



# TOWN OF KITTERY

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

March 11, 2019

Council Chambers

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – None
8. Interviews for the Board of Appeals and Planning Board- None
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS - None
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 - None
13. NEW BUSINESS
  - a. Donations/gifts received for Council disposition.

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

(030119-2) The Kittery Town Council moves to accept a donation from Donald and Nicole Kerr in the amount of \$50.00 to be deposited in the Thresher Memorial Fund.
  - b. (030119-3) The Kittery Town Council moves to approve the disbursement warrants.
  - c. (030119-4) The Kittery Town Council moves to approve a Municipal Release Deed for 64 Route 236, Kittery, Maine 03904.

- d. (030119-5) The Kittery Town Council moves to appoint Brad Hirst to the Trustees of the Trust Funds, to a term to expire 12/31/2022.
- e. (030119-6) The Kittery Town Council moves to appoint Drew Fitch to the Economic Development Committee. To a term to expire 12/31/2021.
- f. (030119-7) The Kittery Town Council moves to appoint a representative to interview Linda Cheatham to be appointed to the Rice Public Library Board.
- g. (030119-8) The Kittery Town Council moves to approve a Pole Permit for Northern New England Telephone and Central Maine Power Company to be located at 227/2.75 (LTS 58) on US Route 1 Kittery, Maine.
- h. (030119-9) The Kittery Town Council moves to approve a renewal Liquor License application for Maine Beer Café. Located at 439 US Route 1, Suite 1 Kittery, Maine 03904.
- i. (030119-10) The Kittery Town Council moves to hold a public hearing on March 25, 2019 to amend Title 2 – Fire Chief Position.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION - NONE

17. ADJOURNMENT

Posted: March 07, 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 March 11, 2019

- 1. Ambulance Service Contract** – American Ambulance notified the Town that it was being bought by Stewart Ambulance. Fire Chief O'Brien was involved in the review of the transition and the assessment of Stewart Ambulance as a service provider. Upon his recommendation, I have agreed to accept Stewart Ambulance as the service provider for the remainder of the contract. Stewart Ambulance has agreed to abide by all of the terms, conditions, and requirements of the Town's Ambulance Service contract. It is our understanding that there has been no turnover in staff serving Kittery. Stewart expects to start re-lettering the vehicles in the coming weeks. Residents should see no disruption in response or service through this transition.
- 2. Library MOU** – The March 4 workshop with the Library Board of Directors was productive. Based on the discussion, I have revised the MOU to reflect the changes proposed. The item that did not appear to have a concluding recommendation was the Arabella Rice Trust (highlighted). I am seeking Council consensus on this last item so the MOU can be presented to the Library Board before March 25.
- 3. Badger's Island Parking** – The Council requested we look into issues of parking and congestion on Badger's Island. Letters have been sent to the property owners and businesses on the Island seeking their interest in providing input, sharing their experiences, and discussing options. We will be scheduling meetings in the coming weeks based on the response to outreach. The DPW Commissioner, Police Chief, Fire Chief, and Director of Planning and Development will be involved in the assessment of conditions and developing recommendations.
- 4. Government Street Wharf** – The Government Street Wharf project is well underway. Demolition of the decking is complete, and new piles have been installed. The next phase will include demolition of the seawall holding up the approach and installation of pre-cast concrete blocks. All work below the high tideline must be complete by April 9. The project is scheduled to be substantially complete by May 30. The project remains on budget and on schedule at this time.

In the course of designing the project, a property line question was identified on the west side of the site. The abutters have been very accommodating and agreed to work with us to amicably resolve the question without impacting the progress of the project. I have notified Town Attorney Duncan McEachern and will be working with him to develop the necessary materials for the Council to consider.

5. **John Paul Jones Park** – Notice has been sent to the State regarding the Council’s vote to accept JPJ Park in principle. The required paperwork is being prepared for the Governor’s consideration/signature. I expect to hear more in the next few weeks regarding progress and next steps.
  
6. **No Idling at Resource Recovery Facility** – Chairperson Spiller asked about a “No Idling” rule at the Resource Recovery Facility. DPW Commissioner Rich explained that we do not have a non-idling rule for customers or staff at the KRRF. He believes it may have been a recommendation of an advisory committee in the past, but it was not adopted. In winter, where low temperatures impact the performance of certain equipment, some idling is necessary for the efficiency of the operation. I have asked Mr. Rich to evaluate scenarios where idling can be avoided at the KRRF and to make any appropriate recommendations.

**Upcoming Dates:**

- Kittery’s Got Talent, March 29, 4PM, Shapleigh School
- Celebrity Chef Breakfast – April 9, 8AM, Kittery Community Center
- Recycling Scholarship Applications Due – April 15, Town Clerk
- Mooring Renewal Applications Due – April 15, Harbormaster

Respectfully Submitted,



Kendra Amaral  
Town Manager

## MEMORANDUM OF UNDERSTANDING

**THIS MEMORANDUM** (hereinafter the “Memorandum”) is intended to set forth the understanding between the **RICE PUBLIC LIBRARY**, a nonprofit corporation duly organized and existing under the laws of the State of Maine with a place of business at Kittery, County of York and State of Maine (hereinafter the “Library”), acting by and through its duly constituted Board of Directors, and **THE INHABITANTS OF THE TOWN OF KITTERY**, a body politic and incorporated subdivision of the State of Maine in Kittery (hereinafter the “Town”) acting by and through its duly appointed Town Manager and duly elected Town Council.

### Background:

Under the Last Will and Testament of Arabella Rice, funds were set aside for the creation of a free public library for the inhabitants of the Town of Kittery. From those funds and other sources, a parcel of land was acquired on Wentworth Street in the Town of Kittery and a free public library known as the Rice Public Library was constructed and furnished. Although the Library for most of its existence was financially self-supporting, at a point in time, as the Library evolved into a modern institution with professional staff and expanded services, it became necessary to seek financial assistance from the Town. At the present time, the Town provides most of the financial support necessary for maintenance of the Library properties and for payment of salaries and other expenses of the Library.

Most recently the Library has sought to consolidate its operations in one location better designed to meet the needs of the residents of Kittery. In a non-binding referendum question submitted to the voters of Kittery on November 7, 2017, it was the consensus of the voters to locate the operations of the Library at its original location on Wentworth Street with an expansion of the existing building.

Due to the anticipated renovation and expansion of the Rice building and the anticipated reliance on municipal funds for the renovation and expansion, discussions have commenced concerning the transfer of certain property of the Library to the Town and employment of Library personnel by the Town.

### Purpose:

The purpose of this Memorandum is to set forth the understanding of the parties hereto concerning transfer of Library property to the Town, employment of Library personnel by the Town, operation of the Library by the Town as a line department and the role of the nonprofit corporation following the transfer of Library property and personnel to the Town.

### Principles:

1. The Library will continue its current operation of a free public library for the Town at its Walker and Wentworth street locations as the Town works to implement the renovation and expansion project of the Rice Library building.

2. The premises and library-owned appurtenances, books and equipment, at 2 Walker Street and 8 Wentworth Street, including the books and equipment located therein and used in the operation of a public library, will be contributed/transferred to the Town on or about July 1, 2019.
3. Prior to transfer of the buildings, the Board of Directors will contract for a professional appraisal of the Taylor Building property located on 2 Walker Street.
4. The appraised value of the Taylor Building property will be the Library's primary financial contribution to the renovation project.
5. The Library will become a Town department and the current staff and personnel of the Library will become employees of the Town, with commensurate compensation at the time of transfer of the assets described in Section 2 of the Library to the Town, on or about July 1, 2019.
6. The nonprofit corporation Rice Public Library shall continue to exist as a nonprofit corporation in the State of Maine and shall maintain its status as a Section 501(c)(3) organization under the Internal Revenue Code. The following cash and related assets remain the property of the nonprofit corporation for its purposes:
  - a. Cash excluding any operating reserve funds, and including donations from the Annual Appeal and other charitable contributions to the Rice Public Library.
  - b. Stock (Exxon, 384 shares; IBM, 20 shares)
  - c. 2017 Varney Bequest, (TD Bank CD, approximately \$100,000).
  - d. Remainder of Arabella Rice Trust (cash; approximate \$62,500).
7. The Board of Directors of the nonprofit corporation will ~~develop and monitor long-range and strategic plans, goals, and programmatic policies of a free public library for Council to consider for adoption and may~~ engage in fundraising and other activities designed to further the purposes of the Library.
8. Every effort will be made to minimize the impact on library operations and services in both the Rice Building and Taylor Building until the renovation and expansion of the Rice Building is complete. ~~The Taylor Building, being integral to the library's operation and services, will remain open until the renovation of the Rice Building is complete and both adult and youth services are fully operational in the renovated building. Doing so would not exclude the possibility of the Town pursuing other options for the property. Notwithstanding the foregoing, the Town would not be precluded from pursuing other options for the future use of the property.~~
9. This Understanding is contingent upon the Town Council acceptance of the Rice Public Library's gift of the assets no later than March 25, 2019.

**IN WITNESS WHEREOF**, the parties hereto have executed this Memorandum and confirmed its purpose and the principles set forth above.

**INHABITANTS OF THE TOWN OF KITTEERY**  
By its Town Council

**RICE PUBLIC LIBRARY**  
By its Board of Directors

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Judy Spiller, Chair

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Rachel J. Dennis, President

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Matt Brock

---

David Harris, Co President

---

Charles Denault

---

George Dow

---

Kenneth E. Lemont

---

Dianne Fallon

---

Jeffrey D. Thomson

---

Douglas Greene

---

Jeffrey Pelletier

---

William Tredwell

---

Cyrus Clark





HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

# OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



**Bank**

10421417-2

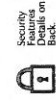
52-0133  
112

DATE: 02/25/2019

RE: KITTERY MAINE IMPROVEMENT FOUN

PAY TO THE ORDER OF \*\*\* THRESHER MEMORIAL FUND \*\*\*  
One Hundred Four AND 24/100

\$104.24



DRAWER: TD BANK, N.A.

*[Handwritten Signature]*  
AUTHORIZED SIGNATURE



Donald and Nicole Kerr  
4 Colonial Rd  
Kittery, ME 03904-1105

ASPCA  
WE ARE THEIR VOICE

1122  
54-7468/2114

26 FEB 20 19

FRAUDARMOR

Pay to the Order of THRESHER MEMORIAL FUND \$ 50.00

FIFTY + 00/100

Dollars

Security features are included. Details on back.

Piscataqua Savings Bank

For SILENT STRENGTH

*[Handwritten Signature]*





# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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## REPORT TO TOWN COUNCIL

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Meeting Date: March 11, 2019  
From: Kendra Amaral, Town Manager  
Subject: Release Deed Map 29 Lot 13-B  
Councilor Sponsor: Chairperson Judy Spiller

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### **EXECUTIVE SUMMARY**

The Town Council is being requested to execute a Release Deed for Map 29 Lot 13-B, 64 Route 236 in order to resolve an outstanding lien so the property may be sold. A municipal release deed is required because 18 months has passed since the notice of liens.

### **BACKGROUND**

The property is scheduled for resale on March 15. The property was foreclosed on for nonpayment of FY17 taxes. Total taxes and interest due are \$10,900.51.

Payment will be due prior to recording of the Release Deed.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve the Release Deed as presented.

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## MUNICIPAL RELEASE DEED

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The TOWN OF KITTEERY (the 'Town'), a municipal corporation existing under the laws of the State of Maine and located in the County of York, State of Maine, releases to

DAVID H. WALKER and LORRAINE J. SIMMONS

with a mailing address of 64 Route 236, Kittery, Maine 03904

any interest the Town may have in a certain lot or parcel of land with any improvements located thereon, located in the Town of Kittery, County of York and State of Maine, now or formerly owned by David H. Walker and Lorraine J. Simmons and recorded in the

York County Registry of Deeds in Book / Page 17565 / 269 and further shown as Map / Lot 29-13B on the Town of Kittery Assessor's Tax Maps, as may have been acquired by the Town by virtue of any of the following Tax Lien Certificates on record in said Registry of Deeds:

1. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17545 Page 219
2. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17789 Page 81

The sole purpose of this Municipal Release Deed is to release to the Grantee herein any interest which the Town may have acquired in the property described by virtue of delinquent taxes through and including the current taxes due.

TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Lemont and A. David Mann

RE: APPOINTMENT TO Mary Safford Wildes Trust

DATE OF INTERVIEW: 2/28/19 at 1 a.m./p.m.

We have interviewed Rev. Brad Hirst, on the date and time noted

above. We approve recommendation of the applicant and whole heartedly endorse his/her appointment for a term to expire on 12/31/22.

ATTENDANCE RECORD: Excellent —  
Good N/A  
Poor —

Nemeth J. Lemont  
A. David Mann  
Signatures

COMMENTS:

outstanding candidate - would be an asset to the trust

From: [redacted]  
To: [redacted]  
Subject: [redacted]

Sent from my iPhone  
Begin forwarded message:

From: Judy Taylor <judy.taylor@kitterytown.com>  
Date: February 26, 2019 at 1:21:19 PM EST  
To: [redacted]  
Subject: Drew Fitch Interview

Hi Chuck,  
Forgot to give this to you last night.  
Thanks,  
Judy

TO: KITTERY TOWN COUNCIL  
FROM: COUNCILOR Charles Donahut and George Dow  
RE: APPOINTMENT TO Economic Development Comm.

DATE OF INTERVIEW: 2/27/19 at 5:30 a.m./p.m.

We have interviewed Drew Fitch, on the date and time noted above. We approve recommendation of the applicant and whole heartedly endorse his/her appointment for a term to expire on 12/31/2021

ATTENDANCE RECORD: Excellent   
Good   
Poor

COMMENTS:

[Signature]  
[Signature]  
Signatures





RECEIVED

NOV - 6 2017

BY: 12:53 pm

TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Drew E. Fildes  
RESIDENCE: Langston St  
MAILING (if different): \_\_\_\_\_

E-MAIL ADDRESS: Drew E. Fildes PHONE #: (Home) 736-9136 (Work) 467-8230

Please check your choices: not

- Board of Appeals
- Conservation Commission
- Comprehensive Plan Update Committee
- Recycling Scholarship Selection Committee
- Parks Commission
- Port Authority
- Personnel Board
- Board of Assessment Review
- Mary Safford Wildes Trust
- Shellfish Conservation Committee
- Economic Development Committee
- Open Space Committee
- Planning Board
- Other \_\_\_\_\_

EDUCATION/TRAINING: College Grad

RELATED EXPERIENCE (Including other Boards and Commissions) 35 year career in real estate

PRESENT EMPLOYMENT: Atlantic Development LLC owner  
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY  Yes  No

ANY KNOWN CONFLICT OF INTEREST: No

REASON FOR APPLICATION TO THIS BOARD: Interested in how town is developing  
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.

Drew E. Fildes  
SIGNATURE OF APPLICANT

11/6/17  
DATE



# TOWN OF KITTEERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED  
FEB 27 2019  
BY: 3:37 [Signature]

## APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Linda C. Cheatham  
RESIDENCE: 144 Pepperrell Road, Kittery Point, ME 03905  
MAILING (if different) Same as above

E-MAIL ADDRESS: Lcheetha2010@gmail.com PHONE #: (Home) 207-703-0156 (Work) none  
**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>Rice Public Library Board</u> |

EDUCATION/TRAINING: BS and M.A. from the University of Texas at Austin  
RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

During my 32-year career as a U.S. Foreign Service officer, I worked closely with our embassies' libraries and information-resource centers abroad.

PRESENT EMPLOYMENT: Retired  
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTEERY  Yes  No

ANY KNOWN CONFLICT OF INTEREST: no

REASON FOR APPLICATION TO THIS BOARD: I believe it would be the best way I can serve 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.

Linda C. Cheatham  
SIGNATURE OF APPLICANT

February 27, 2019  
DATE

**PETITION AND POLE LICENSE**  
**PETITION**

*MW*

Manchester, New Hampshire  
To the Councilmen of Kittery, Maine.

Date: January 15, 2019

NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC d/b/a FairPoint Communications-NNE and CENTRAL MAINE POWER COMPANY desire a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures along, across and under the following highways in said municipality:

**The licensing of 1 new pole placement 227/2.75 (LTS 58) located on US ROUTE 1, in the Town of Kittery, Maine, as per attached.**

NORTHERN NEW ENGLAND  
TELEPHONE OPERATIONS LLC

CENTRAL MAINE POWER

By Kimberley Burgess  
Right-of-Way Department

LICENSE

By [Signature]

Upon petition of the NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC and CENTRAL MAINE POWER COMPANY, it appearing that the public good so requires, it is hereby  
**ORDERED**

Date: \_\_\_\_\_

That NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC and CENTRAL MAINE POWER COMPANY be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the highways covered by said petition. All of said wires except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC and CENTRAL MAINE POWER COMPANY No., dated July 22, 2016, attached to and made a part thereof.

_____	_____
Town Council	Town Council
_____	_____
Town Council	Town Council
_____	_____
Town Council	Town Council
_____	
Town Council	

By vote of Town Council  
of the Town of Kittery, Maine  
Received and entered in the records of the Town of Kittery, Maine,

Book \_\_\_\_\_, Page \_\_\_\_\_.

Attest \_\_\_\_\_  
Town Clerk

Date \_\_\_\_\_



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

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

NEW application:  Yes  No

PRESENT LICENSE EXPIRES 3/21/19

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 type="checkbox"/> QUALIFIED CATERING               | <input type="checkbox"/> OTHER: _____                    |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <u>York Harbor Brewing Corp</u>			Business Name (D/B/A) <u>Maine Beer Cafe</u>		
APPLICANT(S) -(Sole Proprietor) <u>DOB:</u>			Physical Location: <u>439 US RT 1 Ste 1</u>		
DOB:			City/Town <u>K. Hery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Address <u>439 US RT 1 Ste 1</u>			Mailing Address <u>439 US RT 1 Ste 1</u>		
City/Town <u>K. Hery</u>	State <u>ME</u>	Zip Code <u>03904</u>	City/Town <u>K. Hery</u>	State <u>ME</u>	Zip Code <u>03904</u>
Telephone Number <u>207-703-8060</u>	Fax Number		Business Telephone Number <u>207-703-8060</u>	Fax Number	
Federal I.D. # <u>46-1346619</u>			Seller Certificate #: or Sales Tax #: <u>1165843</u>		
Email Address: Please Print <u>dave@mainebeercafe.com</u>			Website: <u>www.mainebeercafe.com</u>		

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

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

- 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 \$ 150,000 LIQUOR \$ 150,000
- 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 own or have any interest in any another Maine Liquor License?  Yes  No  
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES  NO
6. If manager is to be employed, give name: David D'Auteuil
7. Business records are located at: 439 USRT 1 Ste 1 Kittery ME 03904
8. Is/are applicant(s) citizens of the United States? YES  NO
9. Is/are applicant(s) residents of the State of Maine? YES  NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>David D'Auteuil</u>	<u>2/6/71</u>	<u>Lewiston, ME</u>
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
<u>Kittery, ME</u>		

11. 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)

12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

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

14. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner:  
Harrison E Lemont Management 439 USRT 1 Ste 3 Kittery ME 03904

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_  
See Attached

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

17. 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? 1.3  
 Which of the above is nearest? Church

18. 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: Kennebunk Savings.

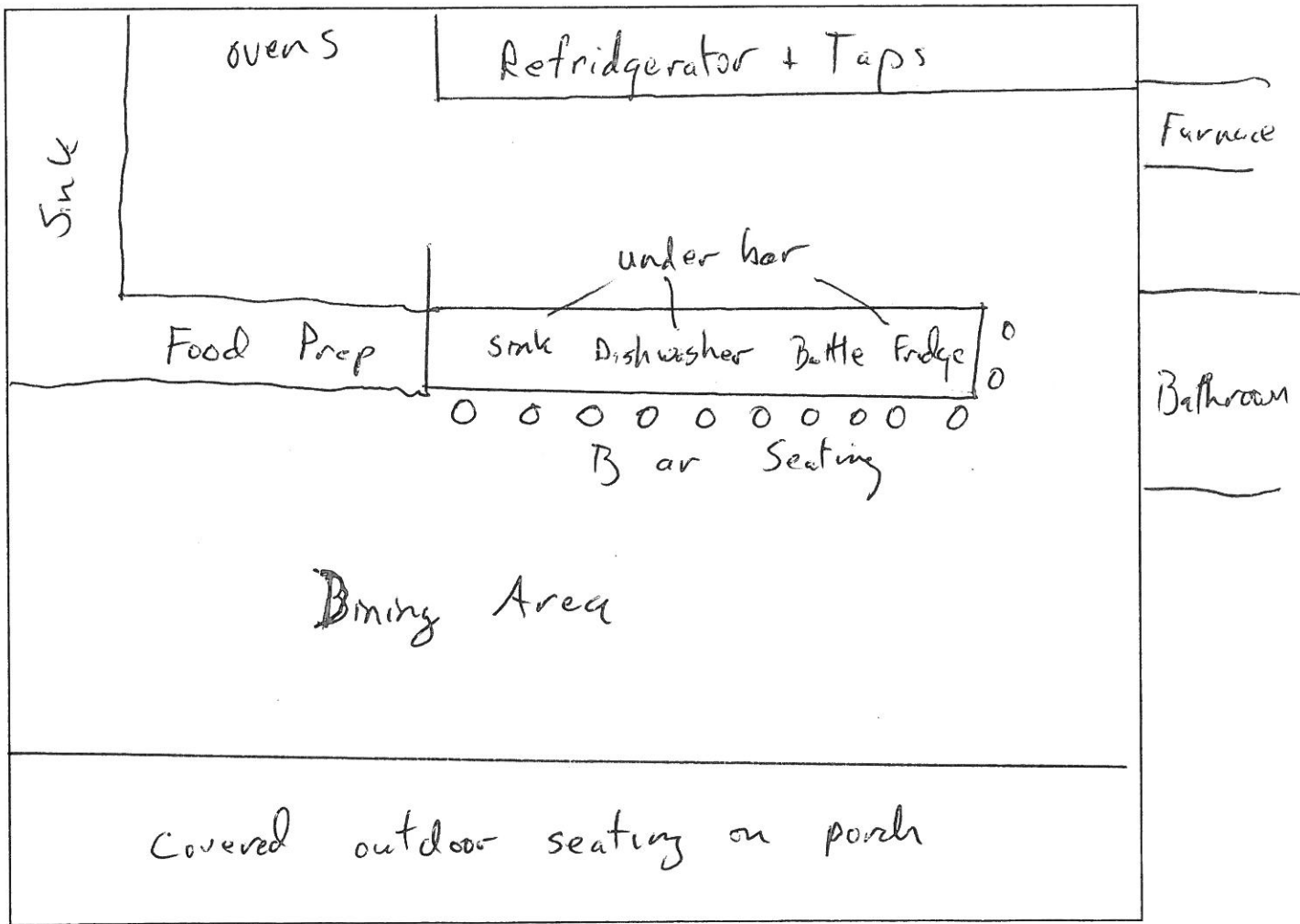
Bureau of Alcoholic Beverages and Lottery Operations  
 Division of Liquor Licensing & Enforcement  
 8 State House Station, Augusta, ME 04333-0008  
 10 Water Street, Hallowell, ME 04347  
 Tel: (207) 624-7220 Fax: (207) 287-3434  
 Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

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

ON PREMISE DIAGRAM

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

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



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 2/26, 2019  
Town/City, State Date

*David D'Antoni* **Please sign in blue ink**  
 Signature of Applicant or Corporate Officer(s)  
David D'Antoni  
 Print Name

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

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





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

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

<b>For Office Use Only:</b>	
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: York Harbor Brewing Corp
- Doing Business As, if any: Maine Beer Cafe
- Date of filing with Secretary of State: 10/17/2017 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 %
David D'Antoni	16 Fernald Rd Kittery, ME 47 US RT 1A Kittery, ME 8 Blueberry Lane Kittery, ME	2/6/71	VP	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:**

  
Signature of Owner or Corporate Officer

2/26/19  
Date

David D'Autey  
Print Name of Owner or Corporate Officer

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Submit Completed Forms to:

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





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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: March 11, 2019  
From: Kendra Amaral, Town Manager  
Subject: Title 2 Revision – Fire Chief  
Councilor Sponsor: Chairperson Judy Spiller

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The Council established a Town Manager goal for 2019 to evaluate making the Fire Chief position a full-time position. The evaluation resulted in the conclusion that the position should be full-time, and should have the role of Director of Emergency Management incorporated into it. The proposed Title 2 changes reflect the results and implementation of the conclusions.

**BACKGROUND**

Town Council requested the administration evaluate the Fire Chief position for possible transition to a full-time position. This request was borne out of the ongoing discussion about the challenges of staffing a Call Fire Department.

The Fire Chief is responsible for the safety and training of the firefighters, and for ensuring there are sufficient resources to respond to emergencies. He is charged with developing and administering an annual budget, capital projects, and maintaining two stations, and over \$2.8M in fire apparatus. In Kittery, the Chief is also responsible for the periodic ISO review for the town's insurance rating, and for administering the ambulance services contract.

Fire Chief David O'Brien has served in the role since 1998.

**STATEMENT OF NEED**

I have reviewed the responsibilities and considered the actual time spent by Chief O'Brien on both administrative and response duties associated with the position. It is clear, one cannot meet the expectations of this position as a part-time employee. Chief O'Brien puts in far more than 29 hours per week on average. His successes are proof of the importance of dedicating the time and effort needed to do the job properly.

Though Chief O'Brien has not indicated an intention to retire yet, it is important to be considering succession planning. When Chief O'Brien retires, the Town will want to attract/retain a Fire Chief who is capable of performing at the same level and with the same success as David. This becomes infinitely more challenging as a part-time position.

Chief O'Brien is focused on succession planning and already working on training the next leaders of the department. Being able to confirm the position is full-time supports that effort and ensures we retain the talent in-house.

In consideration of all the above, the position has been made full-time effective January 1, 2019. Council action is not required.

Through this evaluation process, it also became clear that the Fire Chief should have the duties of the Director of Emergency Management. The Fire Chief is regularly involved in the management of natural and manmade emergencies, is responsible for local sheltering/warming stations, interfaces regularly with MEMA and FEMA and the various partners involved in responding to large-scale emergencies. This also creates a natural collaborative model for the coordination of training on emergency preparedness.

Incorporating the Director of Emergency Management duties into the Fire Chief position requires amendments to Title 2 and Title 8.

#### **PROPOSED SOLUTION/RECOMMENDATION**

Approve Title 2 Revisions as presented.

#### **ATTACHMENTS**

- Proposed Title 2 and Title 8 Amendments
- Proposed Enactment

1 **AMEND Chapter 2.2 Fire Department as follows:**

2 **§ 2.2.3 Fire Chief.**

3 The Fire Chief is the administrative head of the Fire Department and is responsible for the management of  
4 the Department. The duties and scope of employment of the Fire Chief are as defined in the Personnel  
5 Code, Chapters 2.3, 2.4, ~~and 2.5,~~ and Emergency Management Agency Chapter 8.3. The Fire Chief is  
6 appointed by and is directly accountable to the Town Manager. ~~In addition, the Fire Chief is responsible~~  
7 ~~for promulgating and enforcing rules, policies and regulations of the Fire Department. In addition to all~~  
8 ~~other duties and responsibilities, the Fire Chief prepares the annual budget in a manner and form as the~~  
9 ~~Manager deems desirable or the Council requires, consistent with the Town Charter.~~

10 **AMEND Chapter 2.4 Article 8 Fire Department as follows:**

11 **§ 2.4.8.1 Fire Chief.**

12 The purpose of the position of Fire Chief is to provide and maintain a well-trained, equipped department,  
13 enabling the Department to protect the lives and property of the citizens of Kittery against fire and other  
14 emergency situations. This position reports to the Town Manager. The Fire Chief serves as Director of  
15 Emergency Management. Duties include, but are not limited to, responding to emergency calls;  
16 promulgating and enforcing rules, policies and regulations of the Fire Department; preparing an annual  
17 budget; supervising all firefighters; planning and coordinating administrative and technical functions of  
18 fire prevention service ~~(including motor vehicles and small watercraft);~~ maintaining ~~incident~~ reports,  
19 ~~workers' compensation~~ records, maintenance and logs and records, and ~~insurance reports;~~ providing for  
20 the upkeep of firefighting and rescue equipment; and performing additional tasks as assigned.

21 **AMEND Title 8 Chapter 8.3 Emergency Management Agency as follows:**

22 **§ 8.3.4 Organization and appointments.**

- 23 A. The Emergency Management Agency is hereby established within the executive department of the  
24 Town government and under the direction of the Town Manager. The Town Manager is hereby  
25 authorized to organize the Emergency Management Agency, utilizing to the fullest extent possible  
26 the existing agencies within the Town.
- 27 B. There is an executive head of the Emergency Management Agency who is known as the Director of  
28 the Emergency Management Agency. The Director is appointed by ~~the Town Council~~ and works  
29 under the direction of the Town Manager.

**KITTERY TOWN CODE TITLE 2 and TITLE 8, PROPOSED AMENDMENT –  
FIRE CHIEF**

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 Council finds the expectations, responsibilities, and expertise required to serve  
11 as Director of Emergency Management are most aligned with that of the role of Fire Chief; and

12 **WHEREAS**, assigning the leadership of Emergency Management to the Fire Chief position  
13 establishes an opportunity for greater collaboration with the Police Department, Public Works,  
14 and outside agencies involved in the response to manmade and natural disasters in Kittery;

15 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN  
16 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 2, PERSONNEL and  
17 ADMINISTRATION, AND TITLE 8 EMERGENCY MANAGEMENT AGENCY OF THE TOWN  
18 CODE, AS PRESENTED.

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

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

25 **Attest:** {NAME}, \_\_\_\_\_ Town Clerk