

TOWN OF KITTERY

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

WORKSHOP MDOT Workshop 5:00PM

April 8, 2019

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

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials
 - a. (040119-1) The Kittery Town Council moves to receive a presentation from the Superintendent of Schools on the FY'20 School Budget.
10. PUBLIC HEARINGS
 - a. (040119-2) The Kittery Council moves to hold a public for Approval of a Special Activity Amusement Permit for the View at Pepperrell Cove, LLC., 90 Pepperrell Road Kittery, Maine.
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
- b. (040119-3) The Kittery Town Council moves to accept a donation in the amount of \$1,000.00 from an anonymous donor to be deposited in the Thresher Memorial Fund.
- c. (040119-4) The Kittery Town Council moves to accept a donation in the amount of \$300.00 from Alexander Mann of Greenleaf Home Builders to be deposited into the Thresher Memorial Fund.
- d. (040119-5) The Kittery Town Council moves to accept a donation in the amount of \$60.00 from Ronald and Kim Smith to be deposited in the Thresher Memorial Fund.
- e. (040119-4) The Kittery Town Council moves to approve the disbursement warrants.
- f. (040119-5) The Kittery Town Council moves to give preliminary approval on the FY'20 School Budget and to schedule the Budget Validation Referendum Election for June 11, 2019.
- g. (040119-6) The Kittery Town Council moves to review and finalize the wording on the Warrant Articles for the June 11, 2019 Town Meeting Secret Ballot Election and make its recommendations on each article.
- h. (040119-7) The Kittery Town Council moves to approve a renewal Liquor License application from Ore Nell's BBQ, 2 Badgers Island West, Kittery Maine.
- i. (040119-8) The Kittery Town Council moves to approve a renewal Liquor License for Festina Lente, 1 Government St. Kittery, Maine.
- j. (040119-9) The Kittery Town Council moves to approve a request from Tributary Brewing Company, One Post Office Square, Kittery Maine to hold a special event for the release of Mott the Lesser on Saturday April 27, 2019 from 12:00pm to 8:00pm.
- k. (040119-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00am and the closing at 8:00pm for the June 11, 2019 Town Meeting and School Budget Validation Referendum as recommended by the Interim Town Clerk.
- l. (040119-11) The Kittery Town Council moves to approve a request from The New Hampshire National Guard, to conduct their Regional Best Warrior Competition 12mile Ruck March on May 2, 2019 beginning at 10:30am and ending at 2:30.
- m. (040119-12) The Kittery Town Council moves to approve a renewal Liquor License application from the View at Pepperrell Cove LLC., 90 Pepperrell Road, Kittery Point Maine.
- n. (040119-13) The Kittery Town Council moves to approve recommended members of the Climate Adaptation Committee. Members recommended to the committee by Judy Spiller and Matt Brock.

- o. (040119-14) The Kittery Town Council moves to schedule a public hearing on April 22, 2019 to Adopt into Appendix A Title 1 – KPA Fines.
 - p. (040119-15) The Kittery Town Council moves to approve the appointment of Diane Harvey to the Trust of the Trustees for a term to expire 12/31/2022.

- 14. COUNCILOR ISSUES OR COMMENTS

- 15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports

- 16. EXECUTIVE SESSION

- 17. ADJOURNMENT

Posted: April 4, 2019



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council April 8, 2019

- 1. Shared Dispatch Services** – Chiefs Richter, O'Brien and I met with the Eliot Town Manager and their Police and Fire Chiefs to discuss the contract renewal for Shared Dispatch Services and their list of concerns recently raised at their Selectmen's meeting. It was a productive conversation that ended with a shared understanding and commitment to enhance Dispatch Services for both communities.

The Kittery Dispatch is certified by the State of Maine, and is in compliance with all state regulations and mandates. Our dispatchers are trained, certified, and dedicated to providing vital public safety dispatch services. The issues raised by the Town of Eliot were focused on internal communications and operations, and not the provision of effective dispatch services for the public.

- 2. Kittery Water District Follow-Up** – Following Chairperson Spiller's request, the KWD has rescheduled their public meeting to April 16, 6PM at the STAR Theater. We are looking into whether we can broadcast or record the meeting and post it for those who may be unable to attend in person.
- 3. Bus Stop at KCC** – KCC Director Jeremy Paul investigated options for addressing the stopped traffic on Rogers Road for bus drop-offs at the KCC. The KCC is a stop along the bus route for those children attending the SAFE afterschool program. The buses are not able to pull in and effectively/safely turnaround on the KCC site and therefore must drop off at the top of Goodsoe Road. This adds a few minutes of delay to the already heavy traffic, however a safe transition of the children to the KCC is critical. KCC staff have been reminded of the need to be at the stop waiting for the bus.
- 4. Bus Depot Update** – The Town Attorney has been staying on top of the bus depot issue and the compliance requirements for Mr. Dineen. The Court had ordered Mr. Dineen to bring the site into compliance no later than February 12 of this year. With insufficient progress being achieved by the February deadline, we sought for Mr. Dineen to be found in contempt. The court date was pushed out multiple times, with the next planned hearing to be the first week of May. We continue to monitor the site and document the lack of compliance in preparation for the hearing.
- 5. State Road Speed Limit Reduction** – Mr. Illian from MDOT is reviewing the State Road speed limit reduction request. He anticipates having a conclusion before June. As a reminder, the state will conclude one of the following options relative to the current speed limit: a) should be reduced, b) should stay the same, or c) should be increased. The metrics they use are based in traffic

management and engineering principles and data regarding crash data, road conditions, and actual speeds.

- 6. Variable Speed Signs** – I am working with Chief Richter on determining the locations for the next round of speed sign installments. Our goal is to install three additional signs as funds allow. The list of desired areas for the signs include Love Lane, Stevenson Road, Braveboat Harbor Road, and Dennett Road. Councilors are encouraged to provide their input on other locations that may not currently be considered.

Upcoming Dates:

- KCC Easter Egg Hunt – April 13, Shapleigh Field
- Patriot’s Day Holiday – Town Hall Closed, April 15
- Recycling Scholarship Applications Due – April 16, Town Clerk
- Mooring Renewal Applications Due –April 18, Harbormaster
- Fort Foster Beach Clean-Up – April 19, 10AM, Fort Foster
- Conservation Commission Lobster Trap Clean-Up Seapoint and Crescent Beaches – April 20, 8AM

Respectfully Submitted,



Kendra Amaral
Town Manager

**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 12, 2019**, to assist the voters in voting on whether to ratify the school budget approved at the **May 6, 2019** Town Council Meeting.

Cost Center Summary Budget Category	Amount Recommended by School Committee
01-Regular Instruction	\$7,058,122.93
02-Special Instruction	\$4,008,389.40
03-Career & Technical Education	\$5,000.00
04-Other Instruction	\$341,031.00
05-Student & Staff Support	\$1,971,076.65
06-System Administration	\$626,134.99
07-School Administration	\$1,050,947.66
08-Transportation	\$609,034.00
09-Facilities Maintenance	\$1,369,516.65
10-Debt	\$789,150.00
11-All Other Expenditures	\$90,100.00
Summary of Total Authorized General Fund Expenditures	\$17,918,503.28
Amount Approved at the Town Council Meeting on May 6, 2019	

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.

Julie O. Dove

Gene J. Lee

Thomas P. Mullen

VP Bedard

Ann Marie Cecere

A majority of the School Committee

Completed and countersigned by: _____ / ____ / 2019

A true copy of the Notice, attest: _____, Town Clerk of Kittery

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

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

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

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

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

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

Town of Kittery
Ordinance Approving School Budget
For Fiscal Year 2019-2020

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 2019-2020:

For Regular Instruction	\$ <u>7,058,122.93</u> ;
For Special Education	\$ <u>4,008,389.40</u> ;
For Career and Technical Education	\$ <u>5,000.00</u> ;
For Other Instruction	\$ <u>341,031.00</u> ;
For Student and Staff Support	\$ <u>1,971,076.65</u> ;
For System Administration	\$ <u>626,134.99</u> ;
For School Administration	\$ <u>1,050,947.66</u> ;
For Transportation and Buses	\$ <u>609,034.00</u> ;
For Facilities Maintenance	\$ <u>1,369,516.65</u> ;
For Debt Service and Other Commitments	\$ <u>789,150.00</u> ; and
For All Other Expenditures	\$ <u>90,100.00</u> ;

2. The sum of \$ 12,593,043.84 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 \$ 11,058,561.61 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.

4. The sum of \$ 789,150.00 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.

6. The School Committee be authorized to expend \$ 17,918,503.28 for the fiscal year beginning **July 1, 2019 and ending June 30, 2020** 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; and

7. The School Committee be authorized to expend State, Federal and other grants, aid, donations, gifts and other revenues for the fiscal year July 1, 2019 through June 30, 2020 in addition to the school's general fund operating budget; and



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

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

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

The View at Pepperrell Cove LLC

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

90 Pepperrell Rd Kittery Point ME 03905

Mailing address and telephone number of owner of the real estate: Al Damico 617-538-1097 Saugus Mass

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

Second and Third Floors

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

11am and 11pm

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

Music, live or recorded

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

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

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

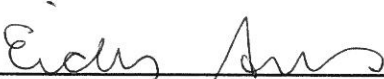
The View at Pepperrell Cove is a function hall. Most events are Weddings Class Reunions, Celebrations of Life,
Birthday Parties and the like. Music is an integral part of those occasions.

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

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

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

DATE OF APPLICATION: 03/15/2015

SIGNATURE OF APPLICANT: 

APPLICANT'S NAME: Eides Ares Manager of The View at Pepperrell Cove LLC
(please print)

ADDRESS: 90 Pepperrell Rd Kittery Point Maine 03905
(please print)

TELEPHONE NUMBER: 207 703 2028

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

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

315

52-7450/2112

PEX DATE 1 April 2014 PMP

\$ 1000⁰⁰xx

Heat Reactive Ink

DOLLARS

Pay to the order of
Tonia of Kittery
One thousand & 00/100

Kennebunk Savings

MEMO Treasurer General

[Signature]

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

52-7450/2112

1365

ALEXANDER D. MANN
GREENLEAF HOME BUILDERS

DATE 4/1/19

PAY TO THE ORDER OF Three Hundred and 00/100 \$ 300.00

Three Hundred and 00/100

Kennebunk Savings

MEMO Three Savings

For [Signature]

Photo Safe
Debit on back

Security features

Details on back

4140

54-89632114

RONALD G. SMITH
KIM A. DAVIS SMITH

DATE 4/2/19

PAY to the order of USS Treber Memorial Fund \$ 60.00

Sixty 00/100

For [Signature]

Northeast
CREDIT UNION
PO Box 1240, Portsmouth, NH 03802-1240

Photo Safe
Debit on back

Security features

Details on back

TOWN OF KITTERY
TOWN MEETING WARRANT
JUNE 11, 2019

1 To Robert V. Richter, a Constable of the Town of Kittery, in the County of York, State of Maine.

2 In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town
3 of Kittery in said county and state, qualified by law to vote in town affairs:

4 To meet at the Municipal Complex Council Chambers in said town on Monday the 10th day of June
5 2019, at 6:00 p.m. to hold a public hearing on Articles 2 through 8.

6 To act on Article 1 to elect a moderator by written ballot and to act on Articles 2 through 8 by secret
7 ballot at the Kittery Community Center Gymnasium in said town on Tuesday, the 11th day of June, 2019
8 at 8:00 a.m., as set out below, to wit:

9 The polls will be open from 8:00 a.m. until 8:00 p.m.

10 Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m.,
11 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.

12 Article 1. To elect a moderator to preside at said meeting and to vote by written ballot.

13 Article 2. Shall the town vote to authorize the Town Council to transfer up to \$125,000 from unassigned
14 funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary to maintain a
15 positive fund balance in the Compensated Absences account and to pay for accrued vacation and/or sick
16 leave to settle any unpaid benefits owed to retired or terminated employees in the fiscal year?

17 Town Council Recommends – Vote: Yes ____ No ____

18 Explanation:

19 The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus)
20 to pay for accrued benefits owed when a municipal employee retires or leaves. The reserve account
21 balance is currently (\$65,217.53). The unassigned fund balance (unencumbered surplus) is currently
22 \$5,749,490.

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

26 Town Council Recommends – Vote: Yes ____ No ____

27 Explanation:

28 The purpose of this article is to provide funds from the town's unassigned funds (unencumbered surplus)
29 to pay the deductible and other associated costs on insurance claims that may be made in the fiscal year.
30 The unassigned fund balance (unencumbered surplus) is currently \$5,749,490.

31 Article 4. Shall the town vote to authorize the Town Council to transfer up to \$100,000 from unassigned
32 funds (unencumbered surplus) and appropriate and expend up to \$100,000 when necessary for the
33 purpose of providing the town's match to federal, state, and non-profit grants?

34 Town Council Recommends – Vote: Yes ____ No ____

35 Explanation:

36 Grant applications are filed by different town departments to assist with the operations and capital
37 purchases. These grants, if successful, often require a local match to be raised. The purpose of this
38 article is to provide funds from the town’s unassigned funds (unencumbered surplus) when and if
39 necessary, for the purpose of meeting grant match requirements. The unassigned fund balance
40 (unencumbered surplus) is currently \$5,749,490.

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

45 Town Council Recommends – Vote: Yes ____ No ____

46 Explanation:

47 The purpose of this article is to provide departments, who have exhausted their allocated fuel budgets in
48 the fiscal year, access to funds for fuel needs. The Town Council favored keeping the fiscal year fuel and
49 utility accounts as low as possible, with this article making available surplus funds as a safety net in case
50 of an unstable market for fuel. The unassigned fund balance (unencumbered surplus) is currently
51 \$5,749,490.

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

56 Town Council Recommends – Vote: Yes ____ No ____

57 Explanation:

58 The General Assistance Program is budgeted from the town’s operational budget each year. The program
59 assists town citizens with welfare type services by following very strict state and federal guidelines for
60 income eligibility within the General Assistance Ordinance. The purpose of this article is to create a
61 method for the Town Council to supplement the General Assistance budget if needed. The unassigned
62 fund balance (unencumbered surplus) is currently \$5,749,490.

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

67 Town Council Recommends – Vote: Yes ____ No ____

68 Explanation:

69 Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy
70 efficiency projects are being identified to further save the town funds. The purpose of this article is to
71 allow the Town Council to make unplanned emergency facility repairs and undertake energy efficiency
72 projects that may arise in the fiscal year. The unassigned fund balance (unencumbered surplus) is
73 currently \$5,749,490.

RETURN ON THE WARRANT

County of York
of Maine

State

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of Kittery, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Kittery and Kittery Point Post Offices, Kittery Municipal Office, Kittery Community Center, and Kittery Resource Recovery Facility in said town, being public and conspicuous places in said town on _____, 2019, being at least seven days before the meeting.

Robert V. Richter

Date

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

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

PRESENT LICENSE EXPIRES: March 21, 2019

NEW application: Yes No *it's a renewal*

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

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

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) | <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> SELF-SPONSORED EVENTS
(QUALIFIED CATERERS ONLY) |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Stateline Restaurant, LLC			Business Name (D/B/A) Ore Nell's BBQ		
APPLICANT(S) –(Sole Proprietor) James McSharry		DOB: 01/24/1967	Physical Location: 2 Badgers Island West		
David Vargas		DOB: 11/20/1977	City/Town Kittery	State ME	Zip Code 03904
Address 1 Middle Street, Suite 1			Mailing Address Same As Above? <input type="checkbox"/> 1 Middle Street, Suite 1		
City/Town Portsmouth	State NH	Zip Code 03801	City/Town Portsmouth	State NH	Zip Code 03801
Telephone Number 603-766-3474		Fax Number 603-766-0009		Business Telephone Number 207-703-2340	
Federal I.D. # 82-4061857			Seller Certificate #: 1189759 or Sales Tax #:		
Email Address: staci@jumpinjays.com			Website: www.orenellsbbq.com		

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

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

ROOMS \$ _____ FOOD \$ 814,154.35 LIQUOR \$ 310,704.92

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

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

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

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

License # _____ Name of Business _____

Physical Location _____ City / Town _____

6. If manager is to be employed, give name: Justin Horan III

7. Business records are located at: 1 Middle Street, Suite 1, Portsmouth, NH 03801

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

9. Is/are applicant(s) residents of the State of Maine? YES NO 1 is, 1 is not

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

Full Name (Please Print)	DOB	Place of Birth
James McSharry	01/24/1967	Norwalk, CT
David Vargas	11/20/1977	Westminster, CA
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: James McSharry	City: Portsmouth	State: NH
Name: David Vargas	City: Kittery	State: ME
Name: _____	City: _____	State: _____

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes No If Yes, give name: _____

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

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Madison Street, LLC; PO Box 764, Portsmouth, NH 03802

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____
We are a full service restaurant serving barbecue

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.3 miles

Which of the above is nearest? Church - St. Mark's Methodist Church

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

If YES, give details: We have a loan with Optima Bank & Trust

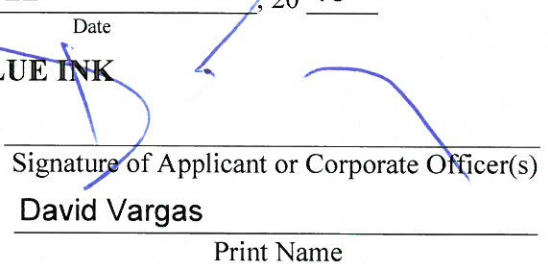
The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

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

Dated at: Portsmouth, NH on March 22, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK


 Signature of Applicant or Corporate Officer(s)
James McSharry
 Print Name


 Signature of Applicant or Corporate Officer(s)
David Vargas
 Print Name

FEE SCHEDULE

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

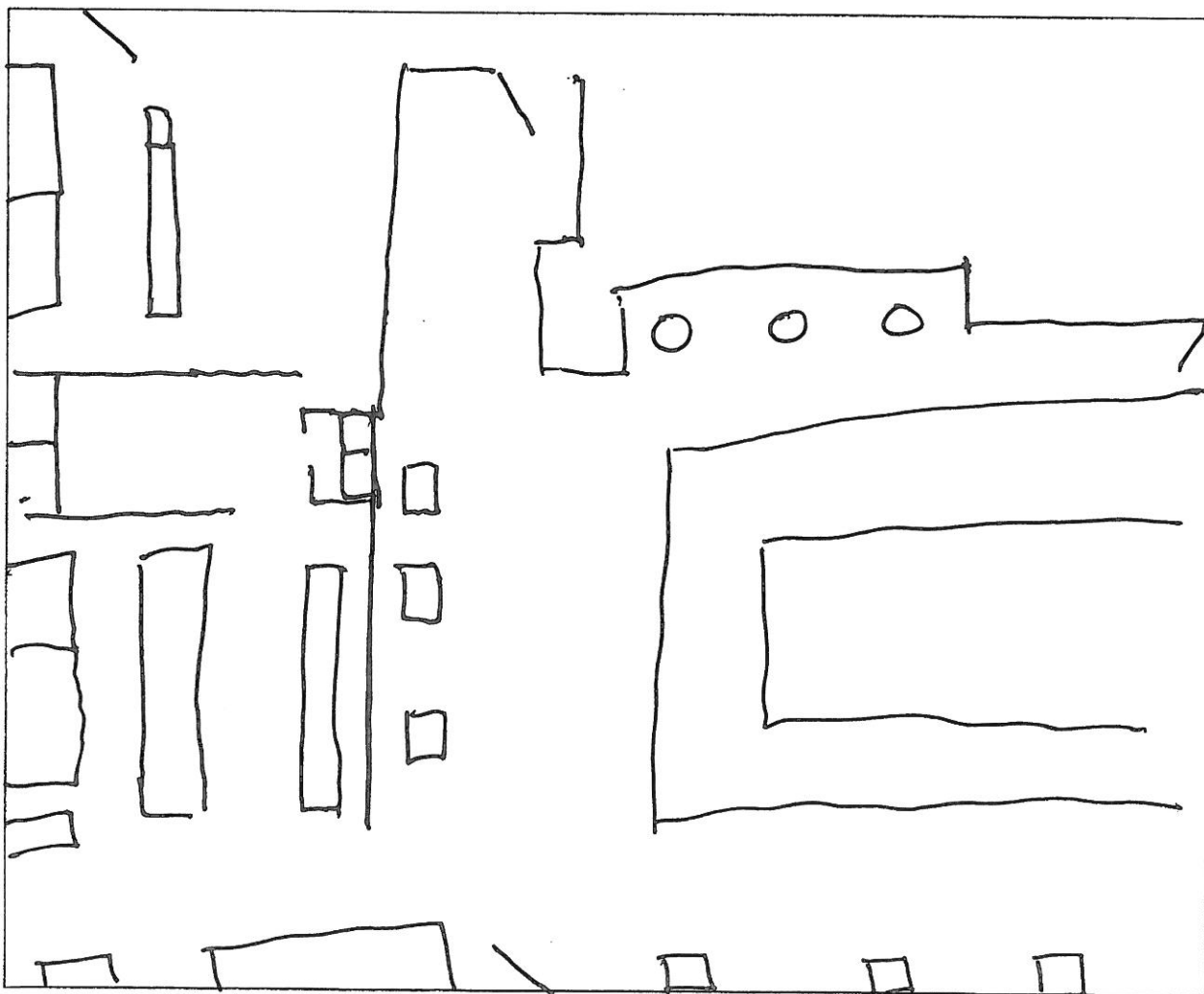
*Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*

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

ON PREMISE DIAGRAM

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

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





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

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

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

Please clearly complete this form in its entirety.

1. Exact legal name: Stateline Restaurant, LLC
2. Doing Business As, if any: Ore Nell's BBQ
3. Date of filing with Secretary of State: 01/25/2018 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 09/19/2018
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
James McSharry	58 Pleasant Point Drive Portsmouth, NH 03801	01/24/1967	Member	70%
David Vargas	142 Manson Avenue Kittery, ME 03904	11/20/1977	Member	30%

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

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

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

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

Name: _____

Date of Conviction: _____

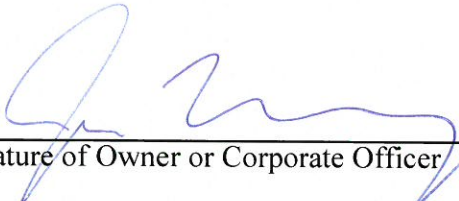
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



March 22, 2019

Signature of Owner or Corporate Officer

Date

James McSharry

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

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

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

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

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

PRESENT LICENSE EXPIRES: 5/30/2019

NEW application: Yes No

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

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

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Bug And The Leaf LLC			Business Name (D/B/A) Festina Lente		
APPLICANT(S) –(Sole Proprietor) Samuel Ostrow		DOB: 06/29/77	Physical Location: 1 Government St. Suite #3		
Address 42 Fernaid Ln			City/Town Kittery	State ME	Zip Code 03904
City/Town Eliot			State ME		
State ME			Zip Code 03903		
Telephone Number 617-777-7103		Fax Number	Business Telephone Number 207-703-2287		Fax Number
Federal I.D. # 82-4073283			Seller Certificate #: or Sales Tax #: 1190485		
Email Address: Info@festinalente.kittery.com			Website: festinalente.kittery.com		

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

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

ROOMS \$ _____ FOOD \$ 212,000 LIQUOR \$ 104,495

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

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

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

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

License # _____ Name of Business _____

Physical Location _____ City / Town _____

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

7. Business records are located at: 1 Government St Suite #3 Kittery, ME 03904

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

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

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

Full Name (Please Print)	DOB	Place of Birth
Samuel Ostrom	06/29/77	Concord, NH

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

Name: Samuel Ostrom	City: Eliot, ME	State: _____
Name: Samuel Ostrom	City: Kittery, ME	State: _____
Name: _____	City: _____	State: _____

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes No If Yes, give name: _____

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

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

Rosemaria Guolin: 1 Government St. Suite #1 Kittery, ME 03904

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

Small Italian Restaurant

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

YES NO Applied for: _____

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 100 feet

Which of the above is nearest? Church

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

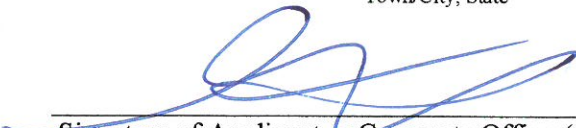
If YES, give details: _____

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

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

Dated at: Kittery, ME on March 23rd, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK



 Signature of Applicant or Corporate Officer(s)
Samuel Ostrow

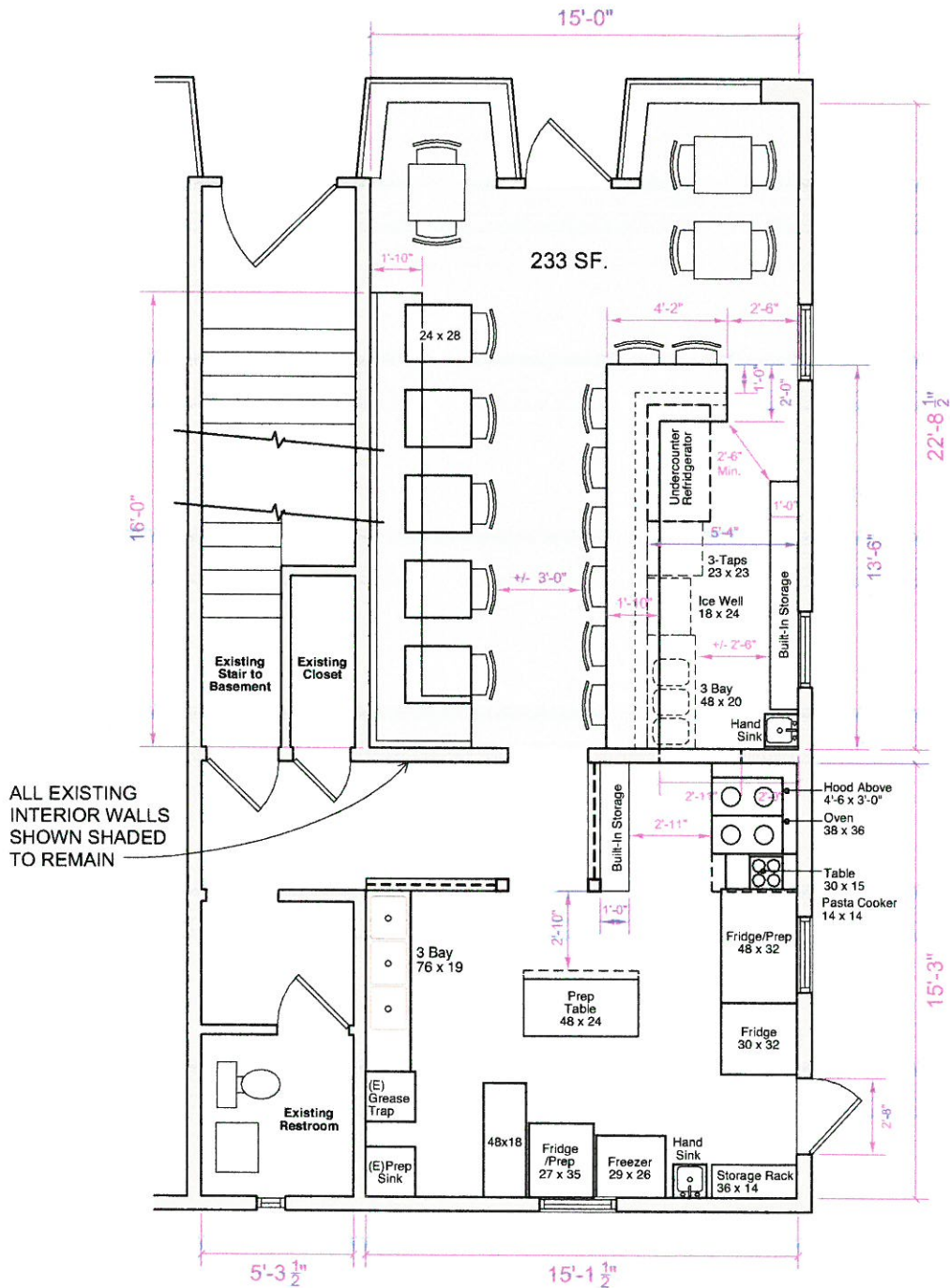
 Print Name

 Signature of Applicant or Corporate Officer(s)

 Print Name

FEE SCHEDULE

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



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



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

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

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

Please clearly complete this form in its entirety.

- Exact legal name: Bug And The Leaf LLC
- Doing Business As, if any: Festive Lente
- Date of filing with Secretary of State: 1/26/18 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Samuel Ostron	-42 Fernside Ln, Eliot, Maine 03903 -10 School St. Kittery, ME 03904	6/29/77	Owner	100

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

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

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

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

Name: _____

Date of Conviction: _____

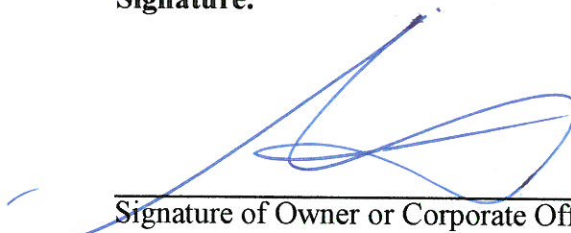
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



Signature of Owner or Corporate Officer

3/23/19

Date

Samuel Ostrow

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

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

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

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

RECEIVED
MAR 28 2019
11:05 AM

March 28, 2019

Town of Kittery
Attn: Town Council
200 Rogers Road Ext.
Kittery, ME 03904

Dear Sirs and Madams,

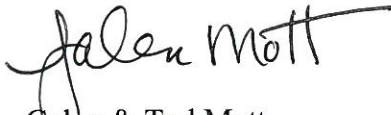
We are writing to request permission to hold a special event for the release of Mott the Lesser on Saturday, April 27, 12 noon to 8 pm.

It is necessary to gain the Town of Kittery's permission in order to get a permit from the State of Maine to extend the bonded area to a tent outside our tasting room. Our landlord, Driscoll Realty, has given us approval and is prepared to write a letter to this effect.

Tributary will have a 20' x 30' tent, porto potty, and one day food vendor(s). We will hire a police detail for both events. We will also notify our business & immediate residential neighbors of the event.

We respectfully submit this request.

Sincerely yours,



Galen & Tod Mott
Owners
Tributary Brewing Co.

Memorandum

TO: TOWN COUNCIL
FROM: Interim TOWN CLERK -Karen Estee
DATE: April 8, 2019
RE: June Election

This memo is a recommendation and a request for the appointment of Joyce Tobey as warden and Sandra Lutts as Deputy Warden for the June 11, 2019 Town Meeting and School Budget Validation Referendum Elections. I am requesting that the polls be open at 8:00am and close at 8:00pm at the Kittery Community Center 120 Rogers Road.

/ke

From: Allen Carter kty9394vfw@hotmail.com
Subject: Copy of Memorial Day parade letter to Town
Date: Yesterday at 7:32 PM
To: Mel Bates eagle7eliot@gmail.com

RECEIVED
MAR 25 2019
By 9:20 AM SE

KITTERY/ELIOT MEMORIAL POST 9394

of the

VETERANS OF FOREIGN WARS

24 March 2019

Kittery Town Council

% Town Manager

200 Rogers Road

Kittery, Me. 03904

Dear Council members:

The officers and members of Kittery/Eliot Memorial Post 9394 formally request your permission to hold our Memorial Day parade and ceremonies on 25 May 2019.

We will step off at 0900 hours from Walker Street; turn left onto Wentworth Street, right onto Whipple Road, left onto Shapleigh Road, passing the reviewing stand in front of Ace Hardware and onto Orchard Grove cemetery for our final ceremonies.

At this time we invite all town officials to join us either on Walker St. no later than 0845 hours, the reviewing stand, or Orchard Grove cemetery no later than 0930hrs.

We will be flagging the local cemeteries during the week of the 25th, hopefully, with the help of Scout Troop 307 of Kittery.

Please call if you have any questions.



DEPARTMENT OF THE ARMY
RECRUITING AND RETENTION BATTALION
1 MINUTEMAN WAY
CONCORD, NEW HAMPSHIRE 03301-5607

NGNH-RR

15 March 2019

MEMORANDUM FOR Suzanne Esposito Secretary to the Town Manager Kittery, ME

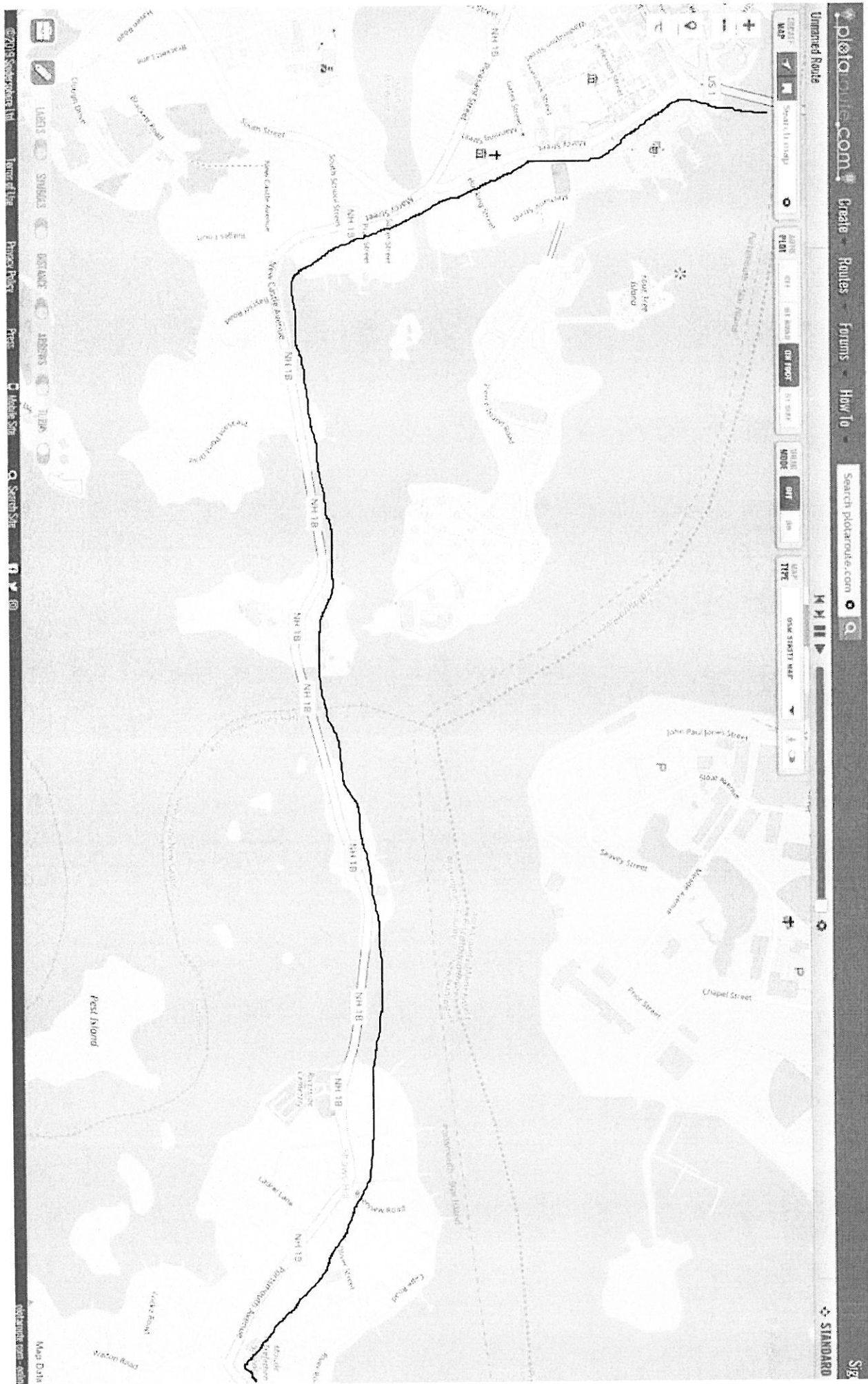
SUBJECT: Event Permit Request to Conduct the Regional Best Warrior Competition Ruck March on 2 May 2019 Utilizing ME 103, Government St, Commercial St, & US 1.

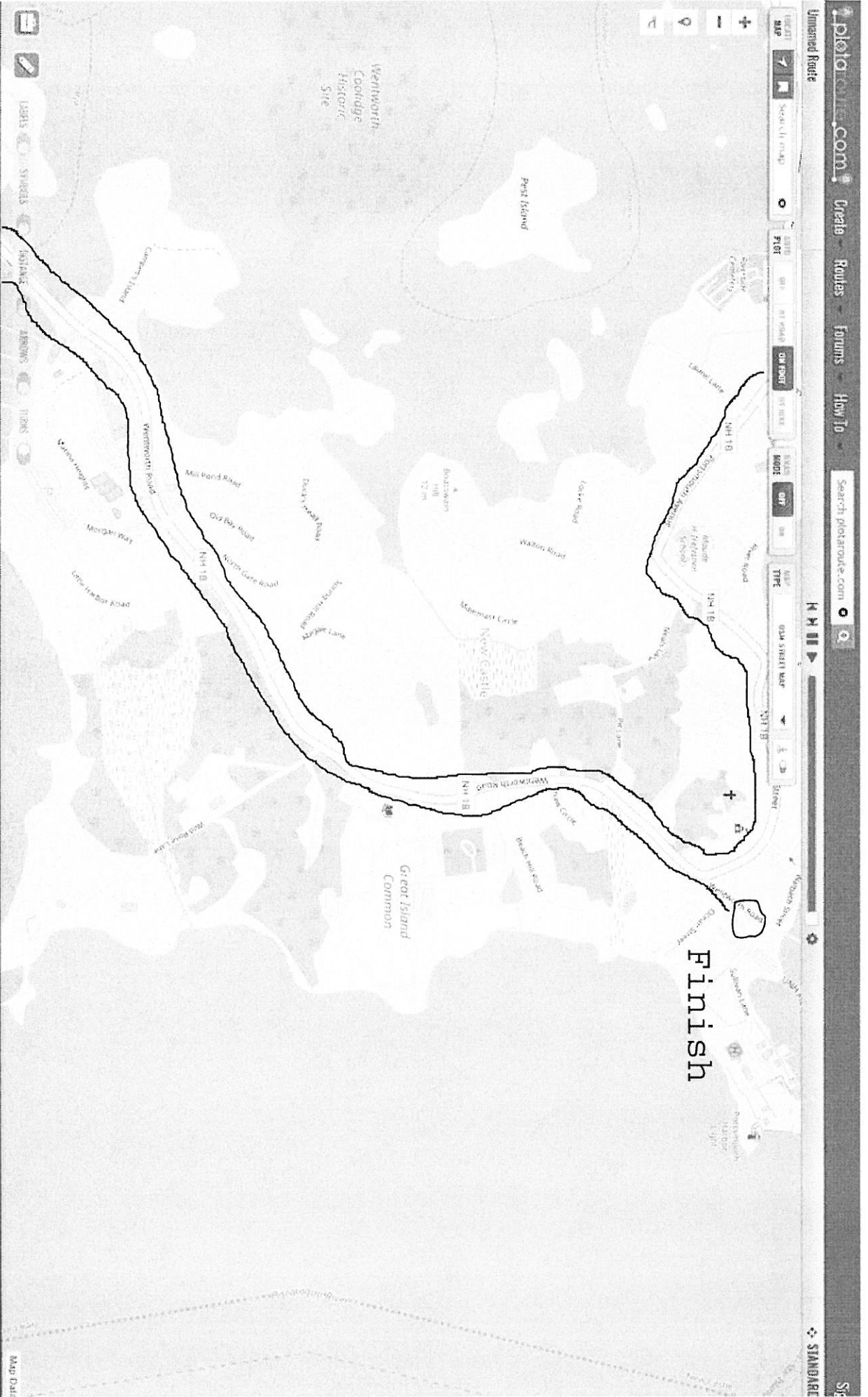
1. The New Hampshire Army National Guard would like to conduct our Regional Best Warrior Competition 12 mile Ruck March on 2 May 2019 beginning at 1030 AM (roughly 4 hrs). The planned route for this event starts at the Portsmouth Naval Ship Yards Wyman Ave gate to US Route 1 across the bridge to Marcy St then onto NH 1B with the turnaround point at the Odiorne Boat Launch on NH 1A and finishing at Ft Constitution. See attached map.
2. The event will involve approximately 14 Soldiers carrying a 35lb ruck sack, wearing military gear to include carrying a replica of an M16 rifle. The weapon is plastic and has no firing capabilities or bolt mechanism. There will also be approximately 14 sponsors accompanying the Soldiers on the ruck March. We will have support personnel at the PNSY Wyman Ave gate for the start with other personnel on ME 103 and Commercial St with markers roughly every two miles. The support personnel will have on reflective vests.
3. Respectfully request written authorization for the use of roads or facilities within Kittery limits from the approving agency.
4. Points of contact are the undersigned at robert.b.radcliffe.mil@mail.mil or 603-225-1214 or 1SG Erik Hansen at erik.r.hansen.mil@mail.mil or 603-717-5678.

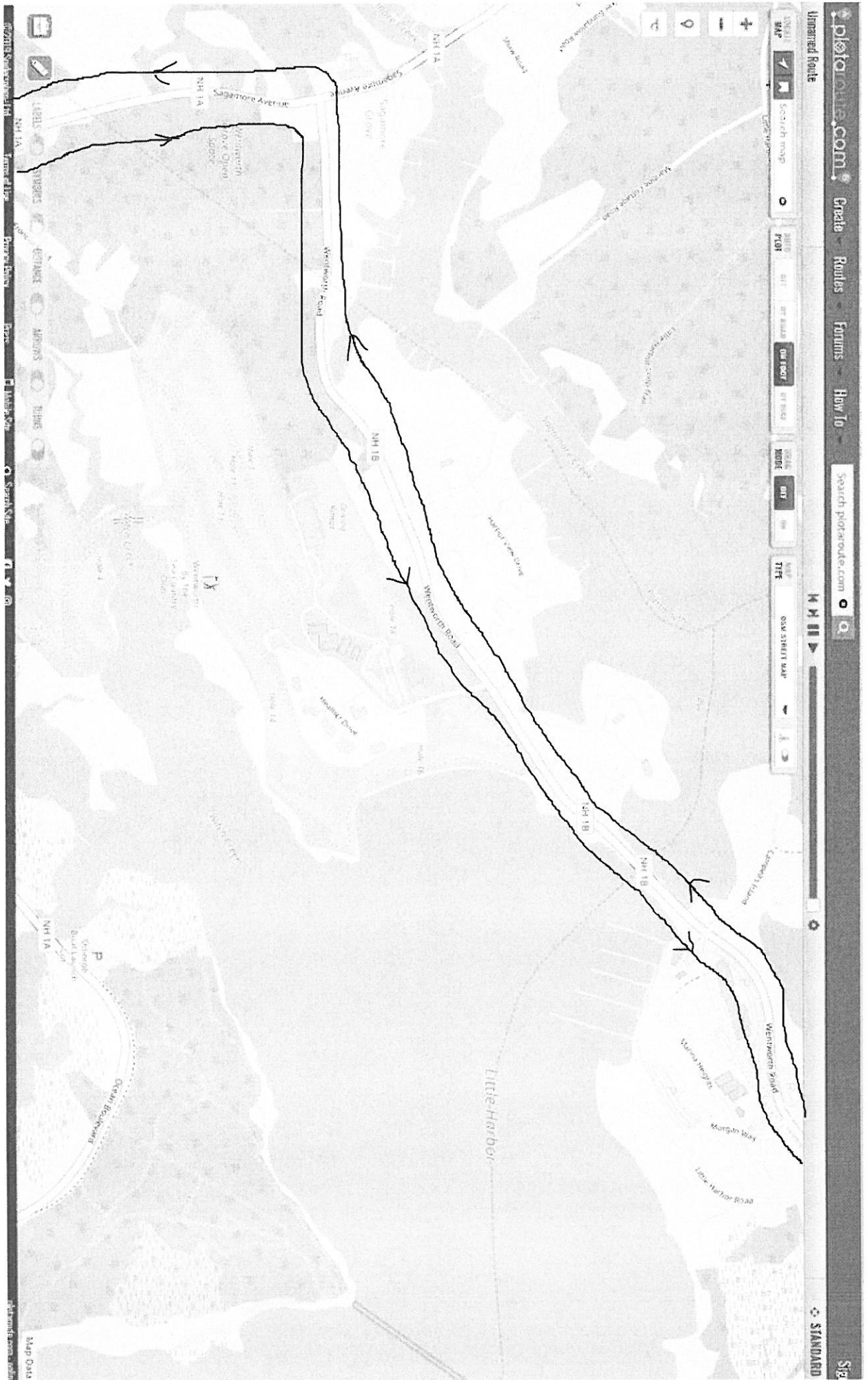
A handwritten signature in black ink, appearing to read "Robert B. Radcliffe".

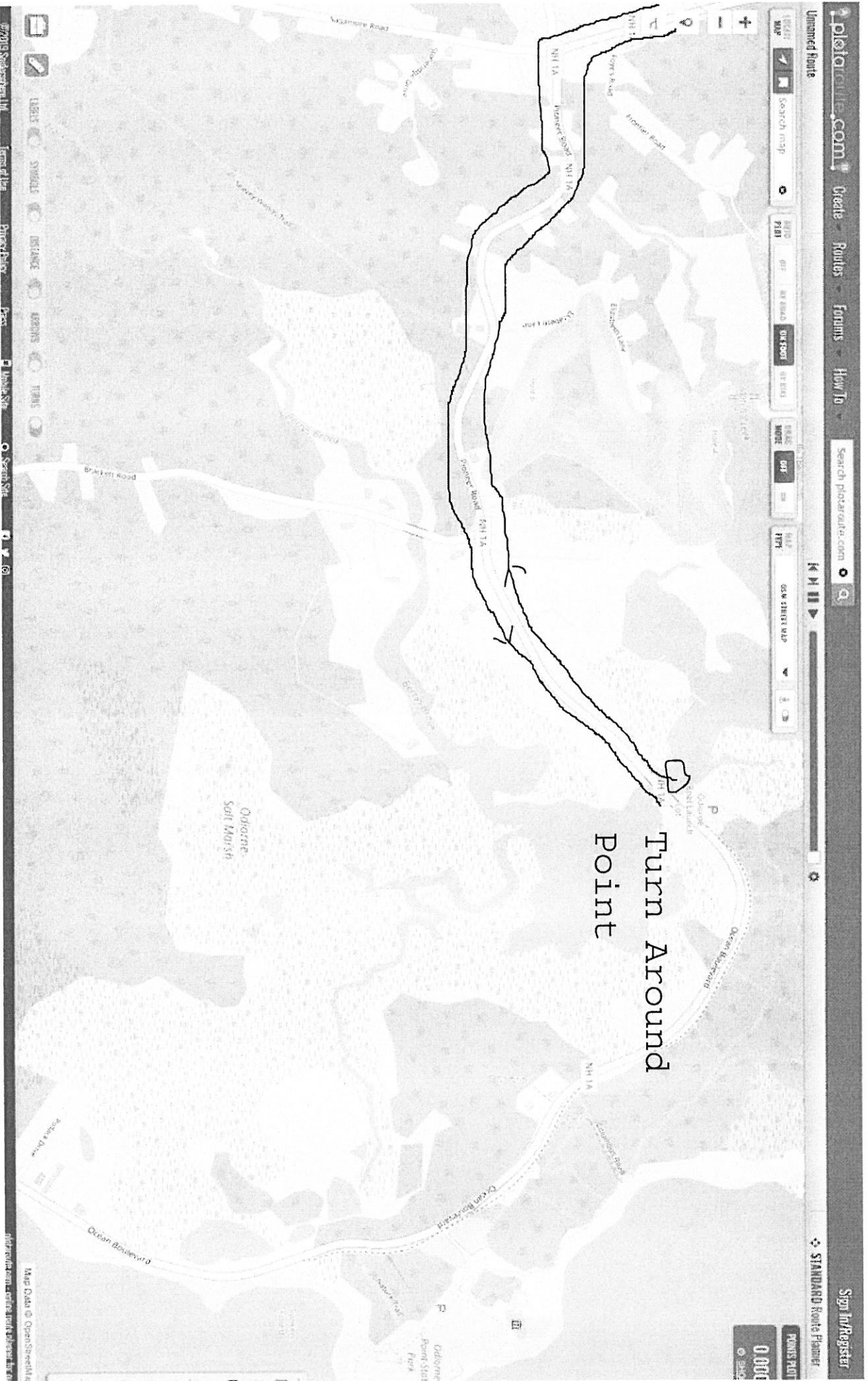
ROBERT B. RADCLIFFE
CSM, NHARNG
Rec & Ret Command Sergeant Major











Unnamed Route



ROUTE DIRECTIONS

No	Miles	Turn	Directions
1	0.000		Start on Whipple Road, ME 103
2	0.128	↶	Turn left onto Whipple Road, ME 103
3	0.165		Turn slight left onto Whipple Road, ME 103
4	0.293	↶	Turn left onto Wentworth Street, ME 103
5	0.918	↶	Turn left onto Commercial Street
6	0.938	↷	Turn right onto Water Street
7	1.048	↶	Turn left onto US 1
8	1.513		Keep left onto Memorial Bridge, US 1
9	1.593	↷	Turn sharp left onto State Street
10	1.601	↷	Turn right onto Marcy Street
11	1.971	↶	Turn slight left onto Marcy Street, NH 1B
12	3.194		Keep left onto Portsmouth Avenue, NH 1B
13	3.325	↷	Keep right onto Portsmouth Avenue, NH 1B
14	3.618	↶	Turn left onto Cranfield Street, NH 1B
15	6.332	↶	Turn left onto Sagamore Avenue, NH 1A
16	6.796	↶	Keep left onto Sagamore Road, NH 1A
17	6.862	↶	At roundabout, take exit 1 onto Pioneer Road, NH 1A
18	7.896		Keep left
19	7.993	↷	Keep left
20	8.002		Keep left
21	8.040	↷	Turn left
22	8.072	↷	Turn right
23	9.177		Keep right onto Pioneer Road, NH 1A
24	9.232	↷	At roundabout, take exit 1 onto Sagamore Road, NH 1A

No	Miles	Turn	Directions
25	9.680	→	Turn right onto Wentworth Road, NH 1B
26	12.001	↗	Turn right onto Wentworth Road
27	12.057		Keep right onto Sullivan Lane
28	12.069		



DEPARTMENTS OF THE ARMY AND AIR FORCE
NEW HAMPSHIRE NATIONAL GUARD
JOINT FORCE HEADQUARTERS
1 MINUTEMAN WAY
CONCORD, NH 03301-5607

March 20, 2019

Town Of Kittery
200 Rogers Road
Kittery, ME 03904
ATTN: Kendra Amaral
Town Manager

Re: Letter of Self-Insurance

Dear Ms. Amaral,

The New Hampshire Army National Guard (NHARNG) informs me that you have requested a proof of insurance in connection with the Regional Best Warrior Competition ruck march event in Kittery, which will involve the usage of a public roads (ME 103, Government Street, Commercial Street, and US1). Our Soldiers will be using the public road(s) on 2 May 2019.

This letter is to inform you that the New Hampshire National Guard is "self-insured" to the extent that it is an entity of The United States, and an agency of The State of New Hampshire. Any and all claims which arise from the stated activity shall be administered in accordance the claims process made available under the laws of the United States (Federal Tort Claims Act, Title 28 United States Code, Sections 1346(b), 2401, 2671-2680) and the laws of the state of New Hampshire. Because the governmental entities are self-insured we are prohibited from purchasing liability insurance.

Please accept this letter as certification of our proof of insurance. If you have any questions please do not hesitate to contact my office at 603-227-1592.

Sincerely,

CHANG.JEFFREY.S.1288717890
Y.S.1288717890

Digitally signed by
CHANG.JEFFREY.S.1288717890
Date: 2019.03.20 14:02:51
-04'00'

Jeffrey S. Chang, LTC, NHNG
Legal Advisor to the Adjutant General

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 4/19/2019

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input checked="" type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: The View at Pepperrell Cove LLC		Business Name (D/B/A) The View at Pepperrell Cove	
APPLICANT(S) –(Sole Proprietor) The View at Pepperrell Cove		Physical Location: 90 Pepperrell Rd	
DOB:		City/Town	State
		Kittery Point Me	
Address 90 Pepperrell Rd		Mailing Address PO BOX 67	
City/Town	State	Zip Code	
Kittery Point ME	03905		
Telephone Number	Fax Number	Business Telephone Number	Fax Number
207 703 2028		207 703 2028	
Federal I.D. # 82-4808987	Seller Certificate #: or Sales Tax #: 1190697		
Email Address: Please Print eides@pepperrellcove.com	Website: pepperrellcove.com		

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

Requested inspection date: April 1 2019 Business hours: 11am to 9pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 300,000 LIQUOR \$ 100,000
- Is applicant a corporation, limited liability company or limited partnership? YES NO

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

- Do you permit dancing or entertainment on the licensed premises? YES NO
- If manager is to be employed, give name: Eides Ares
- Business records are located at: 2 Bellamy In Kittery Point Me 03905
- Is/are applicant(s) citizens of the United States? YES NO
- Is/are applicant(s) residents of the State of Maine? YES NO

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.


Name in Full (Print Clearly)	DOB	Place of Birth
Eides Ares	09/04/1984	Jaru Brazil
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
87 Whipple Rd Kittery ME 03904		

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____
12. Has/have applicant(s) formerly held a Maine liquor license? YES NO
13. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Chatham et LLC Saugas mass
14. Describe in detail the premises to be licensed: (On Premise Diagram Required) see attached
15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____
16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile
- Which of the above is nearest? School
17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
- If YES, give details: _____

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

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

Dated at: Kittery Point ME on 03/15/2019, 20
Town/City, State Date


Signature of Applicant or Corporate Officer(s)
Eides Ares
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

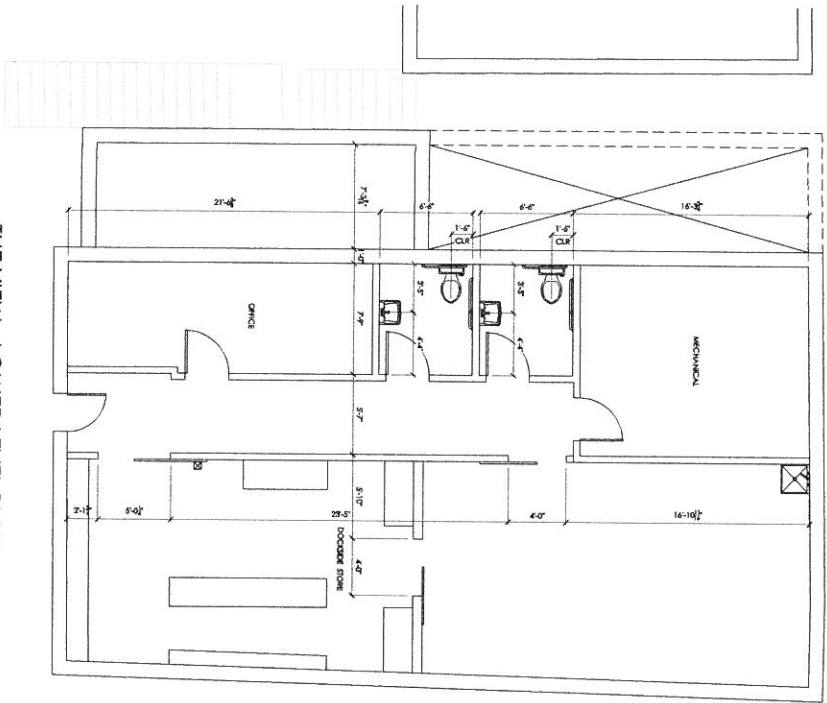
Print Name

FEE SCHEDULE

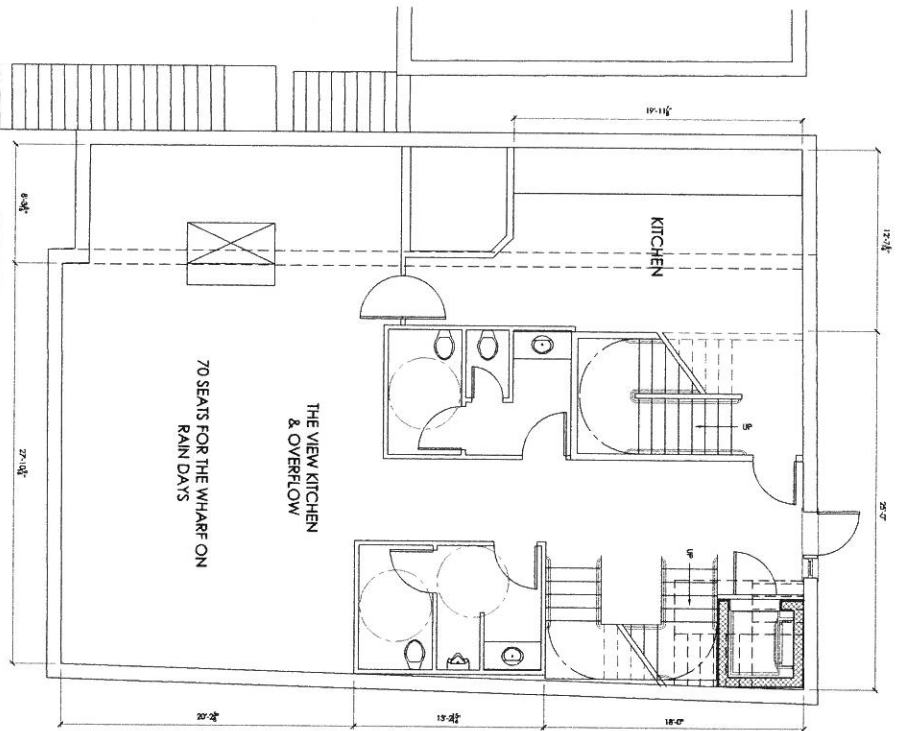
FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers;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

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

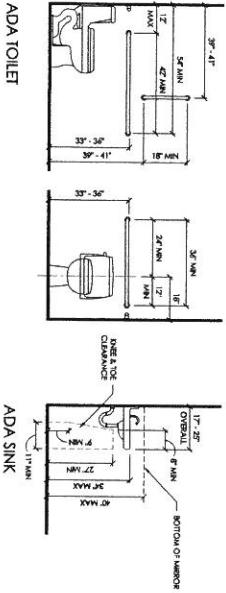
All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.



1 THE VIEW - LOWER LEVEL PLAN
1/4" = 1'-0"




2 THE VIEW - FIRST FLOOR PLAN
1/4" = 1'-0"



2 ADA BATHROOM - REFERENCE ELEVATIONS
1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

A1.1	CJ ARCHITECTS  233 VAUGHAN ST. FORT MOUNTAIN NH 03611 T 603-431-2866 F 603-431-2899 cje@cjarch.com	THE VIEW AT PEPPERRELL COVE 88 PEPPERRELL ROAD KITTERY, MAINE	THE VIEW LOWER LEVEL & FIRST FLOOR PLANS	DATE: 03/11/17 DRAWN BY: JHY CHECKED BY: CJC SCALE: 1/4" = 1'-0" DRAWING NO: 21710	RECORDS
------	---	--	---	--	---------



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

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

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100%	Yes <input type="checkbox"/> No <input type="checkbox"/>

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

Please clearly complete this form in its entirety.

- Exact legal name: The View at Pepperrell Cove LLC
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 05/15/2017 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Eides Area	87 Whipple rd Kittery Me 03904	9/4/1984	manager	100%

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

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

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

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

Name: _____

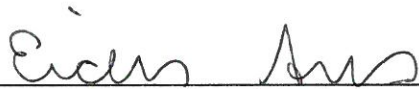
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



03/15/2019

Signature of Duly Authorized Person Date

Eides Ares

Print Name of Duly Authorized Person

Submit Completed Forms to:

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

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

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

STATE OF MAINE

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

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

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



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
 200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
 MAR 13 2019
 BY KAS 12:00 PM (E-mail)

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: John Duffy
 RESIDENCE: 59 Lewis Rd., Kittery, ME 03904
 MAILING (if different) _____
 E-MAIL ADDRESS: jjduffy01890@yahoo.com
 PHONE #: (H) 207-703-0030 (W) _____ (C) 781-640-6950

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

- | | |
|--|---|
| <input 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 type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Kittery Land Issues Committee |
| <input checked="" type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> KCC Board of Directors |
| Other _____ | |

EDUCATION/TRAINING: BS, MS, mech. engineering; DSc, control systems engineering

RELATED EXPERIENCE (Including other Boards and Commissions) _____
Professor, U Mass Lowell, renewable energy engineering (29 years); board of directors,
Amer. Solar Energy Society (8 years); research for DOE, EPA, NSF, MADOE, NYSERDA...

PRESENT EMPLOYMENT: Retired; pres., Village Empowerment, Inc., non-profit.

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): _____
None

REASON FOR APPLICATION TO THIS BOARD: To share my experience for the common good.

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

March 1, 2019
 DATE



TOWN OF KITTELY, MAINE
TOWN CLERK'S OFFICE
 200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
 MAR 18 2019
 8:35am JZ

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: KENNETH E FELOWS
 RESIDENCE: 73 CHAUNCEY CK. RD. Kittery Pt. ME 03905
 MAILING (if different) _____
 E-MAIL ADDRESS: fellowsk-2@comcast.net
 PHONE #: (H) 207 439 0619 (W) _____ (C) _____

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

- | | |
|--|---|
| <input 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 type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Kittery Land Issues Committee |
| <input checked="" type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> KCC Board of Directors |

Other _____

EDUCATION/TRAINING: Retired academic physician/ Watercolor artist/ 20 years Bd. of KLT

RELATED EXPERIENCE (Including other Boards and Commissions) _____
Previous experience on Kittery Parks Commission

PRESENT EMPLOYMENT: Retired

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): _____
None

REASON FOR APPLICATION TO THIS BOARD: Intense interest in climate change preparedness

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.

Kenneth E Fellows
 SIGNATURE OF APPLICANT

March 18, 2019
 DATE



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

BY: Q137A WRC

MAR 18 2019

RECEIVED

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Lise Laurin

RESIDENCE: 33 Mill Pond Road, Kittery, ME 03904

MAILING (if different) _____

E-MAIL ADDRESS: lise@earthshiftglobal.com

PHONE #: (H) N/A (W) 207-613-7448 (C) 603-205-7693

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

- | | |
|--|---|
| <input 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 type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Kittery Land Issues Committee |
| <input checked="" type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> KCC Board of Directors |

Other _____

EDUCATION/TRAINING: BS Physics; Award winning carbon footprint (and other footprint) specialist

RELATED EXPERIENCE (Including other Boards and Commissions) _____

In our work we regularly assess GHG emissions of products and services. I am the senior program co-chair for the ISSST, a leading national conference in climate assessment and resiliency. I also hold board seats at ACLCA and SETAC.

PRESENT EMPLOYMENT: CEO EarthShift Global

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

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

REASON FOR APPLICATION TO THIS BOARD: To make Kittery a clean, safe, responsible place

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.

Lise Laurin
Digitally signed by Lise Laurin
Date: 2019.03.18 09:26:44 -04'00'

3/18/2019

SIGNATURE OF APPLICANT

DATE



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
MAR 05 2019
BY: 10:15

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: JULIA O'CONNELL
RESIDENCE: 9 BUSIDICK DR KITTERY
MAILING (if different)
E-MAIL ADDRESS: twsjulia@hotmail.com
PHONE #: (H) (W) (C) 207 703 0450

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

- Board of Appeals
Conservation Commission
Comprehensive Plan Committee
Education Scholarship Committee
Parks Commission
Planning Board
Kittery Climate Adaptation Committee
Board of Assessment Review
Board of Trustees of Trust Funds
Shellfish Conservation Committee
Economic Development Committee
Kittery Port Authority
Kittery Land Issues Committee
KCC Board of Directors

Other

EDUCATION/TRAINING: BS Health Studies BSN ~ RN for 30 years

RELATED EXPERIENCE (Including other Boards and Commissions)

2017-2019 Organized & chaired Kittery Energy & Sustainability Advisory Committee
2017-18 Co-authored Wind Turbine report presented to town council
2016-17 Project Mox Seacoast Renewable Energy Initiative - installed solar thermal array
2016 Co-organized Solarize Seacoast campaign - tiered Discount program for electric solar panel
PRESENT EMPLOYMENT: Retired RN Volunteer Habitat for Humanity residential weatherization program York

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY [X] Yes [] No

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

water quality monitor Shoestring Bay Cotuit Mass which resulted in Mass State funding for clean y
1990s Town council member Cotuit, Mass Carpenter - Passive Solar Post & Beam beam
jhty hte Volunteer installing wind monitoring tower Cape Cod Community College

REASON FOR APPLICATION TO THIS BOARD: got to do it! NOW IS THE TIME

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.

Julia O'Connell
SIGNATURE OF APPLICANT

3.3.19
DATE



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
 200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
 FEB 18 2019
 10:51 am
 ja
 via email

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: CAMERON WAKE
 RESIDENCE: 19 MENDUM AVE, KITTERY, ME 03904
 MAILING (if different) _____
 E-MAIL ADDRESS: Cameronwake@mac.com PHONE #: (Home) 207-439-4316 (Work) 603-862-2329

Please check your choices:

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

EDUCATION/TRAINING: PhD - climatology.
 RELATED EXPERIENCE (Including other Boards and Commissions) FOR 3 DECADES

I HAVE WORKED ON CLIMATE CHANGE ISSUES WITH ACADEMICS AND COMMUNITIES. I ALSO HELP LEAD THE NEW ENGLAND MUNICIPAL SUSTAINABILITY NETWORK

PRESENT EMPLOYMENT: UNH
 ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No

ANY KNOWN CONFLICT OF INTEREST: No

REASON FOR APPLICATION TO THIS BOARD: My skills will help Kittery adapt to changing climate.
 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.

Cameron Wake
 SIGNATURE OF APPLICANT

18 Feb 2019
 DATE



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

REPORT TO TOWN COUNCIL

Meeting Date: April 8, 2019
From: Kendra Amaral, Town Manager
CC: Kelly Philbrook, KPA Chair
Subject: Title 1 - Kittery Port Authority Fines
Council Sponsor: Chairperson Judy Spiller

The Kittery Port Authority recently updated their Rules and Regulations. The revisions were the result of countless hours of review and discussion about the intent and practical application of the rules as they stood, and the vision for the use of marine facilities into the future.

The review process was carried out over the course of six months and involved three Port Authority workshops, discussion at a number of regular meetings of the Port Authority, and a public hearing. Councilor Ken Lemont participated informally and provided significant insight from his experience as a commercial fisherman and as a lawmaker. Harbormaster John Brosnihan and I were actively engaged in the process and offered our experience and perspective on implementation and enforcement. The revised Rules and Regulations were adopted on February 7, 2019.

Per the Town Charter the Port Authority has the powers and duties to make the rules and regulations, and set a fee schedule for use thereof (Charter 9.2.4). The Port Authority does not have the legal authority to set fines.

As the Council is the only legal body authorized in Kittery to establish enforceable fines, the Council needs to incorporate the KPA's Rules and Regulations fines into Title 1 for them to have the full force of law. As written, the ordinance empowers the KPA to add to and adjust their fines without requiring confirmation from the Council. If the KPA was to eliminate their fines, a blanket \$50 fine will be in effect for violation of the KPA rules and regulations. This ordinance does not prohibit the Harbormaster from issuing a criminal citation for violations of State Law.

PROPOSED SOLUTION/RECOMMENDATION

Approve as proposed.

ATTACHMENTS

- Proposed Title 1 Amendment
- Proposed Enactment for Title 1 Amendment
- KPA Appendix A

KPA Rules and Regulations are available online

AMEND 1.3 to include Violations of Kittery Port Authority Rules and Regulations

1 **§ 1.3.1 General enforcement.**

2 Any person who violates any specific provision of this Code or the Kittery Port Authority Rules and
3 Regulations, wherein a violation penalty provision is made in the title or Rules and Regulations
4 addressing such, must be penalized as specified ~~in said title~~. Each day any such violation ~~of any provision~~
5 ~~of this Code~~ continues constitutes a separate offense. All fines collected hereunder accrue to the benefit of
6 the Town.

7 **§ 1.3.2 Violations and penalties; continuing violations.**

8 Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be
9 unlawful or an offense, or a civil violation, or whenever in such Code or ordinance the doing of any act is
10 required or the failure to do any act is declared to be unlawful, or a civil violation or an offense, where no
11 specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance
12 must be punished by a fine of not more than \$500. Each day any violation of any provisions of this Code
13 or of any ordinance continues constitutes a separate offense. All fines collected hereunder accrue to the
14 benefit of the Town.

15 **§ 1.3.3 Violations and penalties; Kittery Port Authority Rules and Regulations; continuing**
16 **violations.**

17 The Kittery Port Authority Rules and Regulations are promulgated by the Port Authority in accordance
18 with Article IX Section 9.02 of the Town of Kittery Charter; and are to be construed as having the force
19 and effect of law as municipal ordinances in accordance with Title 38 Maine Revised Statutes (MRS).
20 Whenever in the Rules and Regulations any act is prohibited or is made or declared to be unlawful or an
21 offense, or a civil violation, or whenever in such Rules and Regulations the doing of any act is required or
22 the failure to do any act is declared to be unlawful, or a civil violation or an offense, where no specific
23 penalty is provided therefor in the Rules and Regulations, the violation of any such provision must be
24 punished by a fine of \$50. Each day any violation of any provisions of the Rules and Regulations
25 continues constitutes a separate offense. All fines collected hereunder accrue to the benefit of the Town.
26

27 **§ 1.3.3-4 Nuisances declared.**

28 Any violation of this Code is deemed to be a nuisance.

**KITTERY TOWN CODE TITLE 1 PROPOSED AMENDMENT –
KITTERY PORT AUTHORITY FINES**

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; and 30-A MRS §3001, pursuant to its powers
7 that 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 through its Charter has charged the Kittery Port Authority with
11 responsibility for establishing rules and regulations for the use of Kittery waters and public
12 marine facilities; and

13 **WHEREAS**, the Kittery Port Authority is intended to also have the authority to determine
14 appropriate fines for the violation of the Rules and Regulations they establish in accordance
15 with Town Charter; and

16 **WHEREAS**, Title 1 of the Kittery Town Code should recognize the fines established by the
17 Kittery Port Authority as having the full effect of local ordinance for the proper enforcement of
18 said rules and regulations;

19 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
20 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 1, CHAPTER 1.3
21 GENERAL PENALTY AS PRESENTED.

22 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,

23 20____, by: _____ {NAME} Motion to approve by Councilor

24 _____ {NAME}, as seconded by Councilor _____ {NAME} and

25 passed by a vote of _____.

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

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



**KITTERY PORT AUTHORITY
RULES & REGULATIONS**

**APPENDIX A
PORT and HARBOR FEE SCHEDULE**

A. Fines

- | | |
|---|-------|
| 1. Rules and Regulations violation unless otherwise specified | \$50 |
| 2. Failure to remove dinghy by float-out | \$100 |

B. Mooring Site Fees

- | | |
|---|--|
| 1. Mooring Sites | \$8 per foot; Minimum \$200 |
| 2. Non-Municipal Transient Mooring Sites | \$8 per foot; Minimum \$300 |
| 3. Rental Mooring Sites* | \$8 per foot; Minimum \$300 |
| 4. Mooring Renewal Late Fee | \$50 |
| 5. Moored Floats | Same as mooring fees above for each vessel |
| 6. Public Mooring Sites (Approval required) | No Fee |

* Marinas and others authorized as a result of grandfathering or KPA Motion

NOTE: If, with the permission of the KPA and any other agency with jurisdiction, one side is used for rental, the fees noted in 2 and 3 above apply to the rented side. The Harbormaster may approve occasional use of an unused side by a visiting vessel at his discretion.

C. Facility Use Permits

Kittery Mooring Holders are exempt

- | | |
|--|-----------------|
| 1. Kittery Resident Commercial Vessels | |
| a. Single Use | \$50 per visit |
| b. Seasonal Use | \$10 per foot |
| 2. Non-Kittery Resident Commercial Vessels | |
| a. Single Use | \$150 per visit |
| b. Seasonal Use | \$30 per foot |

- | | |
|--------------------------------|--------------|
| D. Harbor Water Use Fee | \$200 |
|--------------------------------|--------------|

NOTE: Vessels principally moored at **private docks or private marinas** in Kittery waters, for forty-five (45) days or more in a calendar year must obtain a Harbor Use Permit. Kittery residents are exempt from the Harbor Use Permit requirement.

E. Transient Mooring and Slip Fees

Maximum 14 consecutive days or at the discretion of the Harbormaster

- | | |
|---|--------------------------------------|
| 1. Town Transient Mooring Rental | \$35 per night |
| 2. Town Transient Slip Rental Per Night: | |
| a. Off Season from Float-In to June 14 and Labor Day to Float-Out | \$45 per night |
| b. In Season June 15 to Labor Day | \$2 per foot; Minimum \$65 per night |
| 3. Receptacle Hook-Up | |
| a. First two consecutive nights | \$15 |
| b. Each consecutive night thereafter | \$10 |

F. Boat Launch Ramp Fees

Passes must be visible on trailer or vehicle dashboard

- | | |
|--|-------|
| 1. Season Launch Fee | |
| a. Resident | \$50 |
| b. Non-Resident | \$125 |
| c. Elders (65 and over) and Active Duty Military | \$40 |
| 2. Daily Launch Fee | |
| a. Non-Motorized | \$5 |
| b. Resident Motorized | \$10 |
| c. Non-Resident Motorized | \$20 |

G. Dinghy Fees

Seasonal tie-up to Town facilities

- | | |
|-----------------|-------|
| 1. Resident | \$50 |
| 2. Non-Resident | \$120 |

NOTE: Only mooring holders may tie up dinghies on a seasonal basis.

H. Other Fees

- | | |
|--|--------------|
| 1. Outhaul | No Fee |
| 2. Mooring Site Wait List (Annual) | |
| a. Applicants on the Wait List prior to January 1, 2019 | \$10 |
| b. All Others | \$20 |
| 3. Town Storage of Vessels, Mooring Tackle, or Equipment | \$50 per day |

NOTE: Owner is responsible to pay removal costs incurred by the Harbormaster, in addition to Town storage fee prior to reclaiming vessels, mooring tackle, or equipment.

I. Pier, Ramp, and Float Application Fees

- | | |
|--|-------|
| 1. Application Fee | \$125 |
| 2. Applicant Service Account (Minimum) | \$145 |

NOTE: Pursuant to Town Code Title 3, Chapter 3.3, applicants requesting appeals, approvals, licenses, or permits, which involve services as listed therein, are required to establish an Applicant Service Account with the Town Treasurer. Such funds are to be used to pay other direct costs necessary to complete the application process, not including application fees as shown in this Appendix.



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
 200 Rogers Road, Kittery, ME 03904
 Telephone: (207) 475-1328 Fax: (207) 439-6806

BY: BAZ 10:55 A
 RECEIVED
 FEB 19 2019

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Diane L. Harvey
 RESIDENCE: 190 Brave Boat Harbor Rd
 MAILING (if different) _____
harveyheint@comcast.net
 E-MAIL ADDRESS: (L) PHONE #: (Home) 475-5988 (Work) _____

Please check your choices:

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

EDUCATION/TRAINING: BA, Master of Divinity
 RELATED EXPERIENCE (Including other Boards and Commissions) 38 years as a United Church of Christ (Congregational) minister, working with budgets, benevolences disbursements and community needs

PRESENT EMPLOYMENT: retired
 ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: Desire to give back to the town
 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.

Diane L. Harvey
 SIGNATURE OF APPLICANT

2/16/19
 DATE