issues at Town parks (Fort Foster, Rogers, and Seapoint/Crescent Beaches), the Town Council in December appointed a five-member citizen committee, including a Parks Commission representative, to develop recommendations. Participants were selected by Council Chair Thomson and Town Manager Amaral, based on their applications, which stated a desire for dog-friendly policy that also accommodated those wanting protection from unwanted dog contact while at Town parks. The Working Group, assisted by Town Manager Amaral, Councilor Spiller, Police Chief Richter, and Animal Control Officer Byrnes meet regularly from December to March.

The Committee determined that any policy involving dogs had to balance the interests of dog owners with those wishing to use the parks without interference from dogs. It also agreed that policy needed to insure the safety of park users; be enforceable; and be easily communicated. It recognized that any policy would be a compromise. The Working Group reviewed current park use and access regulations (Titles 6 and 12); dog regulations from surrounding communities (Table 2); the numerous comments from Kittery residents about dog access; and the range of park users and uses.

Kittery dog ordinances – Title 6: <https://www.ecode360.com/KI3028-DIV-07>; Title 12: <https://www.ecode360.com/KI3028-DIV-13>

SURROUNDING COMMUNITIES

Our review (Table 2) showed that most Seacoast communities place some restriction on dog access. During summer months, the popular recreation areas either prohibit dogs; require dogs on leash; or only allow dog access, on- or off leash, during early morning and late afternoon.

Resident comments on the dog issue - Comments indicated that most dog-human-interactions were positive, but some indicated that negative interactions (charging, jumping, disrupting) while not meriting a formal complaint, nonetheless detracted from park enjoyment. Some stated that they no longer walked at the parks, fearing being knocked over by a dog. A special case were complaints from those, while walking their dogs on leash, were approached by off-leash dogs, triggering an aggressive response by the off- or on-leash dog or both.

PARK USERS AND USES

Our list of users included families with young children, school trips, older adults some with mobility issues, bird and other nature observers, and, of course, those with dogs were frequent visitors.

Options - We considered the following:

- Maintain the status quo - Keeping the current regulations did not address the experience and the safety of some users
- Ban dogs entirely - Likely unenforceable and unfair to the responsible dog owners
- Create a dog park - An acceptable location would have to be identified; dogs parks are noisy and additional Town staff would be required for the needed regular maintenance. Behavior issues are sometimes are a problem.
- Restrict access to certain areas, for example off leash at Crescent Beach or Fort Foster's Dive beach - Would require additional Town staff to enforce
- Balance hours when dogs could run free with those when dogs were restricted – Our preferred option.

RECOMMENDATION

We concluded that no policy would make everyone happy, and any change in policy required communication with users and enforcement. First, we recommended that the current “summer hours” for Fort Foster and Seapoint/Crescent remain in place with minor changes in timing. Second, we recommended that for the rest of the year at Fort Foster and Seapoint/Crescent, on-leash only hours - again with enforcement - be implemented from 10 am to 3 pm. This change would allow time for those not wishing dogs to interfere with their park use, while also allowing time for dog owners to exercise and train their dogs. We also recommended that the on-leash only hours at Rogers Park be year-round from 10 am to 3 pm. Finally, we recommended that when Fort Foster is open, the Pier Beach South be designated as “no dogs”. Finally, we found the restriction at Seapoint/Crescent during the summer that limited access only to dogs those belonging to Kittery residents as confusing and unenforceable and so suggested that it be removed from Title 12.4.8.

The committee had additional recommendations with respect to improved signage, communicating dog rules to residents when registering their dogs; the need for dog owners and others either through a formal volunteer group and individually to remind dog owners about dog waste rules and controlling their dogs. The committee had lengthy discussions about what exactly voice control meant and how it could be enforced and the appropriate dog leash length – both without conclusion. And, of course, the committee discussed parking problems (currently under discussion by the Parks Commission) and animal waste. Both topics were not in the Committee's charge.

Table 1. Proposed Dogs Regulations – Fort Foster, Rogers Park, Seapoint/Crescent Beach
Criteria

- Balance access/use (fairness)
- Enforceable
- Easy to communicate

	On Leash	Off Leash	No Dogs
Fort Foster - winter	10 am – 3 pm	Before 10 am; after 3 pm	
Fort Foster -summer	10 am – park closed	Before 10 am; after park closed	No dogs – Pier Beach*
Fort Foster – gate staffed after Labor Day and before Memorial Day	10 am – park closed	Before 10 am; after park closed	No dogs – Pier Beach*
Rogers Park	10 am – 3 pm	Before 10- am; after 3 pm	
Seapoint/Crescent – summer		Before 10- am; after 5 pm	10 am – 5 pm
Seapoint/Crescent – winter	10 am – 3 pm	Before 10- am; after 3 pm	

* - see attached illustration

Table 2. Summary of Area Dog Regulations
York, ME

The following restrictions apply to domestic animals on Cape Neddick Beach, Short Sands Beach, Long Sands Beach and Harbor Beach.

- No domestic animals shall be present on these beaches between the hours of 8 a.m. and 6 p.m. from May 20th through September 20th.
- Dogs on these beaches will be required to be on a leash between May 20th and September 29th between the hours of 6 p.m. and sunrise.
- Between May 20th and September 20th dogs will be allowed to unleashed between sunrise and 8 a.m. as long as the dog is under the voice control of its owner or responsible party

Eliot, ME

Section 61-10 No dog shall be present on a beach or park unless on a leash held by an owner or responsible party who is capable of controlling the dog.

Ogunquit, ME

Title VII Animal Control, Chapter 2. 206

- Dogs are not permitted on the Ogunquit Beach area from April 1st to September 8th.
- Dogs are not permitted on the Marginal Way from April 1st to September 30th
- Dogs are permitted on the Ogunquit Beach Area from September 9th to March 31st.
- Dogs are permitted on the Marginal Way from October 1st to March 31st

- Dogs must be on a leash.
- Dogs are not permitted in the Ogunquit River Estuary at any time.

Running at Large 202

The owner of any pet or other animal shall not permit that pet or animal to run at large, except when used for hunting or on private property with the consent of the property owner. Dogs or other animals shall not be allowed to run at large on any public property or rights-of-way in Town.

Ogunquit dog park

Wells, ME

All dogs that go on the beach from April 1st to September 15th must be on a leash and in control of a responsible person per Town Ordinance 86-1.

From June 16th to September 15th no dogs are allowed on the beach between the hours of 8 a.m. and 6 p.m. per Town Ordinance 86-1. Dogs may go on the beach before 8 a.m. or after 6 p.m. but must always be on a leash.

Dover, NH

City parks - prohibited

Community trail – dogs leashed

Dog park - Longhill Dog Park

Leash law in city

Durham, NH

49-1. Leash Requirement.

Except as provided in section 49-2, all dogs in the Town of Durham shall be restrained by a leash not exceeding eight (8) feet in fixed length or a retractable leash with stop control.

Wagon Hill Farm - Dogs must be on leash at all times except from Dawn to 10:00 a.m. daily

NH State Beaches: Wallis Sands, Jenness, Hampton, North Beach

State Beach	Pets Not Allowed	Pets Allowed
Wallis Sands	May 1 – Sept. 30	Oct. 1 – April 30
Jenness	May 1 – Sept. 30	Oct. 1 – April 30
Hampton	May 1 – Sept. 30	Oct. 1 – April 30
North Beach	May 1 – Sept. 30	Oct. 1 – April 30
North Hampton	Year-round	
Odiorne State park	Year-round	

Animals must be on a standard or retractable leash not greater than 6 feet in length.

New Castle, NH

Dogs must be leashed when in all town parks or on other town property with the exception of the town owned park located on Wentworth Road (former USCG land) commonly known as “Town land” during the hours of 8 pm and 8 am daily.

Portsmouth, NH

Fenced dog park – South Mill Pond

Dogs off leash: South Mill Pond along shore/Haven Park/Langdon Park; Goodwin Park; Great Bog; Park area – between railroad tracks off Borthwick Avenue; Ward Park

No Dogs: Prescott Park - no dogs; Pierce Island – no dogs until sewer plant completed

Rye, NH

Dogs are not permitted on Town beaches before 7:00 p.m. or after 9:00 a.m. from the Saturday before Memorial Day to the first Saturday after Labor Day. At other times of the year these hourly restrictions do not apply. The only exception will be the area between Wallis Sands State Park and Odiorne State Park, where dogs and people are allowed between the hours of 6:00 am and 12 midnight. Dogs must be under voice control or leashed.

Chapter 6.1 Animal Control – Phase 2

ADD Fort Foster, Seapoint and Crescent Beaches to §6.1.4 with restrictions as follows:

1 § 6.1.4 **Control of pets on public property.**

2 A. No pet is allowed to be at large, as defined above, on any public property, or on private property
3 without the consent of the property owner. This section does not prohibit the owner from using a dog
4 for hunting, where hunting is permitted, provided the dog is under the voice control of its owner.

5 B. No dog is allowed to have contact with any person, or animal under control of a person, other than the
6 owner or responsible party unless such person has communicated to the owner or responsible party, by
7 word or gesture, their consent to be approached by the dog.

8 C. Owners must immediately collect and properly dispose of or secure feces left by their pet(s) on any
9 improved portion of public ways or sidewalks, and in public parks. Owners or responsible parties must
10 maintain possession of their pet's feces while on public property.

11 D. No person may be a responsible party for more than 3 dogs at any time while in a Town park.

12 E. Dogs must be on a leash at all times when on public ways or sidewalks.

13 F. John Paul Jones Park

14 1. Dogs are prohibited at all times.

15 G. All Playing Fields in Kittery

16 1. Dogs are prohibited at all times.

17 H. Seapoint and Crescent Beaches

18 1. Dogs are prohibited 10AM to 5PM from Memorial Day to Labor Day each year.

19 2. Dogs must be on leash 10AM to 3PM from the day after Labor Day to the day before Memorial Day
20 each year.

21 I. Fort Foster

22 1. Dogs are prohibited on Pier Beach East, as designated by signs, on weekends in May and September,
23 and every day from Memorial Day to Labor Day each year.

24 2. Dogs must be on leash 10AM to park closing on weekends in May and September, and every day from
25 Memorial Day to Labor Day each year.

26 3. Dogs must be on leash 10AM to 3PM from the day after Labor Day to the day before Memorial Day
27 each year.

28 J. Rogers Park

29 1. Dogs must be on leash 10AM to 3PM year-round.

AMEND Seapoint and Crescent Beaches as follows:

30 § 12.4.8 **Animals.**

31 A. ~~Control of dogs is governed by Chapter 6.1 of the Code. No domestic animal is allowed within~~
32 ~~Seapoint or Crescent Beaches, except that dogs, while under the control of their owner or keeper, are~~
33 ~~allowed on Crescent and Seapoint Beaches at times other than between the hours of 10:00 a.m. to~~
34 ~~5:00 p.m. from June 15 through September 10 of each year. This limitation does not apply to guide or~~
35 ~~seeing eye dogs when used as such. At no time may the owner or keeper of any dog allow that dog to~~
36 ~~run at large on Crescent or Seapoint Beaches or enter upon any publicly owned salt marsh~~

37 immediately adjacent to Seapoint or Crescent Beach. From May 15 to September 30, inclusive, only
38 dogs licensed to Town residents are allowed on Seapoint and Crescent Beaches.

39 B. ~~A pooper scooper rule is in effect for dogs. Owners and keepers must properly dispose of animal~~
40 ~~waste either by placing it in supplied receptacle(s) or, if one is not supplied, by taking it with them~~
41 ~~when leaving the beaches.~~

AMEND Fort Foster as follows:

42 § 12.5.1 **Animals.**

43 A. Control of dogs is governed by Chapter 6.1 of the Code. ~~With the exception of dogs, no domestic~~
44 ~~animals are allowed in Fort Foster Park, and dogs are subject to the following conditions:~~

45 ~~A. — Dogs must be leashed at all times during park hours (10:00 a.m. to 8:00 p.m.) on weekends in May~~
46 ~~and September and every day from Memorial Day to Labor Day, inclusive. A maximum leash of eight feet~~
47 ~~is allowed.~~

48 ~~B. — While under control of the owner or keeper, dogs are also allowed in the park during the following~~
49 ~~days and times:~~

50 ~~(1) — During weekdays, prior to Memorial Day in May;~~

51 ~~(2) — Before park opening (sunrise to 10:00 a.m.) between Memorial Day and Labor Day;~~

52 ~~(3) — During weekdays, after Labor Day in September; and~~

53 ~~(4) — Between sunrise and sunset from October 1 to April 30, inclusive.~~

54 ~~C. — A "pooper scooper" rule is in effect for dogs. Owners or keepers must take their dogs' solid waste~~
55 ~~with them when leaving the park.~~

KITTERY TOWN CODE
TITLE 6
ANIMAL CONTROL – PHASE 2

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, pursuant to its powers that
7 authorize the town, under certain circumstances, to provide for the public health, welfare,
8 morals, and safety, and does not intend for this Ordinance to conflict with any existing state or
9 federal laws; and

10 **WHEREAS**, the Town of Kittery seeks to improve the control of animals for the protection of
11 residents and the use and enjoyment of public property, by addressing animals at-large, animal
12 feces on public property, and nuisance or menacing animals; and

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

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

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

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

**TOWN COUNCIL BOARDS AND COMMITTEES
INTERVIEW FORM**

TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Cyrus Clark and Chair, Jeff Brake

RE: APPOINTMENT TO: Education Scholarship Committee

DATE OF INTERVIEW: April 5, 2021 at 4:30pm a.m./p.m.

We have interviewed Cameron Hamm, 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

Jeff Brake

Cyrus Clark

Signatures

ATTENDANCE RECORD (for reappointments only)

Excellent _____

Good _____

Poor _____



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

REPORT TO TOWN COUNCIL

Meeting Date: April 12, 2021
From: Kendra Amaral, Town Manager
Subject: Fort Foster Parking on Pocahontas Road
Council Sponsor: Vice Chair Judy Spiller

EXECUTIVE SUMMARY

Over the years, abutting neighbors of Fort Foster have raised concerns and complaints about the traffic/parking/congestion on Pocahontas Road. Complaints include vehicles blocking private property access, dog waste and litter left on the side of the road, unsafe vehicle turnarounds and unsafe pedestrian access.

During the recent local state of emergency, parking was temporarily restricted at the Fort Foster Gate and on the west side of Pocahontas. The restrictions were established to reduce crowding at the gate, create a safe turnaround area for cars, and safe shared drive/parking/walking space for Fort Foster visitors. The temporary parking restrictions were lifted when the local declaration of emergency was ended.

The group is now seeking to make the parking restrictions on Pocahontas permanent.

PARKING RESTRICTIONS PROPOSED

Since the COVID emergency began, more people, both within and outside of Kittery, have visited Fort Foster. On October 29, 2020, a meeting was held with three neighbors to discuss the issues, challenges and options to address parking and crowding around the Fort Foster gate. The meeting included me, Chief Richter, DPW Commissioner Rich, and Councilor Judy Spiller. A member of the Parks Commission was invited to participate, however was unable to attend due to scheduling conflicts.

In the meeting, we discussed various ideas, and the potential benefits and challenges of each. At the conclusion, we agreed that I would document the options and provide it to Council for direction. The Council supported the concept of opening the gate during the off season when road conditions permitted (no snow).

We met again with the neighbors on March 24, 2021 to get feedback on the open gate and determine next steps with parking. Again, the discussion focused on the congestion around the gate both for queuing and parking. This meeting included me, Chief Richter, DPW Commissioner Rich, and David Wrocklage, serving as the Parks Commission representative. We concluded the meeting by agreeing to propose to the Council an ordinance amendment restricting parking on the west side of Pocahontas permanently. We also agreed to look into shifting the Fort Foster hours to open an hour earlier, and thereby close an hour earlier.

The group also agreed to seek a meeting with the Parks Commission to discuss their broader concerns and ideas.

The proposed Title 10 amendment will restrict parking on the west side of Pocahontas from the Fort Foster gate to 300 feet north, or just past the first private way. If approved, the DPW will install permanent no-parking signs along this section of the road.

PROPOSED SOLUTION/RESOLUTION

Approve amendment as proposed.

ATTACHMENTS

- Proposed Title 10 Amendment
- Proposed Title 10 Amendment Enactment
- Map of Impacted Area

TITLE 10
Pocahontas Road

AMEND § 10.3.1.1 to prohibit parking on the west side of Pocahontas near the Fort Foster Gate as follows:

Parking is prohibited at all hours in the following locations:

Pocahontas Road, on the west side, beginning at the Fort Foster Gate and continuing in a northerly direction for 300 feet

**KITTERY TOWN CODE
TITLE 10
POCAHONTAS PARKING RESTRICTION**

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, pursuant to its powers that
7 authorize the town, under certain circumstances, to provide for the public health, welfare,
8 morals, and safety, and does not intend for this Ordinance to conflict with any existing state or
9 federal laws; and

10 **WHEREAS**, year-round visitation to Fort Foster has grown significantly over the years,
11 increasing the number of vehicles and pedestrians flowing through and around the Fort Foster
12 entrance gate; and

13 **WHEREAS**, the Town seeks to address safety concerns for abutting residents and for visitors to
14 Fort Foster; and

15 **WHEREAS**, due to the COVID pandemic the Town temporarily implemented the proposed
16 parking restrictions and found them to improve safety and crowding at the Fort Foster gate;

17 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN
18 CHARTER §2.14 THE TOWN OF KITTERY HEREBY ORDAINS AN AMENDMENT TO TOWN
19 CODE TITLE 10.3.1.1 PROHIBITED AT ALL TIMES, AS PRESENTED.
20 .

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

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

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



1508.13'

55-57

51-8-2

51-11

RIVE

51-8-3 1

.8

60

51-8-4

177.64'

110.94'

1.8

51-9

76

April 6, 2021



Ms. Kendra Amaral
Town Manager
Town of Kittery
200 Rogers Road
Kittery, ME 03904

Re: Revised Petition for Sewer Main Extension – Route 236
Kittery Car Wash (Map 28 Lot 25D)
Reference No. 19-134

Dear Ms. Amaral:

Pursuant to §13.1.4.1, it is the intent of this letter and attachments to serve as a revised petition to Town Council for approval to extend the public sewer main along Route 236 from the intersection with Martin Road to Tax Map 28 Lot 25D, located at the intersection with MacKenzie Lane. It is requested that this petition be scheduled for consideration at the April 12, 2021 Town Council meeting.

Earlier this year, a similar petition for extension was denied without prejudice by Town Council at the February 8th meeting. Based upon the input received by the Board, it seemed that they wanted more detailed information regarding the system and a better understanding of how it could impact abutters. We believe the Board will find that this revised petition provides more detailed information for consideration.

The applicant has also put forth a significant effort to notify abutting residents of the proposal and gain their input. As you are aware, each abutter was sent an invitation (via certified mail) to attend a neighborhood outreach meeting. Town staff was also invited, and we thank you and Timothy Babkirk for participating. This meeting took place on March 24th and was hosted by Tidewater Engineering. The primary objective was to explain the proposal to extend sewer, discuss how the extension could impact them and to gain their input. Please see the “public outreach” section below for more information.

The following additional documents are enclosed for review for your review:

1. Proposed Route 236 Sewer Main Extension Route Map
2. Letter from Attorney Joseph Lenkowski dated March 31, 2021.
3. Letter from Kittery Sewer Department dated November 23, 2020.
4. Meeting Minutes from Neighborhood Public Outreach Meeting held on March 24, 2021.
5. E/One Report from F.R. Mohony & Associates, Inc. dated March 18, 2021.



The following summary is provided for the Board's consideration in a similar format to the original petition, but with additional sections and more detailed information.

SUMMARY OF DEVELOPMENT:

On September 24, 2020, the Kittery Planning Board approved a site plan application for the construction of a two-bay automatic car wash to be located at the corner of MacKenzie Lane and Route 236 (Tax Map 28 Lot 25D). The development, as currently designed, includes a reclaim system that cleans and reuses gray water from the car wash bays and stores the residual effluent within underground tanks. The residual effluent that can no longer be reclaimed is to be hauled off-site via pump trucks for disposal. This reclaim system does not connect to the Town's public sewer system.

At this time, the applicant would like to pursue the option of eliminating the reclaim system by seeking approval from Town Council per §13.1.4 of the Town Code to extend the Town's public sewer system to Map 28 Lot 25D. The nearest sewer manhole is located approximately 2,000 feet southeast of the site along Route 236 at the intersection with Martin and Stevenson Road. Due to the existing topography along the proposed route, it is evident that a gravity sewer main is not a feasible option; therefore, a low-pressure force main is proposed.

If the proposed sewer main extension is constructed, the applicant will be required to seek approval of a site plan amendment from the Planning Board to eliminate the reclaim system and to connect to public sewer.

DESIGN AND SPECIFICATIONS:

The force main will be designed with sufficient capacity to accommodate the car wash and all abutting property owners along the route. In addition, an analysis will be completed that evaluates projected sewer flows from future development or re-development that may connect to the system in the future. Areas of potential expansion will be presented to the Town Staff for their review and comments.

The force main and appurtenances shall be designed, installed, inspected and tested in accordance with Town's "Contractor Specifications". Prior to construction, engineered design plans will be submitted to Town staff and Timothy Babkirk, the Superintendent of the Sewer Services, for review and approval.

Enclosed is a letter dated November 23, 2020 from Timothy Babkirk, Superintendent of Sewer Services, stating the treatment plant has adequate capacity to handle the additional flows from the car wash.

PROPOSED ROUTE:

Based upon preliminary information, it is anticipated that the force main would be directionally drilled under Route 236 from the car wash site to the west side of Route 236. From here the force main would be installed off the southwest side of the paved shoulder and extend to the intersection of Route 236 and Martin/Stevenson Road. The end of the force main would be connected to the 8-inch diameter sewer pipe that is stubbed out of the existing sewer manhole within the intersection.

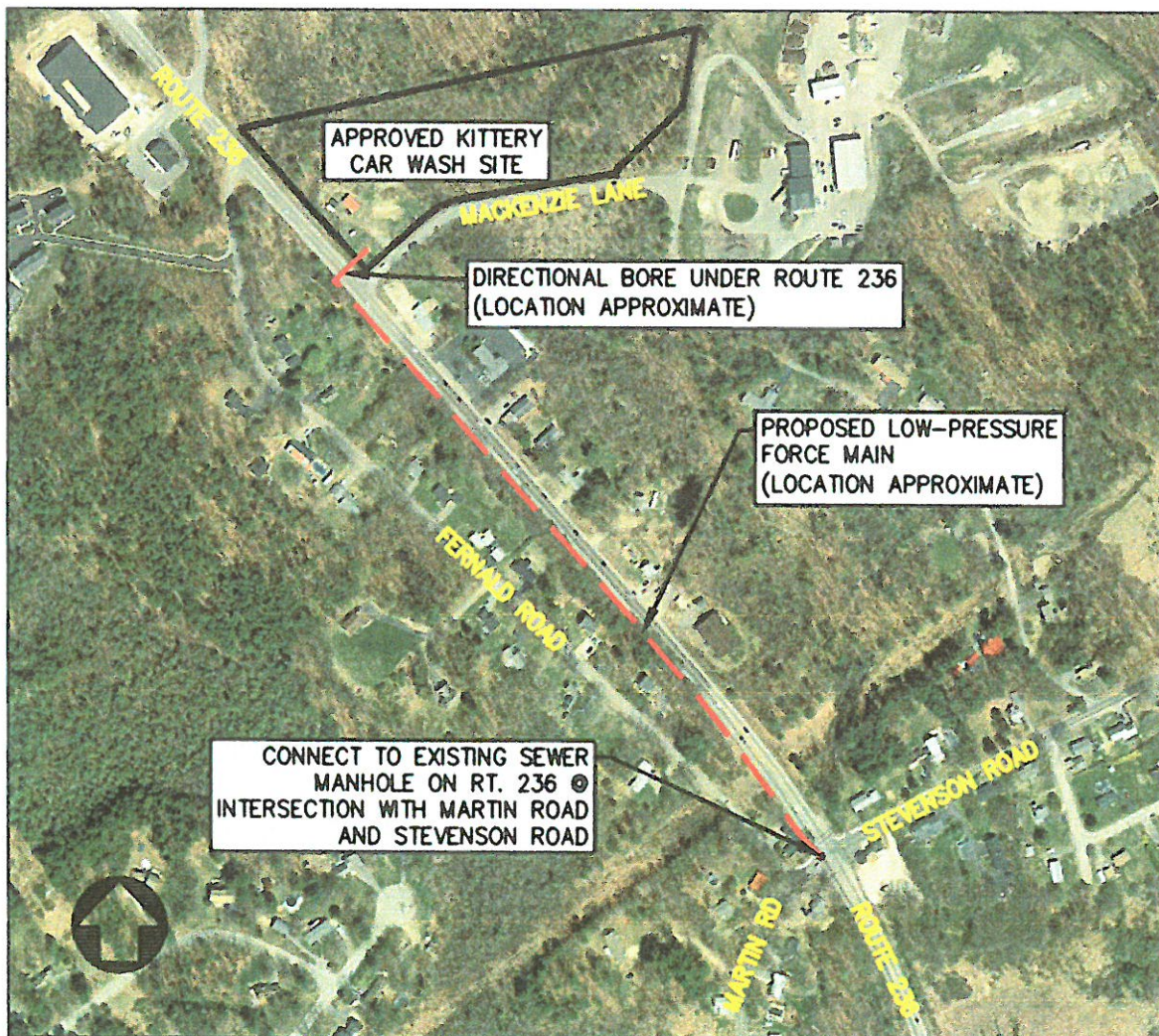


Figure 1: Route of Proposed Force Main

OWNERSHIP:

The proposed force main is required to become the property of the Town of Kittery once construction is complete and after passing all necessary inspections and testing requirements. Service connections from the car wash and other abutting parcels along the route will be private up to the connection point on the force main. Each private service will require an individual pump, located on private property, in order to connect to the low-pressure force main. No pumps are proposed to be located within the State right-of-way.

COST OF CONSTRUCTION:

The costs to construct the force main within the right-of-way will be paid for by the developer in accordance with §13.1.4.2.C. Abutting property owners that wish to connect to the force main may do so at their own cost and are encouraged to do so during the construction of the force main. Provisions will be made during construction of the force main for those that wish to connect at that time.

POTENTIAL IMPACTS TO ABUTTERS:

Betterment Fees: Typically, the costs to construct a public sewer main extension is passed along to and shared by each abutting property owner through what is called betterment fees. Since the developer will be paying to construct the sewer main, abutters will not need to share in the construction costs of the main itself. The Town, however, can still choose to collect a betterment fee. Based upon earlier discussions with the Town, it is likely that the betterment fees will be in the form of an increase in the assessed values of the abutting properties, which would result in an increase in property taxes. The amount of increase would be determined by the Town Assessor.

Impact and Connection Fees: Per the Town Code, abutters will be charged an impact fee and a connection fee if they were to connect to the public sewer system. For a single-family house, the impact fee is \$3,000 and the connection fee is another \$3,000, for a total of \$6,000. This would be due at the time of connection. Commercial uses would be charged on a per unit basis as defined by the code.

Service Construction Costs: Each abutting property owner that chooses to connect to the force main will be responsible to pay for the construction of their individual service and for purchasing the E/One pump system. We have gathered some preliminary estimates for a residential sewer service connection that we thought might be helpful to share with the Board. It is important to note that these are just examples of cost estimates and that each abutter's specific costs may vary depending upon their site conditions. For example, some buildings may



be located further away than others. Some properties may have ledge just below the surface while others have sandy soils that are easy to dig a trench through. It is recommended that abutter's obtain individual bids from local contractors if they are considering connecting.

Example of Residential Service Connection Cost Estimate

- A. E/One Grinder Pump: \$5,000
 - 1. Includes pump chamber, pump, alarm panel, lateral kit
 - 2. 2 years parts and labor warranty
 - 3. Inspection during installation
- B. Installation of Grinder Pump & Service Line: \$5,000 to \$13,000
 - *Range due to varying site conditions and length of service line
- C. Total Estimated Cost = \$10,000 to \$18,000
- D. Compare this to a new Septic System at \$20,000 to \$30,000.

FEBRUARY 8, 2021 PUBLIC HEARING:

A public hearing was held during the February 8th Town Council meeting, however only one abutter (Timothy Bascom - 10 Fernald Road) provided comment. Mr. Bascom asked whether he and the other abutters would be required to connect to the system. No other comments were made. After the Town Council's vote, the following comments were provided by viewing members of the public outside the public hearing.

Arthur Corso (72 Route 236 – Kittery Business Center): Mr. Corso stated that he received the public hearing notice a couple days ago and did not have time to think about the proposal and ask questions. Mr. Corso would love to have it go by his property but was not sure if it would go by his property since he didn't see a map. He understands it would cost him money to tie into it. Mr. Corso stated that "Bottomline, he did not have enough time to comment intelligently."

Timothy Bascom (10 Fernald Road): He did have other comments to make but did not realize he wouldn't have another opportunity after the public hearing. Mr. Bascom does not want to be forced to connect to the system after 20 years. His system will be 20 years old come November. He received quotes for roughly \$7,000 to trench and lay pipe to the system. This does not include the macerator pump or the installation plus the cost of an electrician to run power. Overall, the cost might be around \$12,000 which is a lot cheaper than putting in a new system, but would just want the option to do it. He did have his system inspected when he bought the house and that the sand in his field looked clean and was told he should be able to get another 20 years out of it. He primarily expressed he wants the option to connect and does not want to be forced to tie in and incur an expense that he doesn't need at this time.

ADDITIONAL PUBLIC OUTREACH:

It was evident from the Town Council members that they would have liked to hear from more of the abutters before endorsing the petition. To address this concern, each abutter was sent an invitation (via certified mail) to attend a neighborhood outreach meeting. Town staff was also invited, and we thank you and Timothy Babkirk for participating. This meeting took place on March 24, 2021 and was hosted by Tidewater Engineering. The primary objective was to explain the proposal to extend sewer, discuss how the extension could impact abutters and to gain each individual's input.

The following is a list of those in attendance at the neighborhood public outreach zoom meeting.

- Ryan McCarthy, PE PLS – Tidewater Engineering & Surveying, Inc.
- Aaron Wiswell – Applicant
- Daryl Coppola – F.R. Mohony & Associates (pump supplier)
- Kendra Amaral – Town Manager
- Timothy Babkirk – Town Superintendent of Sewer Services
- Russell Bunting - 28 Fernald Rd
- Brian Zorthar - 60 Route 236
- Josh Seymour - 70 Route 236
- Timothy Bascom - 10 Fernald Rd
- Diana Theberge - 143 Martin Rd
- Beth Hallissey - 26 Fernald Rd

Meeting Agenda:

1. Attendance / Virtual Sign-in Sheet
2. Introduction
 - a. Who we are.
 - b. Why we are hosting this meeting.
3. History of Kittery Car Wash
4. Summary of Proposed System
 - a. Type of system (low pressure force main).
 - b. Costs of Construction
5. Impact to Abutters
 - a. Betterment Fees: Likely increase in tax assessment.
 - b. Impact Fee: \$3,000
 - c. Connection Fee: \$3,000
 - d. Service Construction Costs
 - e. Comparison to cost to replace septic system.

6. Long Term Costs and Maintenance
 - a. Minimal periodic maintenance.
 - b. Electricity costs.
 - c. Service calls.
 - d. Typical life span.
 - e. Warranty: 2 year parts and labor
7. Town Requirement to Connect to Public Sewer (Town Code §13.1.1.11)
 - a.
8. Benefits of Public Sewer
 - a. Increase in property values.
 - b. Enhance environmental protection.
 - c. Increase development opportunities along Route 236.
 - d. Less long term maintenance costs.
 - e. No long worry about your septic failing.
9. FAQ Slideshow by Daryl Coppola (F.R. Mohony & Associates)
10. Questions / Comments

Meeting Minutes: See attached meeting minutes that include all the questions and comments from the abutter present at the meeting. Please note, we intended to record the entire meeting, however due to technical difficulties, only the question and comment period at the end was recorded. We can certainly provide this video to the Town and Board if they would like a copy.

Future Communications: We have obtained contact information from the abutters in attendance at the meeting and plan to keep them updated on the status of this petition as we move forward. This petition submittal will be emailed to the group along with any subsequent correspondence.

FOLLOW-UP: REQUIREMENT TO CONNECT WHEN GRAVITY FLOW CANNOT BE OBTAINED:

Based upon the public input received at the neighborhood zoom meeting, the general consensus amongst the residential abutters on Fernald Road was that they are in support of the project as long as they would not be required to connect until their septic system fails. Section 13.1.1.11.C of the Town Code outlines when connection the public sewer is required as follows...

- A. *Owners of all structures with use requiring the disposal of sewage with public sewer located within 100 feet of the property line as measured along any public way are required, at their expense, to install suitable waste effluent and/or toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so. Pursuant to Town Code Title 16, Chapter 16.8, Article VII, Sewage Disposal, connection to the public sewer is required for a commercial or industrial development or a residential subdivision, where public*

- sewer, within an abutting public way, is within 1,000 feet of the property line as measured along said public way.*
- B. If an owner can demonstrate to the Town Manager diligent effort in arranging the connection, but is unable to meet the ninety-day connection deadline due to force majeure circumstances, the Town Manager may grant an extension and waive the penalties of Town Code Title 1, Chapter 1.3, General Penalty.*
 - C. When gravity flow cannot be obtained from the building or the property, connection to said public sewer is not required. However, this does not preclude waste flows from being pumped to the public sewer should the property owner so wish. Properties not required to connect at the time of a main extension project for this reason must do so when the existing septic/leach field system fails or must otherwise be replaced.*
 - D. Owners of properties with a septic tank and leach field system installed within 20 years of any main extension project completion date may request deferral of connection until the system has reached the 20 years after installation anniversary.*

By virtue of the functionality of a proposed low-pressure sewer system, a gravity flow sewer service is not an option for abutting property owners, therefore per Subsection C), connection to the public sewer is not required until their existing septic/leach field system fails or must otherwise be replaced. I believe we are all in agreement that this section applies to all abutting property owners. The component that is in question through our discussions with the Town is whether those that qualify for the Subsection C exemption are also subject to the "20 years after installation anniversary" specified in Subsection D.

The applicant's attorney has advised us that Subsection A establishes the general principal that owners of all structures requiring sewage disposal with public sewer located within 100 feet of the property line must connect to the public sewer. Subsections B, C and D provide exceptions to the general requirements of Subsection A when certain circumstances exist. Subsection C provides an exemption for properties in which gravity flow is not feasible. Subsection D provides an exemption for properties that have paid for and installed a new septic system within the last 20 years. As Attorney Lenkowski states in his letter, "Subsections C and D are manifested independent of one another and intended to deal with two entirely different scenarios."

Please see enclosed letter from Attorney Joseph Lenkowski dated March 31, 2021.

CONCLUSION:

We want to thank the Town Council for their time in reviewing our first petition for the proposed sewer extension and allowing us to return with more detailed information. Our efforts to solicitate more public involvement have given us a better understanding of how this proposed sewer main may impact the abutting property owners.

It is clear that support from the residential abutters hinges almost entirely on whether or not the Town will require them to connect to the sewer system even if their existing subsurface



wastewater disposal system is functioning properly, but more than 20 years old. In Tidewater Engineering & Surveying's professional opinion, the fact that a system is 20 years old does not mean that it needs to be replaced. We have seen systems fail within five years and we have seen systems that are well over 40 years old still functioning adequately. Failure of systems occur due to many factors which may include, but is not limited to, underlying soil conditions, the quality of installation during construction, lack of proper maintenance and system overburdening. This question was posed by the majority of the abutters present during the neighborhood public outreach meeting but could not be answered at that time.

The Town Attorney did issue a memorandum dated January 20, 2021 to the Town Manager to provide guidance for the original sewer extension petition. It appears that his review was based upon an assumption that the system would be a gravity sewer extension as §13.1.1.11.C was not specifically addressed. We respectfully request the Town attorney review this petition, along with the attached letter from Attorney Joseph Lenkowski, and provide clarification for us and the abutters to the project.

We have also been in contact with three commercial abutters of the project. Initial discussions indicate support from all three owners, however one owner (60 Route 236) has plans to begin construction for a new development this spring. As a result, timing of the proposed sewer extension may not coincide with installation of a new septic system for their proposed development.

Provided the proposed sewer main extension does not provide an undue hardship on abutting property owners, we believe this project is beneficial to the applicant, the Town as a whole and the abutting property owners. Just as in the first petition, if the Board approves the petition, the applicant will then proceed with preparing engineered calculations and plans for your review and approval. Construction cost estimates would then be completed based upon an approved design. If determined to be cost beneficial to the applicant, they would then proceed gaining the necessary permits for construction.

We hope that this revised petition provides the additional information requested by the Board. Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan M. McCarthy".

Ryan M. McCarthy, P.E., P.L.S.

President
Tidewater Engineering & Surveying, Inc.



(207) 439-2222
ryan@tidewatercivil.com

Cc w/ Enclosure: Timothy Babkirk – Superintendent of Sewer Services
Aaron Wiswell – Kittery Car Wash
Daryl Coppola – F.R. Mohony & Associates
Russell Bunting – 28 Fernald Rd (Abutter)
Brian Zorthar - 60 Route 236 (Abutter)
Josh Seymour - 70 Route 236 (Abutter)
Timothy Bascom - 10 Fernald Rd (Abutter)
Diana Theberge - 143 Martin Rd (Abutter)
Beth Hallissey - 26 Fernald Rd (Abutter)
Arthur Corso – 72 Route 236 (Abutter)



ATTACHMENT 1

PROPOSED ROUTE 236 SEWER MAIN EXTENSION ROUTE MAP



ATTACHMENT 2

LETTER FROM ATTORNEY JOSEPH LENKOWSKI DATED MARCH 31, 2021

PROPOSED ROUTE 236 SEWER
MAIN EXTENSION ROUTE MAP

KITTERY CAR WASH SITE

MACKENZIE LANE

END OF PROPOSED
EXTENSION

PROPOSED LOW PRESSURE
SEWER FORCE MAIN
(LOCATION APPROXIMATE)

START AT EXISTING SEWER
MANHOLE ON RT. 236 @
INTERSECTION WITH MARTIN ROAD
AND STEVENSON ROAD

#28

#76

#26

#72

#24

#70

#22

#68

#20

#64

#18

#62

#16

#14

#60

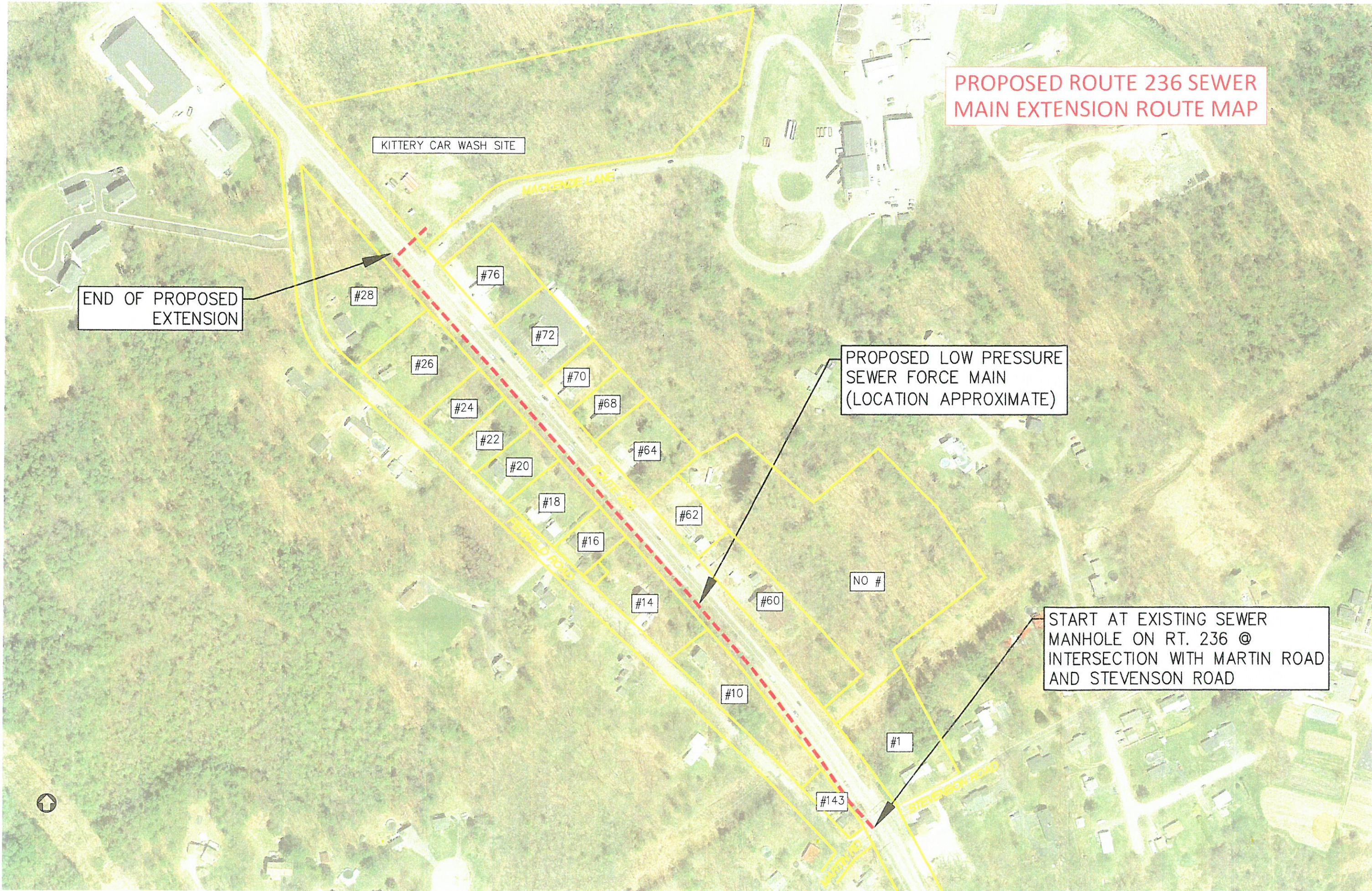
NO #

#10

#1

#143

STEVENSON ROAD



**JOSEPH V. LENKOWSKI
ATTORNEY AT LAW
1038 MAIN STREET
POST OFFICE BOX 1139
SANFORD, MAINE 04073**

TELEPHONE: (207) 850-1139
FAX: (207) 636-8081

EMAIL: jlenk@metrocast.net

March 31, 2021

Aaron J. Wiswell
9 White Pine Way
North Berwick, ME 03906

Re: Kittery Car Wash Sewer Line Extension

Dear Aaron:

You have requested my opinion regarding the application of Kittery Town Code §13.1.1.11 to your plans for installing a low pressure sewer line from the Kittery Car Wash facility located at 1 McKenzie Lane to the existing sewer line connection located at the intersection of Stevenson Road and Martin Road.

As I understand your request, you are specifically concerned about the effect of 13.1.1.11(A-D) on the rights and obligations of property owners located along the intended route of the planned sewer line extension. For purposes of this opinion I have assumed the accuracy of your assertion that none of the affected property owners would be able to obtain gravity flow to the proposed line.

§13.1.1.11(A) establishes the general principal that the owner of a structure requiring sewage disposal must connect to a public sewer line located within 100 feet of that owner's property line. Subsections B, C and D provide exceptions to the general requirement of Subsection A when certain circumstances exist. Subsection C controls in the current situation. In those situations where gravity flow cannot be obtained from the building or property in question, the requirement to connect to the public sewer line is deferred until such time as the existing septic/leach field system serving that property fails or must otherwise be replaced.


You have indicated that a representative of the Town has suggested that the provisions of Subsection C are applicable only to properties which also meet the criteria established by Subsection D (deferral for owners with private septic systems installed within 20 years of a line extension). This is clearly incorrect. Subsections C and D are manifestly independent of one another and intended to deal with two entirely different scenarios.

The first sentence of Subsection C reads as follows: "When gravity flow cannot be obtained from the building or the property, connection to said public sewer is not required." This is a clear and unambiguous statement which leaves no room for interpretation. The obvious intent is to spare a property owner with a functioning private septic system from the perhaps significant expense of installing a pump mechanism until that expense becomes unavoidable due to the failure of the private system. Subsection D is simply an exception for newer private systems and has nothing whatsoever to do with gravity flow.

In summary, §13.1.1.11(C) relieves any building owner on the route of the new line who cannot obtain gravity flow from the obligation of connecting to the new line until such time as that owner's private system fails.

I hope the above is helpful. Feel free to contact me if you have any additional questions.

Very Truly Yours,



Joseph V. Lenkowski



ATTACHMENT 3

LETTER FROM KITTELY SEWER DEPARTMENT DATED NOVEMBER 23, 2020



TOWN OF KITTERY, MAINE

SEWER DEPARTMENT

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 439-4646 Fax: (207) 439-2799

November 23, 2020

Mr. Ryan M. McCarthy
President Tidewater Engineering & Surveying Inc

Re: Conditional Approval Letter for the
Proposed Private Force Main – Route 236
Service for Kittery Car Wash (Map 28 Lot 25D)
Reference No. 19-134

Dear Mr. McCarthy,

This letter is to confirm that there is sanitary sewer service available for the proposed Car Wash at the corner of Mackenzie Lane and Route 236 with the sewer connection being made at the intersection of Route 236 and Martin/Stevenson Road should approval be granted by the Town of Kittery. The sewer system (piping and pumping stations) and the treatment plant will have the capacity and ability to handle the discharge flow estimates of 1,465 Gallons per day of wastewater requiring treatment and disposal.

During Engineering and construction plans may change and if they do consideration for acceptance may change. Please notify me if changes are made.

If you have further questions or concerns please contact me.

Sincerely,

Timothy Babkirk

Timothy Babkirk
Town of Kittery
Superintendent of Sewer Services
1-207-439-4646
tbabkirk@kitteryme.org

Cc: Kendra Amaral – Town Manager
Bart McDonough – Town Planner



ATTACHMENT 4

MEETING MINUTES FROM NEIGHBORHOOD PUBLIC OUTREACH MEETING
HELD ON MARCH 24, 2021

***DRAFT* MEETING MINUTES**



**NEIGHBORHOOD PUBLIC OUTREACH MEETING
RE: PROPOSED ROUTE 236 SEWER EXTENSION**

DATE: 3/24/2021

TIME: 6:00 PM

ZOOM MEETING ID: 411 046 0928

1. Attendance – Virtual Sign-In Sheet

(phone numbers and email address omitted for privacy purposes)

- Ryan McCarthy, PE PLS – Tidewater Engineering & Surveying, Inc.
- Aaron Wiswell – Applicant
- Daryl Coppola – F.R. Mohony & Associates (pump supplier)
- Kendra Amaral – Town Manager
- Timothy Babkirk – Town Superintendent of Sewer Services
- Russell Bunting - 28 Fernald Rd
- Brian Zorthar - 60 Route 236
- Josh Seymour - 70 Route 236
- Timothy Bascom - 10 Fernald Rd
- Diana Theberge - 143 Martin Rd
- Beth Hallissey - 26 Fernald Rd

2. Introduction

Good evening everyone. Thank you all for joining us tonight. This is a neighborhood meeting to discuss a potential sewer expansion on Route 236 from the intersection of Stevenson and Martin Road to MacKenzie Lane, the road that leads to the Town's transfer station. My name is Ryan McCarthy. I am an engineer with Tidewater Engineering and Surveying. Also with me tonight is Aaron Wiswell and Daryl Coppola. Aaron is the owner of the future Kittery Car Wash to be built at the corner of MacKenzie Lane and Daryl is a representative from F.R. Mahony & Associates who specialize in the low pressure sewer system being proposed for this extension.

The purpose of this meeting is to gather your input as abutters to this proposed sewer extension, to explain how the system will work, to discuss how this may benefit or impact you as abutters, and to answer any questions you may have.

3. History of Kittery Car Wash

To give you a quick history, in the fall of 2020, the Town of Kittery Planning Board approved the construction of a car wash to be located at the corner of Route 236 and MacKenzie Lane. As no sewer is currently available on Route 236, the car wash was designed with a water recycling and reclamation system that includes holding tanks to

store the residual effluent that can no longer be recycled. These holding tanks need to be pumped and trucked off-site as needed once they are full.

By extending public sewer to the car wash, the holding tanks would no longer be necessary; therefore, we would like to pursue approval from the Town to construct this sewer extension. We have completed some preliminary investigation and found that the nearest sewer manhole is located approximately 2,000 feet southeast of the site along Route 236 at the intersection with Martin and Stevenson Road. Due to the existing topography along the proposed route, it is evident that a traditional gravity sewer system is not a feasible option; therefore, a low-pressure force main is proposed.

As the sewer system will be located within the State right-of-way, the force main will be designed to accommodate not only the car wash, but all abutting property owners along the route. We anticipate the force main would be installed off the edge of the pavement on the southwest side of the road.

4. Summary of Proposed System

- a. Type of System - The proposed system as mentioned earlier would be a low-pressure sewer system. This means that each property owner that connects to the public sewer would have to install their own individual pump located on their property, typically next to your house. A small plastic pipe, usually only 1-1/4" diameter for single family residence, would extend from your pump and connect to the force main on Route 236. You would no longer need or use your existing septic tank or leach field.
- b. Costs of Construction - The developer of the car wash would bear the costs to construct the force main within Route 236 from their property to the intersection with Martin Road. It would then become the property of the Town of Kittery once construction is complete and after passing all necessary inspections. Abutting property owners would be responsible to pay for their individual connection if they chose to do so.

5. Impact to Abutters

- a. Betterment Fees: The first thing I want to discuss is better fees. Typically, the costs to construct a public sewer main extension is passed along to and shared by each abutting property owner through what is called betterment fees. Since the developer will be paying to construct the sewer main, you will not need to share in the construction costs of the main itself. The Town, however, can still choose to collect a betterment fee. Based upon earlier discussions with the Town, it is likely that your property assessment will increase roughly 10% since the value of your property will go up with the availability of public sewer. As a

result, you would likely see an increase in your real estate taxes, probably around 10%.

- b. Impact and Connection Fees: Second, per the Town Code, you would be charged an impact fee and a connection fee if you were to connect to the public sewer system, due at the time of connection. For a single-family house, the impact fee is \$3,000 and the connection fee is another \$3,000, for a total of \$6,000. We have no control over this.
- c. Service Construction Costs: The third thing to be aware of is the costs to construct your individual sewer service. To be clear, the developer would pay for the force main in the road, however you would be responsible to pay for the construction of your individual service that connects to the sewer main in the road.

We have gathered some preliminary estimates for a residential sewer service connection that we thought might be helpful to share with you. It is important to note that these are just examples of cost estimates and that your specific costs may vary depending upon your site conditions. For example, some buildings may be located further away than others. Some properties may have ledge just below the surface while others have sandy soils that are easy to dig a trench through. It is recommended that you obtain actual estimates from local contractors to evaluate your individual options.

- i. E/One Grinder Pump: \$5,000
 1. Includes pump chamber, pump, alarm panel, lateral kit
 2. 2 years parts and labor warranty
 3. Inspection during installation
- ii. Installation of Grinder Pump & Service: \$5,000 to \$8,000
- iii. Total Estimated Cost = \$10,000 to \$18,000
- iv. Compare this to a new Septic System at \$20,000 to \$30,000.

6. Long Term Costs and Maintenance

- a. Minimal periodic maintenance. Does not need to be pumped annually like a septic tank. No accumulation of solids.
- b. Electricity Costs: Estimated at \$4.16 per month or \$50 annually.
- c. Service Calls: average time between service calls is 8 to 10 years
- d. Major Rebuild: i.e. rebuild or replace pump is 15 to 20 years. Average major rebuild cost is \$3000 vs replacement septic is another \$20,000 to \$30,000.
- e. Warranty: 2 year parts and labor warranty

7. Town's Requirements to Connect to Public Sewer (§13.1.1.11 of Town Code)

- a. Residential property owners located within 100 feet of the public sewer are required to connect within 90 days after being issued a notice by the Town, unless...
 - i. An extension is granted by the Town Manager provided you can demonstrate a diligent effort in arranging the connection.
 - ii. When gravity flow cannot be obtained from the building or the property, connection to said public sewer is not required, however connection is required when your existing septic/leach field system fails or must otherwise be replaced. **Currently we have requested clarification from the Town if this section applies to this project since each connection requires a pump and because a gravity connection cannot be obtained by any abutter.**
 - iii. If your septic system was installed within 20 years of the construction completion date, you may request deferral of connection until the system has reached the 20 year after installation anniversary.

§ 13.1.1.11 Installation of toilet facilities and connection to public sewer required.

- A. *Owners of all structures with use requiring the disposal of sewage with public sewer located within 100 feet of the property line as measured along any public way are required, at their expense, to install suitable waste effluent and/or toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so. Pursuant to Town Code Title 16, Chapter 16.8, Article VII, Sewage Disposal, connection to the public sewer is required for a commercial or industrial development or a residential subdivision, where public sewer, within an abutting public way, is within 1,000 feet of the property line as measured along said public way.*
- B. *If an owner can demonstrate to the Town Manager diligent effort in arranging the connection, but is unable to meet the ninety-day connection deadline due to force majeure circumstances, the Town Manager may grant an extension and waive the penalties of Town Code Title 1, Chapter 1.3, General Penalty.*
- C. *When gravity flow cannot be obtained from the building or the property, connection to said public sewer is not required. However, this does not preclude waste flows from being pumped to the public sewer should the property owner so wish. Properties not required to connect at the time of a main extension project for this reason must do so when the existing septic/leach field system fails or must otherwise be replaced.*
- D. *Owners of properties with a septic tank and leach field system installed within 20 years of any main extension project completion date may request deferral of connection until the system has reached the 20 years after installation anniversary.*

8. Benefits of Public Sewer

- a. Increased property values
- b. Enhance environmental protection
- c. Increase development opportunities
- d. Less long term maintenance costs
- e. No longer worry about your septic failing

9. FAQ Slideshow from Daryl Coppola of F.R. Mohony & Associates.
10. QUESTIONS / COMMENTS – The following is a summary of the questions and comments from the public during the meeting but should not be considered verbatim. Please refer to video recording if necessary.

Brian Zorthar (60 Route 236)

1. What is the general timeline for construction? *Ryan - Explained the next step is to bring it to Town Council. If approved, we would then do engineering plans and design and see if it will move forward to construction depending on pricing. If it does move to construction, it may be sometime later this year, maybe next year, but dependent on a number of factors.*
2. Have you looked at commercial pricing and have a general ballpark for that? *Ryan - Explained that the pump systems are chosen based upon design flows for each specific use. For example, a restaurant has much higher design flows than a warehouse. A warehouse use with one bathroom would likely be similar to or the same as the residential pumps.*
3. The timing puts us in a tough decision because they want to construct in April and were planning on septic. Asked to keep him updated on progress.
4. Stated that he is in support of the project.

Russell Bunting (28 Fernald Road)

1. His house is more than 100 feet but his property is zoned commercial. Does that affect them at all? *Ryan - Explained the zone that the property is located in doesn't change things. The Town looks at the "use" of the property so since he has a residential house on the property, he is still considered residential and the 100 foot distance applies.*
2. Will the car wash move forward if the sewer extension doesn't happen? *Ryan - Yes. Explained that the car wash is approved with a reclaim system and will be constructed that way if the sewer extension doesn't happen. If connected to Town sewer, then they wouldn't install the reclaim system.*
3. Putting the residents in the position where they need to spend money to connect to the public system when you can move instead just go with the reclaim system makes him against the sewer extension. He understands it from a commercial perspective, but not for the residential owners since its an undue hardship. *Aaron - Explained that the way we read the ordinance (with the disclaimer that we don't have clarification on this), the only way you would be required to tie in is if your system fails since you can't install a gravity system. To be fair, that's the way our legal counsel reads it, and we are waiting on the Town to have their council review and give their feedback. If you had a failure, this would be the cheaper alternative than installing a*

new leach field. We can understand the position of being forced to connect when you have a system that functions adequately.

Timothy Bascom (10 Fernald Road)

1. I agree with Russell's comments and I agree a lot with Aaron's comments (see above). The biggest thing we need from council members is the clarification on the verbiage. If us, the abutters, don't have to tie into the system until our own systems fail, I am all for this car wash going in. If it is going to require us all to tie into the system when our systems are 20 years old, when I know most of the systems are... I know mine will be 20 years old in a few months, I can't afford \$10,000 or close to \$20,000 to do this. I think the biggest thing is just getting clarification on the verbiage. If there is a way to opt out, I'm all for it. If the Town is going to require us to connect as soon as we get out of the 20 year mark, I'm against it.

Ryan – One thing I want to point out is that if your septic system fails in the future and this doesn't go in, you'll obviously have to put in a new system. You'll need to do a new design and there may be a chance there isn't another suitable location on your property, at which point you'll probably wish you had this system available to tie into. (directed at everyone in general)

Tim – Responded that he agrees and that he may have a different opinion, but he just moved in here and had his system inspected and it looks great and the sand is clean. I think one of the problems is Title 13 and the Town putting this arbitrary number of 20 years when septic systems can go a lot longer than 20 years.

Josh Seymour (JD Investments 70 Route 236)

1. I understand Russell's point where there is no undue money to be spent if there is no need to. I am wondering where the 20 year mark came into on the septic. I've sold real estate and know systems can go a lot longer than that. I think it increases property values so if there was not the 20 year stipulation in place and we would plan ahead for this expense, I think it would be a huge benefit for the business owners and residents along that stretch. There was another stretch in Town where the residents had to pay for an abatement (he meant betterment fee) for benefitting from that. This business owner here (meaning Aaron) is offering to pay for the whole construction himself. At the point where your system fails, I do this that this would be a cheaper option to connect to and a better option. I would strongly promote this here. I do think it would help our values along that stretch.

Ryan – Responded that we don't know where the 20 year rule came from but it is in the Town Code and that's what we have to follow. If would change it and have it say "when your system fails" or require an annual inspection or similar, to give someone the ability to get a waiver to connect, we would, but unfortunately we have to follow the Code as it's written.

Kendra – We can look back and research when it was put in place but its been there a number of years. What was assessed on the Stevenson/Martin Road residents was a better fee as opposed to an abatement. With regards to the 20 year rule, the Town has historically interpreted that as 20 years or failure whichever comes first, but we are going back and looking to the Town Attorney to make sure there is not conflict with that interpretation.

Diana Theberge (143 Route 236)

- 1. I am already tied into septic on Martin Road. Just want to make sure we are exempt from all fees. Ryan – Correct you are exempt since you are already connected.*
- 2. I am impacted though and want to know the septic, depth and diameter of the lines coming through my property. There is also natural gas. I would like a little bit more understanding of how this will affect my property. Ryan – Most of those details will be worked out during the engineering phase but I can say that the force main would not be located on your property, it has to stay within the right of way. I understand you are right up tight to Route 236. I can say that its likely that when we get closer to your property, we would be veering into the road in order to connect to the sewer manhole that is in the pavement as opposed to the side of the road.*
- 3. When they came down Martin Road it was a similar situation but there was still going to be an incurred cost whether you connected or not. Ryan – Explained that there were betterment fees for that project since the Town paid for the construction. In this case, the developer is paying for it so the betterment fees would likely be an increase in your property values so an increase in your taxes. This wouldn't apply to you since you already are connected to sewer and it goes by your property. For others, if the sewer now goes by their property, their property is worth more, so the Town may assess the property more which means your taxes would go up.*
- 4. There are some positives for this. I can see that, but I do agree with Russell and the undue hardship. It is a big cost to incur. What else is pending approval. Ryan – Explained we went with a petition to Town Council in January/February that was not approved but they denied it without prejudice so that we could come back with another petition. It sounded like they*

wanted more public input so sent letters to inform abutters and are holding this meeting.

5. I know the Town offered some low interest rates to some people that couldn't afford to tie in. Is that anything the Town can offer? *Ryan – I think those rates applied to betterment fees. In this case, with no betterment fees, there's likely not an availability for those low rates. Kendra – Confirmed it was for the betterment fees and spread the costs over maybe 15 years. It was not to pay for the connection fees. Tim – Confirmed connection and impact fees are due at the time of connection only.*

Timothy Bascom (10 Fernald Road)

1. If this does go through and the Town requires us to hook up, if one of the abutters doesn't have the money to pay for connection, what is the penalty going to be? *Kendra – Explained in the most recent expansion we had a deferral for income that had to meet certain criteria based upon the poverty level.*

Aaron Wiswell

1. Do the Town Council have the ability to eliminate the 20 year ruling and make it so people only have to connect when their system fails as part of the approval for this project. *Kendra – Good question. I don't have an answer specific to this issue. Generally the council does have the ability to issue approval and add conditions as long as it is not in violation with the Code. Potentially they have the ability but they could be opening up the Town to significant lawsuits from those required to follow it the other way. It is unlikely that they will rule in a way different than what the Town Attorney advised them.*

Ryan – (follow up question) What is the process to actual change that section of the ordinance?

Kendra – The Town Council has to do it through a two-meeting process. The first meeting is to schedule a public hearing and discuss what the proposed amendments are. The second meeting they hold the public hearing, take public comment and either vote at that meeting or at a subsequent meeting.

Beth Hallissey (26 Fernald Road)

1. Is E/One the sole company that can install this system or are there multiple companies that can do it? *Ryan – They are the supplier of the type of pump and system presented tonight. Deferred to Daryl if there are other systems they can install instead? Daryl – Our design solely looks at what our E/One pumps do an operate so we can tell you how other pumps would operate and they have different conditions and way they operate. That would not be*



something we would recommend. Could you do it? Possibly if the Town was comfortable with it. Confirmed that they do not do any installation, they provide the product, inspection and warranty. Ryan – Clarified that the developer is installing the force main in the right of way but each abutter would be required to hire a contractor to install their own service.

Diana Theberge (143 Route 236)

- 1. Is the manhole cover dead center in the intersection? Ryan – Not dead center but possibly in the left turn lane onto Stevenson if I remember correctly.*
- 2. Are there more meetings to come? Ryan – The next step is to review with the developer and maybe have a meeting with the Town. If the developer wants to proceed, we can notify everyone when the Town Council meeting would be. Explained the first meeting to schedule the public hearing and explain the petition. The second meeting is to hold the public hearing and possibly vote on the petition. We will definitely keep everyone posted.*



ATTACHMENT 5

E/ONE REPORT FROM F.R. MOHONY & ASSOCIATES DATED MARCH 18, 2021

Pressure Sewer System VS. Septic For

Rt 236 Kittery ME

Kittery, ME

March 18, 2021



March 18, 2021

RE: Rt. 236 Kittery, ME

Dear Aaron Wiswell;

This letter is provided to show the differences between a traditional septic system and a pressure sewer system using E/One grinder pumps. FR Mahony has been designing and servicing E/One grinder pumps in New England for about 47 years, E/One sewer systems have been installed over the world for the past 50 years. The information in this letter is gathered from our own experiences and from sites around the world similar to Kittery, ME.

Installation

A new septic tank and leach field system requires a large footprint and results in ripping apart one's yard. A typical leach field size is 20 feet x 30 feet. This can be costly and a nuisance.

A new E/One has a smaller footprint, typical residential tank is about 29.5" in diameter, and 93" tall. Discharge off the pump is 1 ¼" the line can be dug in a small trench to connect, as well as the inlet pipe typical size is 4". This requires a smaller footprint and easier clean up. Once the tank is installed, replacement or repair of the pump core, is done from above ground with ease and little nuisance. (*See below pictures of during and after installs.*)

Life Expectation

A E/One grinder pump is averaging about 10-15 years before an alarm. This does not mean the pump is dead, just that it needs a repair or part replaced. The tank and piping we use is HPDE which has a life expectation of over 100 years. In addition the system is water-tight which does not allow waste to leak out or water to leak in. The tank should not need to be replaced in your lifetime of ownership. The pump or core is easily removed and replaced if needed. (*More below in maintenance section.*)

Maintenance

Septic tank and leach field systems do require annual maintenance and pumping to

keep the system running and remove accumulated solids/sludge. The cost to pump a septic tank depends on the size but averages \$500 to \$1000 per cleaning. Some traditional system still requires a pump if the leach field is located uphill from the house. This adds to the maintenance requirements.

A E/One pressure sewer system requires no annual maintenance or pumping. The core is designed to create a vortex inside the tank that pulls debris from the bottom and around the tank and clear out. The pump runs about 5-8 cycles a day depending on use, this keeps the water moving and never turns septic, which prevents odors and corrosion. Estimated cost of ownership is \$50 a year.

When the pump goes into alarm, a certified technician responds to the call, the simply remove the cover and remove the core (pump) and in most cases can repair right in the driveway and have back in operation in a short time. In the event the core cannot be repaired on site or needs to be replaced. The system is set up for a spare to be easily plugged in and installed in less than 10 min. A new core would be the same approach. Excavation is not needed again after the first install.

Cost

Average New Septic System Cost: \$20,000 to \$30,000.

Estimated New E/One System: \$10,000 to \$13,000 (materials + installation)

Attached is a quote for a typical residential E/One pump system (product only). It is advised that bids for installation be obtained from local contractors as each property's site conditions are different.

Life cycle cost: The typical cost to replace the pump (core) is \$2,665 including tax and installation. Assuming you have to replace the pump every 15 years, this would break down to \$178 per year. This is much less when compared to the cost (\$20,000 +) and disturbance of replacing a septic system.

Best regards,

Daryl Coppola

darylcoppola@frmahony.com 781-820-5808 Cell



F. R. Mahony & Associates
273 Weymouth Street
Rockland, MA 02370

Tel: (781) 982 9300 Fax: (781) 982-1056

Date: 3/5/2021

FRMA Contact: Jessalyn Obert
 jessobert@frmahony.com

Quotation Number:10931-0

Kittery, Maine

As exclusive representative for ENVIRONMENT/ONE CORPORATION in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, we are pleased to submit our proposal for ENVIRONMENT/ONE Grinder Pump Station as follows:

- (1) ENVIRONMENT/ONE Model **DH071-93** Grinder Pump Unit for **outside burial**. Each unit is complete with pump, grinder, level controls, siphon breaker, check valve, 1 HP **240 volt single phase** electric motor, and 70 gallon high density polyethylene (HDPE) tank with one 4" SCH40 grommet inlet 180° from discharge. Also included for each unit is HDPE accessway equipped with an electrical quick disconnect plug, a discharge line shut-off valve, and a quick disconnect assembly for removal of the core unit (pump).

This pump station will also be supplied with:

1. Environment One Simplex Sentry Alarm Panel complete with circuit breakers, audible and visual alarm, and alarm contacts.
2. Thirty-two feet of direct burial cable to wire from pump station to electrical service. *Longer cable is available
3. Flexible Discharge Connector consisting of 4' HDPE threaded discharge whip with compression coupling for 1.25" or 1.5" IPS dimension pipe.
4. Lateral Kit consisting of curb box w/rod, ss unilateral curbstop/check valve assembly, and adapters for 1.25" or 1.5" IPS pipe.
5. Two-year parts & labor warranty.
6. Installation Inspection

Total for (1) DH071-93	\$3,999.00
Lateral Kit	\$ 305.00
ME Tax, if applicable	\$ 236.72
Freight Estimate	\$ 395.00
Total.....	\$4,935.72

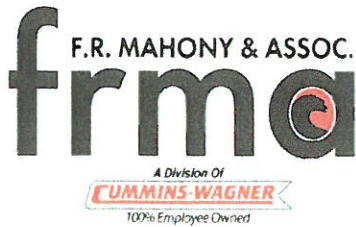
ADDERS

Concrete Bal-Last installed on pump- \$399 plus additional freight and tax.
 100' 1.25" SDR11 Pipe- \$123
 250' 1.25" SDR11 Pipe- \$278

Very truly yours,
 F.R. MAHONY & ASSOCIATES, INC.
 Jess Obert

TERMS: Unit must be paid in full prior to shipment.
 Please allow at least 2-3 weeks for delivery.
This quote is valid for 30 days from the above date.

Accepted by: _____ Company: _____



F. R. Mahony & Associates
273 Weymouth Street
Rockland, MA 02370

Tel: (781) 982 9300 Fax: (781) 982-1056

Date: 3/5/2021

FRMA Contact: Jessalyn Obert
 jessobert@frmahony.com

Quotation Number:10932-0

Kittery, Maine

As exclusive representative for ENVIRONMENT/ONE CORPORATION in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, we are pleased to submit our proposal for ENVIRONMENT/ONE Grinder Pump Station as follows:

- (1) ENVIRONMENT/ONE Model **DH152-93 duplex** Grinder Pump Unit for **outside burial**. Each unit is complete with two pumps, grinders, level controls, siphon breakers, check valves, 1 HP **240 volt single phase** electric motors, and 150 gallon high density polyethylene (HDPE) tank with one 4" SCH40 inlet 180° from discharge. Also included for each unit is one HDPE accessway equipped with an electrical quick disconnect plug, a discharge line shut-off valve, and a quick disconnect assembly for removal of the core unit (pump), and special core removal wrench.
***For installation in a landscaped area.**

This pump station will also be supplied with:

- 1. An Environment/One Duplex Protect Plus Alarm/Disconnect panel complete with circuit breakers, audible and visual alarm, and Protect Plus package.
- 2. Thirty-two feet of direct burial cable to wire from each pump to electrical service.
- 3. Flexible Discharge Connector complete with 4' HDPE threaded discharge whip and compression adapter for 1.25" or 1.5" IPS dimension pipe.
- 4. Lateral Kit consisting of curb box w/rod, ss unilateral curbstop/check valve assembly, and adapters for 1.25" or 1.5" IPS pipe.
- 5. Two-year parts & labor warranty. *Warranty starts from date of shipment.
- 6. Installation Inspection

Total for (1) DH152-93	\$9,656.00
Lateral Kit	\$ 305.00
MA Tax, if applicable	\$ 547.86
Freight Estimate	\$ 395.00
Total.....	\$10,903.86

ADDERS

- Buck Boost Transformer- \$180
- 100' 1.25" SDR11 Pipe- \$123
- 250' 1.25" SDR11 Pipe- \$278

Very truly yours,
 F.R. MAHONY & ASSOCIATES, INC.
 Jess Obert

TERMS: Unit must be paid in full prior to shipment.
 Please allow at least 2-3 weeks for delivery.
This quote is valid for 30 days from the above date.

Accepted by: _____ Company: _____



f.r. mahony & associates inc.

273 Weymouth Street • Rockland MA 02370

water supply and pollution control equipment



tel. 781-982-9300 • fax. 781-982-1056
www.frmahony.com • www.amphidrome.com
info@frmahony.com

NEW SEPTIC TANK INSTALL



NEW PRESSURE SEWER INSTALL



30 DuPaul Street
Southbridge, MA 01550
tel. 508.765.0051
fax 508.765.1244

41 Bayberry Hill Road
W. Townsend, MA 01474
tel. 978.597.0703
fax 978.597.0704

1071 Floral Avenue
Schenectady, NY 12306
tel. 774-402-0354
fax. 518-356-3266

188 Pine Road
South Kingstown, RI 02879
tel. 781-561-6555

COMPLETED SEPTIC INSTALL



COMPLETED PRESSURE SEWER INSTALL



TYPICAL MAINECE FOR SEPTIC SYSTEMS



SERVICE CALL ON E/ONE

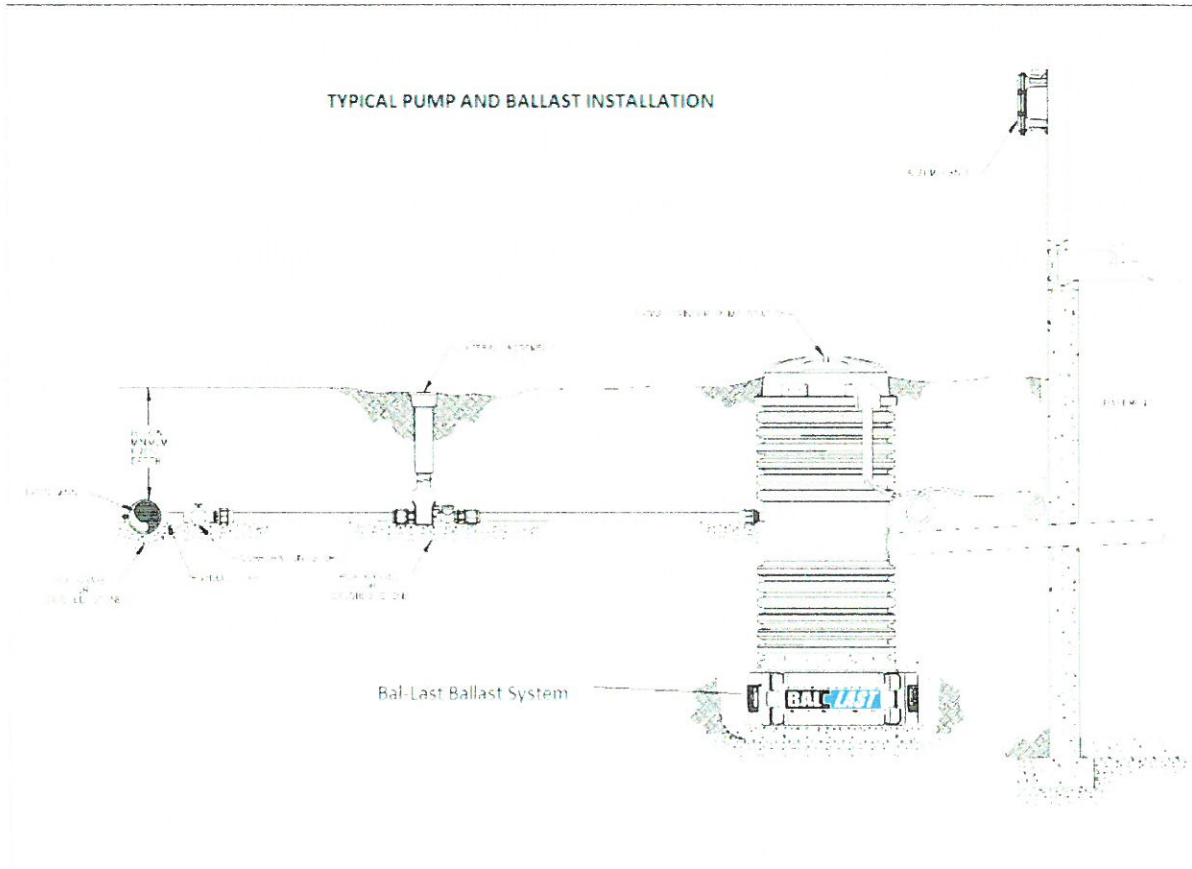


New install after 20 years:



New E/One install after 10-15 years



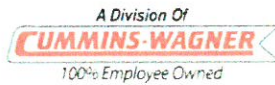


This image shows the typical layout of an outdoor pump unit for single-family home use. This layout will be very similar to the duplex layout. All piping for inlets and discharge will have the same orientation as shown above. The pump unit is furnished complete, ready for installation. The installer needs to confirm the power cord length and discharge and inlet configuration. Standard products are supplied with 32 foot power supply cable. Standard inlets are 4-inch Schedule 40 Grommets (@ zero degrees) with 1-1/4-inch discharge (@ 180 degrees). Other configurations are available.

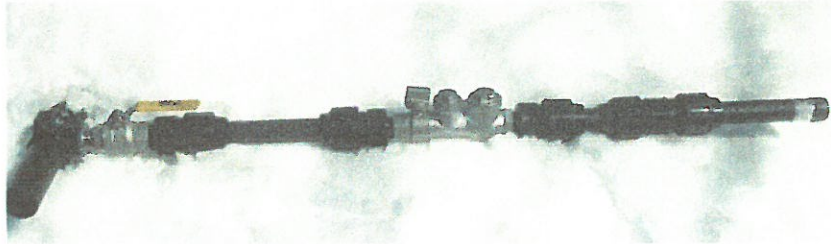
All DH071 Stations require ballast during installation. We have a ballast containment system for these basins to eliminate on-site forming and pouring.

The Bal-Last™ blocks (set of 4) lock to the pump base and exceed Environment One's required ballast for all heights of the DH071 stations in fully saturated soils following proper backfilling.





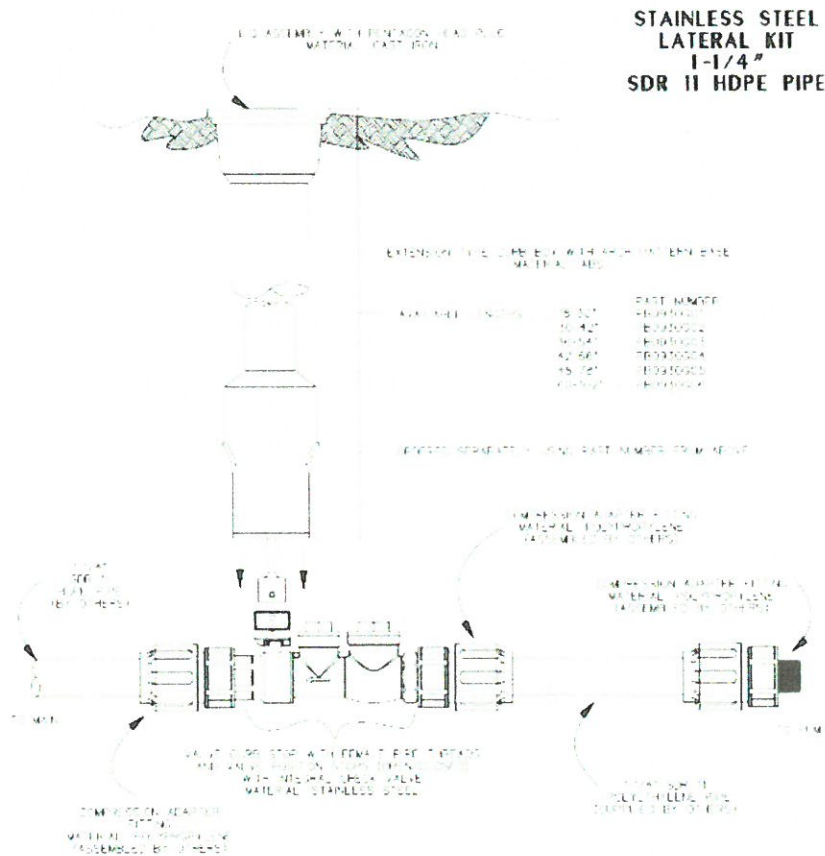
Lateral Connections



Pressure Sewer System pumps must be isolated from the common mainline with a corporation stop and curb stop lateral kit.

The lateral kit will have a full port ball valve and full port redundant check valve. Check valves shall be rated for 150 psi minimum system operating pressure including system back pressure.

Components are to be corrosion resistant Stainless Steel with Corrosion resistant PVC, Polypropylene or HDPE materials.



- NOTES
1. SS CURB STOP/CHECK VALVE AND FITTINGS ARE PROVIDED SEPARATELY TO BE ASSEMBLED BY OTHERS
 2. TO ASSEMBLE, APPLY A DOUBLE LAYER OF TEFLON TAPE AND A LAYER OF PIPE DOPE (SUPPLIED BY OTHERS) TO THE THREADS ON THE PLASTIC FITTINGS AND INSTALL PER THE MANUFACTURER'S INSTRUCTIONS
 3. ASSEMBLY IS TO BE PRESSURE TESTED (BY OTHERS)
 4. ASSEMBLY IS TO BE USED WITH SDR11 HDPE PIPE
 5. TO ORDER SS LATERAL KIT, USE PART NUMBER NCO193001
 6. CURB BOX IS TO BE ORDERED SEPARATELY, SEE ABOVE

KIT PARTS ARE NOT AVAILABLE

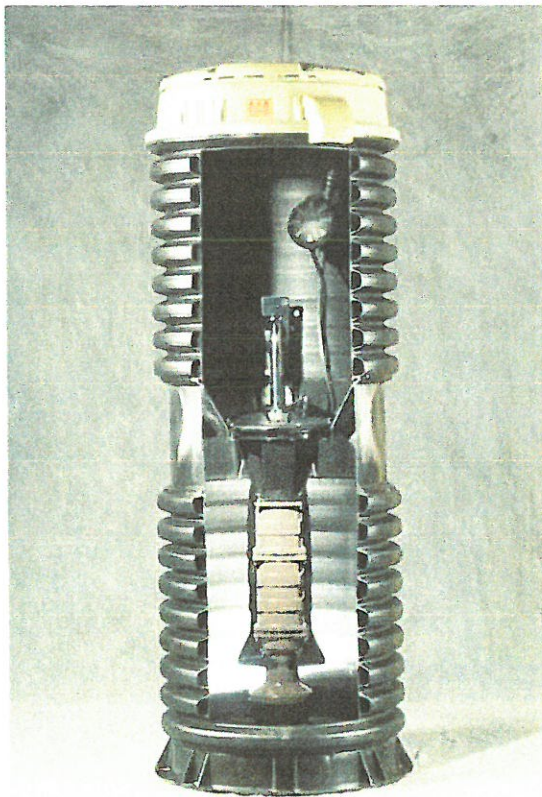
300	100	100	100	100	100
100	100	100	100	100	100

eone
SEWER SYSTEMS
 STAINLESS STEEL LATERAL KIT
 1-1/4" SDR 11 HDPE PIPE

NA0330P02

FOR MOST SINGLE-FAMILY HOMES
Model DH071-93 Outdoor Pump

Station is rated to flows up to 700 gpd



FOR MOST COMMERCIAL APPLICATIONS
Model DH152-93 Outdoor Pump

Station is rated to flows up to 3,000 gpd



Other station configurations are available for higher flow requirements. Please contact us for more information. Additional information may be found at www.eone.com

SIMPLEX PANELS For DH071 Station



Standard alarm panels are the Sentry® panel mounted outside of the home as shown in the drawing (above).

Options include emergency generator connection (see photo) and Redundant alarm Remote Sentry® panel shown. Other panel configurations are available. See the partial listing of panel options below.



- Basic Panels include circuit breaker for the pump and separate breaker for the alarm. These panels include alarm light, alarm buzzer and alarm silence button. **All F. R. Mahony panels are equipped with dry contacts to enable the connection of the Remote Sentry® (battery powered redundant alarm panel option)**
- Standard options include auto transfer generator connection shown above. This panel provides automatic power transfer without having to open the alarm panel or having to operate any manual transfer switching. This feature can be added to the basic panel or the panels offered below.
- Popular options include the **“Protection Package”** which monitors and protects the system from:
 - Pump Run Dry Condition (Pump running out of water)
 - Pump Overpressure Condition (Closed valve)
 - Brownout Condition (Main voltage under 12% of nameplate)
 - High Liquid Level
- The **“Protect Plus”** panel features offer the same items in the “Protection Package” plus the following:
 - High & Low Amperage draw by the pump
 - High & Low voltage to the pump
 - Extended Runtime by the pump (indicating wear or excessive flow) (field adjustable settings)
 - Monitoring of:
 - Real-time Pump Voltage and Current
 - Cycles & Hours (can be reset)
 - Minimum & Maximum Amperage (can be reset)
 - Minimum, Maximum, Average, and Last Run Cycle (in minutes, can be reset)

DUPLEX PANELS – Protect Plus for DH152 Station

The Sentry Duplex Protect Plus panel is an Environment One full-featured Alarm/Monitor panel. The Sentry Duplex Protect Plus panel monitors for the following operating conditions:

- Pump Run Dry Condition – Pump running out of water.
- Pump Overpressure Condition – Pump operating at abnormally high wattage level
- Brownout Condition – Mains voltage under 12% of nameplate rating.
- Overvoltage Condition – Mains voltage above 12% of nameplate rating
- High Liquid Level Real-time,
- High, and Low Voltage to the Pump Real-time,
- High, and Low Wattage drawn by the Pump.
- Extended Pump Runtime (field programmable limit)

The Sentry Duplex Protect-Plus Panel displays pump status, operating parameters, and user options by means of the following indicators: LCD Display to show Pump & Panel operating conditions Four Status Indicators:

- Ready (Green LED)
- Pump Running (Green LED)
- Trouble (Amber LED)
- High Level Alarm (Red LED)

Eight Selectable Modes to view or change panel operation Menu Navigation Buttons – Enter, Scroll, Mode, ↑ 'A' and ↓ '



Standard Features

- Corrosion-proof fiberglass enclosure
 - NEMA 4X rated enclosure
 - Lockable latch with padlock
 - Circuit breakers
- Terminal blocks & ground lugs
 - Dry Contacts
- Lead/Lag indicator lights
 - Alarm indicator lights
 - Run indicator lights
 - Manual Push-to-Run

Panel options, Emergency Generator transfer switch and remote power inlet.

Emergency Generator Transfer Options.

The outdoor pump units may be furnished with a receptacle for connection of emergency power supplies. The images to the right show the connection receptacle on the right side of our Sentry panels.



GENERATOR LOAD TRANSFER PROCEDURE

1. Open generator transfer switch cover.
2. Connect emergency power source (generator) to the panel by plugging it in using the properly sized connector to match the panel and generator.
Cables must be rated to 20-amp, 240-volt with L14-20 connectors.
3. Start the generator. If the portable generator is equipped with a circuit breaker, start generator with it off. Once the generator is at full power, turn the breaker on.
4. If the pump "on" level switch is calling for the pump to run, the pump will automatically start and will continue to run until the liquid level is at the "off" level.
5. If the basin is full to the "alarm" level the alarm will sound and may be silenced using the silence button described below. The pump will start, and the liquid level will be lowered to shut off the alarm light and horn (if not silenced) and will continue to pump until the water level is at the "off" level.
6. If the "on" switch is not calling for the pump to run, the system will remain functional until the liquid level is raised to the "on" level. Only when the "on" level is reached will the pump operate under normal or emergency power.
7. When normal power is restored, shut off the emergency generator supply and unplug the emergency power cord. The Access cover on the alarm panel should snap closed and remain closed under normal operation.



(no operator assistance shall be required to switch from one mode to the other. Manual transfer switches shall not be acceptable alternatives. Automatic transfer capability is required so the mode cannot be inadvertently left in the generator position after pumping down the station in generator mode as is the case with a manual transfer switch).



Environment/One Grinder Pump Units

Operation & Maintenance Questions and Answers

Q. What is the average yearly cost of electricity to operate a unit servicing the typical single typical home?

A. A typical single family home will use 250 gallons of water per day. The E/One pump for this home will consume about 200 kwh of electricity per year. At \$.011/ kwh x 200 kwh = \$22.00 per year cost of electricity to operate the E/One pump.

Q. What is the maintenance schedule?

A. There is no required maintenance schedule. All pump components used are designed to provide years of trouble free service without maintenance. The storage tank is designed to be self-scouring, eliminating the need to wash down the tank periodically.

Q. What if my home is vacant for a period of time?

A. If you are planning to be away for more than two weeks -run clean water into the tank until the pump activates. Shut the water off and allow pump to run until it shuts off. If possible, leave the power on. This will insure that if somehow water from your home (such as a leaky faucet) gets into the tank it will be pumped out.

Q. What materials or objects will clog the pump?

A. The E/One pump is capable of accepting and pumping all materials commonly found in domestic wastewater as well as unintentional disposal of materials such as plastic - diapers - sanitary napkins. The toilet should never be used for a trash receptacle and materials that are non-biodegradable belong in proper trash receptacles. **DO NOT FLUSH** baby wipes.



Avoid - Bones and seafood shells as well as introducing large amounts of grit such as fish tank gravel as these wear on the grinding components of the pump. Avoid dumping cooking grease. Avoid metal (such as a bolt or nut) as these should not enter the grinding shroud.

The following materials should never be introduced into any sewer and may damage the pump components:

Explosives - Flammable materials - Strong chemicals – Gasoline.
Please contact your local authority for proper disposal Methods.

Q. Can I use a garbage disposal?

A. Yes. The E/One pump is not affected by material passing through a garbage disposal. Check local regulations about the use of garbage disposals.

Q. What type of Warranty does this pump unit have?

A. The Environment/One Corporation provides a two-year (from the date of installation) or 27 Month (from the date of shipment) whichever occurs first. The warranty covers manufacturer's defects for the entire pump unit (no pass through warranties) and includes parts and service, which is typically done On-site.

“LEADING THE INDUSTRY WE INVENTED”



Q. How long will my pump last before I need to repair or replace it?

A. The E/One pump unit has been providing sewer to homes and businesses since 1970. Service providers and the Environment/One Corporation have kept excellent service records. The mean time between service calls has proven to be 8 to 10 years. The need for a major pump rebuild has proven to be 15 to 20 years.

Q. What is the cost for a repair or rebuild when needed?

A. Of course it will depend on what pump component was responsible for the service call, but again well kept service records show the most common call is related to wear of the rubber stator (boot) around the stainless steel rotor. We are typically able to rebuild a pump even after 15-20 years of service. The average ownership cost including operation and service has proven to be less than \$70.00 per year.

The E/One pump units you receive today have many upgrades, including solid state relays which should increase the Mean time between service calls and extend the over all life of the pump unit, both of which are already the best in the industry.

Q. If I get an alarm what should I do?

A. F.R. Mahony & Associates Inc. Is and has been the New England representative for the Environment/One Corporation for over 45 years. Each pump unit has an alarm panel in a location convenient to the homeowner. Each alarm panel is supplied with an F.R. Mahony name tag on it with telephone number to reach our 24 hour service department. A trained service technician will respond to your home to repair the pump. The occupants of the home can continue to use the system while the service technician is in route. Most repairs are completed on site. Should the service technician decide that the pump will be repaired at the service shop, they will place a replacement core (at no cost to you) in your wet well. This insures that your sewer system will work while your pump core is being repaired.

Q. Why can't I just call my plumber?

A. Because the pumps (which are designed and engineered specifically to operate in a domestic wastewater environment) are providing a very important function for the homeowner, Environment/One Corporation requires a commitment from the people and companies they approve for service. This commitment includes providing 24-hour service and charging no more per hour than other providers of similar service in the area. The approved service representatives also receive product specific training, insuring the customer receives professional service with genuine factory repair parts in a timely fashion. This policy has proven to be cost effective and appreciated by our thousands of customers.

Q. What happens if there is a power outage?

A. The pump does require electricity to operate. So when the electricity is out the pump will not run. During power outage water usage drops significantly, because the appliances, which account for much of the water we use, are not working. There is adequate storage in the wet well to continue using water for necessities for a period of several days. The pump will automatically come on when power is restored. The Environment/One Corporation now uses a NEMA 6 electrical quick disconnect instead of troublesome junction boxes. This feature allows a generator to be connected and provide power to the pump. Since most power outages are of short duration you will probably never have an occasion to take advantage of this feature.

“LEADING THE INDUSTRY WE INVENTED”



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

REPORT TO TOWN COUNCIL

Date: April 12, 2021
From: Kendra Amaral, Town Manager
Subject: American Rescue Plan Funds
Councilor Sponsor: Chairperson Jeffrey Thomson

SUMMARY

The American Rescue Plan Act (ARP) that recently passed in Congress is expected to provide an important infusion of funds to municipalities buffer the impacts of COVID on our municipal revenue and activities. Based on current estimates the Town of Kittery is expecting to receive approximately \$978,935.

The ARP legislation outlines the intended use of the funds and requires the Treasury Department to develop and issue rules for use, tracking, and reporting of the funds. The rules have not been issued yet, and there is some level of confusion about what are and are not allowable uses of the funds at this time. The intent, as established by the legislation, is as follows:

- to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- for the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; or
- to make necessary investments in water, sewer, or broadband infrastructure.

There are still a lot of questions that need to be answered by the Treasury Department. With that caveat, I am proposing an allocation strategy that appears to be consistent with the legislation and will likely fit within whatever clarifying rules the Treasury Department issues. This allocation strategy is focused on taxpayer impacts and is divided up in a way that should provide some relief for seniors, homeowners in need, and all general property tax payers.

AMERICAN RESCUE PLAN ALLOCATION PROPOSAL

I am proposing we use the funds to offset financial impacts for three categories of tax payers: seniors, home owners that do not qualify for General Assistance, and all general taxpayers through tax levy relief. This plan has been balanced between reserve programs and revenue allocations to ensure we are not creating a catastrophic financial cliff that tends to occur when one-time funds are used for annual operating expenses.

Once the Treasury rules are issued, we may need to adjust the plan if any of these uses are deemed to be non-compliant. I will return to the Council for approval if that is the case.

The funds will be received in two tranches, half this year and half next year. The funds must be spent by December 31, 2024. Use of funds must be reported on a periodic basis. The Town would be responsible to repay the funds if they are used for unallowable uses.

Senior Tax Circuit Breaker - \$375,000

This would allocate 38% of the ARP funds for the Senior Tax Circuit Breaker over the next three years. Typically, we fund this program from the unassigned fund balance. The Town currently funds \$50,000 a year for this program.

The funds would allow the Town to increase the tax credit to qualifying seniors beginning in FY22, and gradually reducing thereafter. The additional funds will also ensure we can accept more eligible seniors without having to reduce the credit for those who already receive the support.

Affordable Housing Programs - \$150,000

This would allocate 15% for programs to support homeowners who do not qualify for General Assistance, but are in need of financial support to stay in their homes. The funds will be allocated to the Affordable Housing Reserve fund. The fund can be used to assist qualified homeowners with needed home repairs, converting units to affordable rental units, and other support activities that help those on the edge of a financial precipice.

Capital Projects - \$265,000

This would allocate 27% for capital needs that offset expenditures otherwise funded through the CIP appropriation. The identified uses reflect capital expenditures we have anticipated in our CIP but are not fully funded as of yet, such as the new Town Hall generator upsized to serve the KPD, VOIP conversation for all town departments, and sidewalk projects. These are one-time projects and in the case of the VOIP conversion, will result in savings on the operating budget.

COVID Supplies - \$10,000

The Town was able to acquire a significant amount of PPE and other supplies through the Keep Maine Healthy grant and FEMA reimbursements this past year. These funding sources have ended, yet the need for PPE and additional supplies is not dissipating. We anticipate we will need to have the elevated PPE expenditures and COVID safety measures in place for one more year. This funding creates a buffer to ensure the Town can continue to maintain supplies without impacting normal operating budgets and the tax levy.

Revenue Loss - \$175,000

This is the one allocation being proposed for the annual operating budget. COVID's impact on the KCC operations has resulted in a loss of \$1M in non-tax revenue annually from COVID. The revenue loss is covered by increasing the tax levy. The proposed revenue loss allocation would be applied to the FY22 revenue budget and directly offset the tax levy needed for the next fiscal year.

A financial cliff occurs when one-time funds are used for annual operating expenses; once the one-time funds dry up the tax levy has to be increased to cover the loss. Though I am very hesitant to allocate one-time funds to the annual operating budget because of the financial cliff scenario; I am confident the KCC will be able to make up the \$175,000 in revenue in FY23, preventing the cliff that impacts property taxpayers.

PROPOSED SOLUTION/RECOMMENDATION

Council to approve the allocation the strategy.

ATTACHMENTS

- Allocation plan
- Excerpts of American Rescue Plan Act

AMERICAN RESCUE PLAN

Total Qualifying Revenue Loss from KCC Operations	
FY21 YTD v FY19	(\$1,048,611) Complete year without COVID
FY21 YTD v FY20	(\$621,861) COVID impacted 3.5 months of revenue collection

Estimated Allocation	\$ 978,935		
Proposed Uses		% of Funds	
Senior Tax Circuit Breaker	\$ 375,000	38%	Increase allocation for eligible recipients
COVID Supplies and Operations	\$ 10,000	1%	Reserve fund
Capital	\$ 265,000	27%	Addl technology upgrades, PPE, etc.
Affordable Housing Programs	\$ 150,000	15%	Grants to assist homeowners in need
FY22 Revenue Loss Offset	\$ 175,000	18%	Reduces tax levy requirement
Total Remaining Allocation	\$ 3,935		

FISCAL YEAR ALLOCATION	
FY22	
Senior Tax Circuit Breaker	\$ 150,000
COVID Supplies and Operations	\$ 10,000
Capital	\$ 265,000
Affordable Housing Programs	\$ 100,000
Revenue Loss from KCC	\$ 175,000
FY22 Allocation	\$ 700,000

FY23	
Senior Tax Circuit Breaker	\$ 125,000
Affordable Housing Programs	\$ 50,000
FY23 Allocation	\$ 175,000

FY24	
Senior Tax Circuit Breaker	\$ 100,000
FY24 Allocation	\$ 100,000

CAPITAL & COVID SUPPLIES		Notes
Emergency Generator - Town Hall	\$ 65,000	Partial in CIP
Technology/VIOP	\$ 100,000	Partial in CIP, will reduce operating exp
Sidewalks	\$ 100,000	TBD
Capital and COVID Supplies Allocation	\$ 265,000	

AMERICAN RESCUE PLAN ACT
EXCERPTS OF LEGISLATION

APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$130,200,000,000, to remain available through December 31, 2024, for making payments under this section to metropolitan cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19).

USE OF FUNDS.—Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county **shall only use the funds provided under a payment made under this section to cover costs incurred** by the metropolitan city, nonentitlement unit of local government, or county, by **December 31, 2024**—

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

REPORTING.—Any metropolitan city, nonentitlement unit of local government, or county receiving funds provided under a payment made under this section shall provide to the **Secretary periodic reports providing a detailed accounting of the uses** of such funds by such metropolitan city, nonentitlement unit of local government, or county and including such other information as the Secretary may require for the administration of this section.

RECOUPMENT.—Any metropolitan city, nonentitlement unit of local government, or county **that has failed to comply with subsection (c) shall be required to repay to the Secretary an amount equal to the amount of funds used in violation of such subsection.**

REGULATIONS.—The Secretary shall have the authority to issue such regulations as may be necessary or appropriate to carry out this section.