



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL

COUNCIL CHAMBERS

November 22, 2021

6:00PM

The public may attend the meeting in person or remotely via Zoom.

Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. **To register via Zoom:**

https://us02web.zoom.us/webinar/register/WN_CsaqPATIQ1uNicS9eAIPGg

After registering, you will receive a confirmation email containing information about joining the webinar.

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

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
 - October 25, Regular Meeting
 - November 3, Special Meeting

8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person).
 - b. Chairperson may read written comments into the record.
 - c. Chairperson's response to public comments.
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition

(110221-1) The Kittery Town Council moves to accept donations in the amount of \$80,000 to be deposited into account #4060-43602.
 - b. (110221-2) The Kittery Town Council moves to approve the Housing Committee proposal for expenditure of the Housing Reserve Fund for an Accessory Dwelling Unit grant pilot program.
 - c. (110221-3) The Kittery Town Council moves to vote on Council Appointments and Committees.
 - d. (110221-4) The Kittery Town Council moves to adopt Council Rules for the ensuing year.
 - e. (110221-5) The Kittery Town Council moves to schedule a public hearing on December 13, 2021 to approve the multi-year agreement for solid waste hauling.
 - f. (110221-6) The Kittery Town Council moves to approve a renewal Liquor License application from AJ's Wood Grill Pizza located at 68 Wallingford Square, Kittery.
 - g. (110221-7) The Kittery Town Council moves to approve a banner and sign request from the Kittery Community Market for their Winter Market.
 - h. (110221-8) The Kittery Town Council moves to approve a Release Deed for 68 Bartlett Road, Kittery.

- i. (110221-9) The Kittery Town Council moves to appoint a Councilor along with the Chair of the KCC Board of Directors to interview John Corgan for a three-year term to expire 12/31/2024.
- j. (110221-10) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Economic Development Committee to interview Celestyne Bragg for a three-year term to expire 12/31/2024.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: November 18, 2021



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 November 22, 2021

1. **COVID Update** – York County remains in the “high community transmission” category for the spread of COVID. The Maine CDC is reporting that York County has dropped again in its ranking among the highest cases of all Maine counties. Unfortunately, as previously reported, the percentage of the county population having COVID has increased.

The state is reporting increases in outbreaks, infections, hospitalizations, and deaths throughout Maine. The people hospitalized are predominately unvaccinated. It was recently reported that approximately 97% of COVID related ICU-patients are unvaccinated. It is critical for the safety and health of all, that people get vaccinated, wear face coverings while indoors, and stay home if they feel sick.

The Kittery Fire Department, in collaboration with York County Emergency Management and the Kittery Public Schools hosted the first of two youth vaccination clinics. These clinics serve children five years old and up.

Residents are strongly encouraged to get vaccinated and to wear face-coverings as a means to prevent the further spread of COVID. For more information about getting vaccinated please visit <https://www.maine.gov/covid19/vaccines>.

2. **Speed Reduction Approved Badger's Island West** – The Maine Department of Transportation has approved the Town's request to reduce the speed on Badger's Island West to 20 MPH. Attached is the Council Report and background information on this request.
3. **Bike/Ped Master Plan** – The draft Bike/Ped Master Plan was presented on November 16th. We had approximately 42 attendees including Steering Committee members and the general public. The presentation is available for viewing on Channel 22 and the Town website. The full draft plan will be posted online by the beginning of next week. We will be collecting comments on the draft plan through December 2nd. The plan should be finalized and published by the end of the calendar year.

Upcoming Dates:

- Dog License Renewals for 2022 – Town Hall and www.kitteryme.org
- Thanksgiving Day Holiday Town Hall Closed – November 25
- Kittery Holiday Parade and Tree Lighting – December 4, 3PM
- Lunch & Learn w/Town Manager – December 16, 11:30AM, KCC
- Santa Ride-Around – December 18, 2021, 2PM

Respectfully Submitted,

Kendra Amaral
Town Manager



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
REGION 1
P.O. BOX 358
SCARBOROUGH, MAINE 04070-0358

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

November 5, 2021

Kendra Amaral, Manager
Town of Kittery
200 Rogers Road
Kittery, ME 03904

Dear Ms. Amaral:

The MaineDOT, at the request of the Town of Kittery, has completed a speed zoning review on Badgers Island West in the Town of Kittery. As a result of this review, it has been determined to establish a new speed zone of 20 MPH on this roadway. This roadway is considered a "Town Way" and as such, it is the responsibility of the Town of Kittery to install and maintain all signage along this roadway. At this time, the MaineDOT requests that the Town of Kittery install signage associated with this newly established speed zone (refer to attached documentation for details).

Should you have any questions regarding this matter or wish to discuss this in more detail, please feel free to contact Randy Illian, Southern Region Traffic Engineer, at 885-7000.

Sincerely,

Cathy J. DeSouza
Southern Region Assistant Traffic Engineer

CJD/cjd

attachment

cc: David Rich, Commissioner
Kittery Public Works Department
200 Rogers Road
Kittery, ME 03904
(w/ attachment)

Robert V. Richter, Chief
Kittery Police Department
200 Rogers Road
Kittery, ME 03904
(w/ attachment)

file

**STATE OF MAINE
INTRA-DEPARTMENTAL MEMORANDUM**

Date: July 12, 2021

To: David Bernhardt, Director of Maintenance & Operations

Department: Transportation

From: Stephen Landry, State Traffic Engineer

Department: Transportation

Subject: Speed Zoning - Badgers Island West (Town Way) - Kittery

New Lower Raise No Change Adjustment

Arterial Mobility Arterial Retrograde Arterial Other

Subject to your approval, the following ITEM is submitted for the Commissioner's Record:

ITEM: The Director of Maintenance and Operations concurred with a recommendation by the State Traffic Engineer that the following speed zoning be established on Badgers Island West in the Town of Kittery as described below:

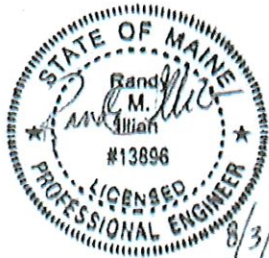
ADOPT: 20 MPH beginning at its junction with US Route 1 (Node 56510) and extending westerly and around a cul-de-sac (Node 58108), a total distance of 0.27 miles.

Stephen Landry

Stephen Landry, PE
State Traffic Engineer

COMMENTS:

At the request of the Town of Kittery, the MaineDOT has conducted a review of the speed zoning on Badgers Island West in the Town of Kittery. According to MaineDOT records, this is the first official speed zoning review conducted by the MaineDOT on this roadway. After conducting this review, it is recommended to establish a new speed zone of 20 MPH for Badgers Island West in the Town of Kittery. This recommendation is based on engineering standards that include: 85th percentile, crash data, access points, test runs and engineering judgment.



Randy M. Allian
Randy M. Allian, PE
Region 1 Traffic Engineer

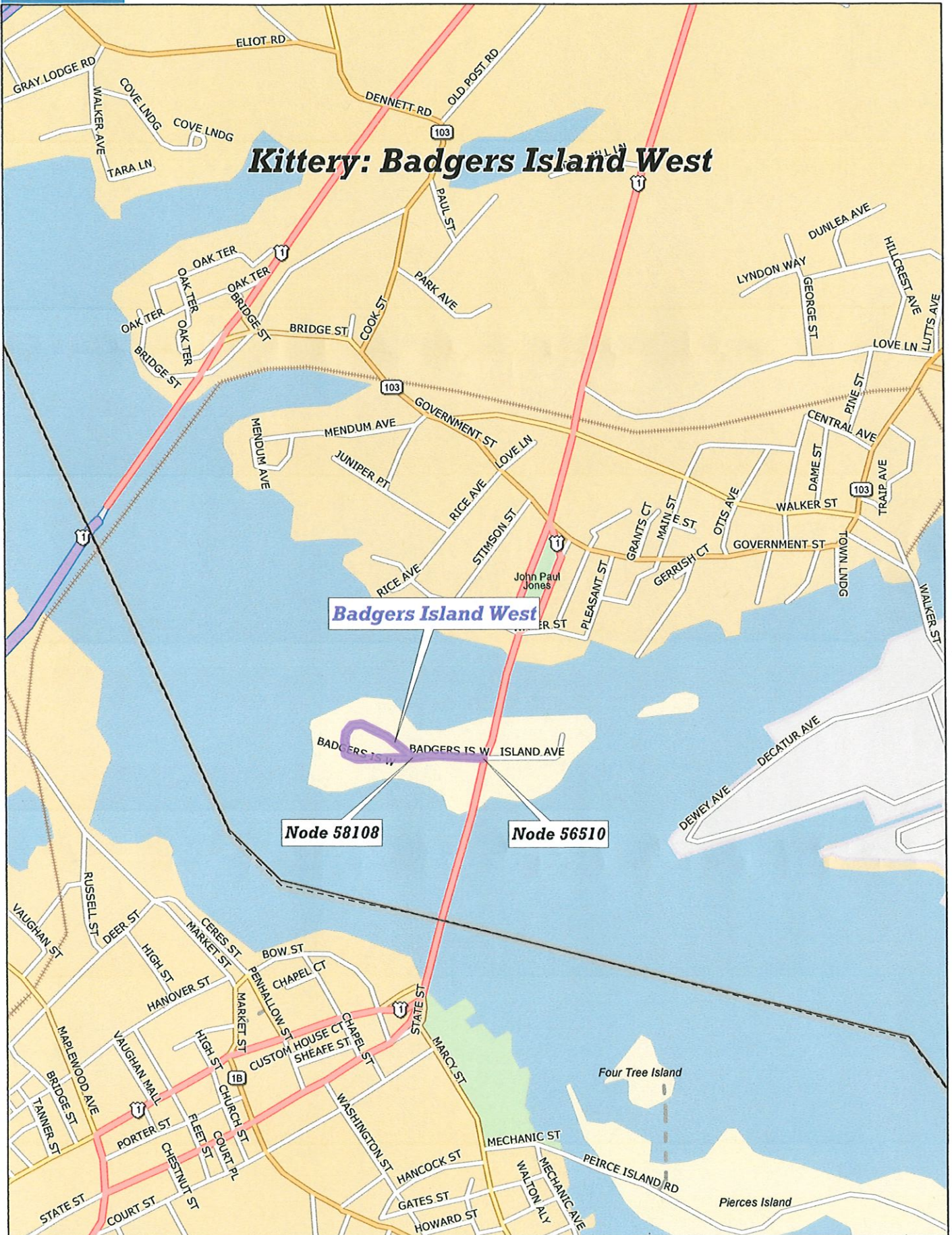
David Bernhardt
David Bernhardt, PE
Director of Maintenance and Operations

John E. Cote
John E. Cote, Colonel
Maine State Police

APPROVED BY ✓
AWARDED BY ✓
CONCURRED
NOTED

COMMISSIONER OF
TRANSPORTATION
9-15-2021
DATE

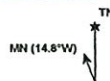
cc: file



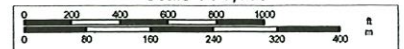
Data use subject to license.

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www.delorme.com



Scale 1 : 9,600



1" = 800.0 ft

Data Zoom 14-4



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

REPORT TO TOWN COUNCIL

Meeting Date: **November 13, 2019**
From: Kendra Amaral, Town Manager
Subject: **Title 10 – Badgers Island Parking**
Sponsor: Chairperson Judy Spiller

OVERVIEW

In 2018, the Council received a request from a resident of Badgers Island to make the island roads “resident permit parking only”. The Council directed me to create a committee to review the issues and propose options that address the concerns raised.

After a number of meetings with those living and operating businesses on the island, two options are being advanced at the collective direction of the neighbors and businesses involved in the discussions.

PROCESS

The proposed amendments to Title 10 came from a process that engaged residents and business owners on the island in a collaborative brainstorming and feedback process with staff. The staff team included Police Chief Richter, Fire Chief O’Brien, DPW Commission David Rich, Director of Planning and Development Adam Causey.

We met with Badgers Island residents and business owners to gather a broad prospective of what the challenges are. The challenges ranged from speed on Badgers Island West, lack of parking to support some of the small businesses, overflow parking for Portsmouth and the general behavior of those drivers, and public safety access challenges on Island Ave. Those engaged in the process also offered ideas and engaged in productive dialogue with staff, and each other, about possible solutions.

Following the information gathering phase, staff developed a suite of 5 options to address the various challenges. We met again with the residents and businesses to review the options and get direction on next steps. Five options were presented. We discussed the potential outcomes, impacts, and limitations of each option. We also sent out the options to an email list and sought additional input.

At both the meeting and in the email responses, a strong majority supported pursuing Options 1 and 2 only. The other options were predominately rejected by a majority and therefore are not being pursued.

Option 1 received Council consensus in October. Option 2, Title 10 amendments, requires an ordinance revision.

PROPOSED TITLE 10 REVISION

The proposed Title 10 revisions include a 50’ parking restriction on Island Avenue at the intersection of Route 1. This will help create safe access for vehicles, and most importantly fire apparatus, onto Island Avenue.

The second revision creates two fifteen-minute parking spaces on Island Avenue. The goal again is to improve the safe access for larger vehicles like fire apparatus, while not impacting the adjacent businesses. The fifteen-minute parking spaces provide a reasonably compatible solution.

We discussed with the participants the limitations on enforcement for the 15-minute parking. The residents and businesses understood the Police cannot be present every day, all day long to enforce the parking limitation, and that enforcement will be intermittent as staff is available.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

ATTACHMENTS

- Proposed Title 10 Amendment – Badgers Island Parking
- Proposed Title 10 Enactment
- Map of Impacted Area
- Suite of Options Considered



BADGER'S ISLAND PARKING OPTIONS

Current Ordinance (10.3.1.6.A)

It is unlawful to leave a motor vehicle parked, standing, or unattended on any public way in the Town:

(1) November 1 to April 15, inclusive:

- (a) Between the hours of 12:00 midnight and 6:00 a.m.;
- (b) More than four hours between 6:00 a.m. and 12:00 midnight.

(2) April 16 to October 31, inclusive:

- (a) More than four hours between 6:00 a.m. and 6:00 p.m., Monday through Friday.

Proposal	SUPPORT	
	YES	NO
<p>1. Request Speed Reduction to 20 MPH on Badger's Island West</p> <p><i>Outcomes:</i></p> <ul style="list-style-type: none"> • May make it more comfortable for walkers/bikers <p><i>Challenges:</i></p> <ul style="list-style-type: none"> • Speed is already relatively low • MDOT sets speed limits; not the Town • Enforcement would be intermittent and only as Police personnel are available <p><i>Timeframe:</i></p> <ul style="list-style-type: none"> • MDOT takes approximately 6-9 months to respond to speed reduction requests. <p>Comments:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2. Restrict parking on south side of Island Ave 50'; make the first two parking spaces thereafter, 15 min parking only</p> <p><i>Outcomes:</i></p> <ul style="list-style-type: none"> • Improves sightlines and turning space to and from Island Ave • Provides short-term parking for area businesses <p><i>Challenges:</i></p> <ul style="list-style-type: none"> • Enforcement would be intermittent and only as Police personnel are available <p><i>Timeframe:</i></p> <ul style="list-style-type: none"> • Approximately 2 months for Council to review and approve. <p>Comments:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Proposal	SUPPORT	
	YES	NO
<p>3. Restrict parking on Badgers Island West and Island Ave to <u>2 hours</u> maximum</p> <p><i>Outcomes:</i></p> <ul style="list-style-type: none"> • Reduce all-day parking during weekdays and peak times. • Makes it more difficult for area employees (Kittery, Shipyard, Portsmouth) to park near their work <p><i>Challenges</i></p> <ul style="list-style-type: none"> • Does not eliminate visitor parking for people avoiding Portsmouth meters for shorter parking needs • BI employees utilizing on-street parking would need to move their vehicles multiple times during a work day • BI visitors utilizing on-street parking may need to move their vehicles during their visit • Enforcement would be intermittent and only as Police personnel are available <p><i>Timeframe</i></p> <ul style="list-style-type: none"> • Approximately 2 months for Council to review and approve. <p>Comments:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>4. Eliminate on-street parking on Badgers Island West and Island Ave</p> <p><i>Outcomes:</i></p> <ul style="list-style-type: none"> • Parking only allowed on private property <p><i>Challenges:</i></p> <ul style="list-style-type: none"> • Eliminates on-street parking for BI business employees • Eliminates on-street parking for BI visitors • Enforcement would be intermittent and only as Police personnel are available <p><i>Timeframe</i></p> <ul style="list-style-type: none"> • Approximately 2 months for Council to review and approve. <p>Comments:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Proposal	SUPPORT	
	YES	NO
<p>5. Install Parking Meters on Badgers West and Island Ave with timed parking restrictions</p> <p><i>Outcomes:</i></p> <ul style="list-style-type: none"> • Cost for residents, businesses, visitors utilizing on-street parking on BI • Reduce parkers avoiding Portsmouth meters <p><i>Challenges:</i></p> <ul style="list-style-type: none"> • Creates an employment cost for BI businesses utilizing on-street parking • Residential visitors would have to pay for parking • Town does not have a paid parking program. To create one would require: <ul style="list-style-type: none"> ○ Creation of program, investment in capital, and increased staffing costs to implement and maintain ○ Signage, pay kiosks, and other equipment take up space on narrow roads ○ Opens the door to other areas of town wanting paid parking in their neighborhoods and popular areas (Wallingford Sq, outside Fort Foster, Pepperrell Cove) <p><i>Timeframe</i></p> <ul style="list-style-type: none"> • Uncertain, but most likely a year or more to allow time for ordinance development, funding, equipment evaluation/purchase/installation, and staffing changes needed. <p>Comments:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

General Comments:

KITTERY TOWN COUNCIL Unapproved Minutes

October 25, 2021, Council Chambers

6:00PM

1 1. Call to Order

2 Chair Thomson called meeting to order at 6:00 p.m.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, Cameron Hamm, George
7 Dow, Vice Chair Judith Spiller, Cyrus Clark and Mary Gibbons Stevens.

8 5. Agenda Amendment and Adoption

9 Add. Under New Business item e. The Kittery Town Council moves to appoint a
10 Councilor to interview Danielle Hoffman along with the Chair, of the Kittery Community
11 Center Board of Directors for a 3-year term to expire (change 12/31/2025 to
12 12/31/2024).

13 Chair Thomson cast one vote for the agenda as amended.

14 6. Town Manager's Report

15 The Town Manager reported on: The State and Municipal Election on November 2,
16 2021, COVID 19 update, welcomed to Kittery's first full-time Firefighters and fiscal year
17 2022 quarter 1 financial report. Upcoming Dates: Absentee Ballot applications are
18 available now at the Town Clerks office and online at www.kitteryme.gov, voter
19 registration night will be held on October 27, 2021 at 6PM, at the Town Hall, Marijuana
20 retail business lottery will be held on October 28, 2021 at 5PM, at the Town Hall, Trick-
21 or-Treat is on October 30, 2021 from 5PM to 8PM, Election Day is on November 2,
22 2021 from 8AM to 8PM, at the Kittery Community Center, Real estate and personal
23 property taxes are due – November 1, 2021 at the Town Hall, Customer service
24 counter will be closed on November 2, 2021, the Veterans Harvest Luncheon Drive
25 Thru will be held on November 4, 2021 at 11:30AM, at the Kittery Community Center,
26 Veterans Day Holiday the Town Hall will be closed on November 11, 2021 and Dog
27 License renewals for 2022 are available at the Town Hall and online at
28 www.kitteryme.org.

29 7. Acceptance of Previous Minutes - None

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

31 9. All items involving the town attorney, town engineers, town employees or other town
32 consultants or requested offices. - None

33 10. PUBLIC HEARINGS

34 a. (100221-1) The Kittery Town Council moves to hold a Public Hearing on a new
35 Victualer's license application from Pepper's Landing Mobile Food Unit located at
36 340 US Route 1, Kittery.

37 Moved by Vice Chair Spiller, seconded by Councilor Dow.

38 Motion Carried 7-0-0

39 11. DISCUSSION

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

41 Camden Wiles, 42 Cutts Lane, Kittery, Maine expressed his disappointment in the
42 conduct of the Councilors and the Council Candidates at Candidates night and at the
43 Town Council meetings

44 Jay Durgin, 2 Cook Street, Kittery, Maine wanted to thank Chair Thomson for his many
45 years of service to the town.

46 Brian Early, 123 Rogers Road, Kittery, Maine expressed concern that the Holiday
47 parade may be in jeopardy.

48 b. Chairperson may read written comments into the record. - None

49 c. Chairperson's response to public comments.

50 Chair Thomson stated that the Council would take Mr. Wiles statements under
51 advisement, he also thanked Jay Durgin for his kind words and told Mr. Early that he
52 would have a very merry holiday season.

53 12. UNFINISHED BUSINESS

54 13. NEW BUSINESS

55 a. Donations/gifts received for Council disposition
56 (100221-2) The Kittery Town Council moves to accept a donation from KMIF
57 (Kittery Maine Improvement Foundation) in the amount of \$1,750.00, to be
58 deposited into account #2063 Fort Foster Interpretive Signs.

59 Moved by Councilor Dow, seconded by Councilor Hamm.

60 Councilor Dow spoke about the \$1750.00 donation from the Kittery Maine Improvement
61 Foundation for the Fort Foster Interpretive signs and thanked all that donated.

62 Motion Carried 7-0-0

63 b. (100221-3) The Kittery Town Council moves to approve a request from the
64 Kiwanis Club of The Seacoast to sponsor the annual Kittery Holiday Parade on
65 Saturday, December 4, 2021.

66 Moved by Vice Chair Spiller, seconded by Councilor Hamm.

67 Motion Carried 7-0-0

68 c. (100221-4) The Kittery Town Council moves to sign the Warrant for the Municipal
69 and School Election.

70 Chair Thomson moved to sign the Warrant for the Municipal and School Election
71 seconded by Councilor Clark.

72 Motion Carried 7-0-0

73 d. (100221-5) The Kittery Town Council moves to set their December meeting
74 schedule.

75 Chair Thomson moved to schedule one Council meeting for December 13, 2021,
76 seconded by Councilor Dow.

77 Motion Carried 7-0-0

78 e. (100221-06) The Kittery Town Council moves to appoint a Councilor to interview
79 Danielle Hoffman along with the Chair, of the Kittery Community Center Board of
80 Directors, for a 3-year term to expire 12/31/2024.

81 Chair Thomson moved to appoint Councilor Dow, seconded by Vice Chair Spiller.

82 All were in favor.

83 14. COUNCILOR ISSUES OR COMMENTS

84 Councilor Stevens wanted to thank the Town Manager, the Bike Ped Committee,
85 Bicycle Coalition of Maine on Seacoast E-bikes and the Department of Transportation.
86 On October 17, 2021, Councilor Stevens stated she was able to go on a bike ride and
87 got to hear about the work being done from the Bike Ped Committee.

88 Councilor Stevens also stated she heard from a couple of people that oppose the Retail
89 Marijuana coming to Kittery. Councilor Stevens felt that people needed to pay attention
90 and speak out to local government.

91 Councilor Stevens also spoke about the statement Camden Wiles made.

92 Councilor Hamm suggested residents get out and vote on November 2, 2021.

93 Councilor Clark stated to vote for himself, Colin McGuire and Judy Spiller for Town
94 Council.

95 Councilor Pelletier thanked Chair Thomson for his many years of service, leadership,
96 dedication and stability he provided to the Town Manager, staff, and to the Town
97 Council.

98 Councilor Dow commented on Seacoast Fridge and where it was located at the Kittery
99 Community Center and items that were needed.

100 Councilor Dow also stated to get out and vote on November 2, 2021.

101 Councilor Dow wanted to thank and recognize the people behind the scenes regarding
102 the recordings of all the meetings at the Town Hall and that their doing a great job.

103 Councilor Dow stated it was a pleasure serving with Chair Thomson, he also said the
104 history Chair Thomson brought to the meetings would be missed.

105 Vice Chair Spiller added thanks with the other Councilors to Chair Thomson and said
106 that he was a model Councilor.

107 Chair Thomson spoke about the Town Managers evaluation and he also spoke about
108 the incident that led up to Charles Denault's resignation.

109 15. COMMITTEE AND OTHER REPORTS

110 a. Communications from the Chairperson

111 b. Committee Reports

112 Vice Chair Spiller spoke on the Kittery Climate Adaptation Committee.

113 16. EXECUTIVE SESSION - None

114 17. ADJOURNMENT

115 Councilor Dow moved to adjourn at 6:38 p.m., seconded by Vice Chair Spiller.

116 All were in favor.

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting.

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

KITTERY TOWN COUNCIL Unapproved minutes
Special Meeting Requested by Chair Thomson
TOWN COUNCIL CHAMBERS
November 3, 2021, 6:00PM

- 1 1. Call to Order
- 2 Chair Thomson called the meeting to order at 6:00 p.m.
- 3 2. Introductory
- 4 3. Pledge of Allegiance
- 5 4. Roll Call
- 6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, Cameron Hamm, George
- 7 Dow, Vice Chair Judith Spiller, Cyrus Clark and Mary Gibbons Stevens.
- 8 5. DISCUSSION – Discussion is limited to the matter on the agenda for this meeting
- 9 only.
- 10 a. Discussion by members of the public (three minutes per person) - None
- 11 b. Chairperson may read written comments into the public record. - None
- 12 c. Chairperson’s response to public comments. - None
- 13 6. a. (110121-1) The Kittery Town Council moves to act upon the Town Manager’s
- 14 Contract and Compensation.
- 15 Chair Thomson discussed some changes to the Town Manager’s Contract and
- 16 Compensation which was discussed and approved by the Town Council.
- 17 Chair Thomson moved the discussed changes be incorporated into Kendra Amaral’s
- 18 employment agreement for the coming year, seconded by Vice Chair Spiller.
- 19 Motion Carried 7-0-0
- 20 7. ADJOURNMENT
- 21 Councilor Dow moved to adjourn at 6:06 p.m., seconded by Councilor Hamm.
- 22 All were in favor.

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author’s understanding of the meeting.

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

Rice Public Library Corporation



November 15, 2021

Dear Kittery Town Council:

Please accept this gift of \$80,000 from the Rice Public Library Corporation.

This gift includes donations from over 20 individuals who collectively and in various ways are sponsoring the following spaces (approved at your November 8 meeting):

- Atrium space, from the estate of Carrie B. Varney
- Maine Room/Local history, from the estate of Richard Marr
- Director's Office, from a variety of individuals honoring retired Library Director Hope Nielson
- Circulation/Tech Office, from a variety of individuals honoring RPLC Director Emeritus Dudley Bierau

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

Best regards-

Dianne Fallon
Rice Library Campaign Chair

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

RPL CORPORATION
8 WENTWORTH STREET
KITTERY, ME 03904

KENNEBUNK SAVINGS BANK
KITTERY BRANCH
KITTERY, ME 03904

3744

52-7450/2112

11/15/2021

PAY TO THE ORDER OF Town of Kittery

\$ **80,000.00

Eighty Thousand and 00/100*****

DOLLARS

Town of Kittery
200 Rogers Road
Kittery, ME 03904



AUTHORIZED SIGNATURE

MEMO Library Renovation

RPL CORPORATION

3744

Town of Kittery

Date	Type	Reference
11/15/2021	Bill	Library Renovation

Original Amt.
80,000.00

Balance Due
80,000.00

11/15/2021	Discount
Check Amount	

Payment
80,000.00
80,000.00

Kennebunk RPL Chec Library Renovation

80,000.00



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

REPORT TO TOWN COUNCIL

Date: November 22, 2021
From: Kendra Amaral, Town Manager
CC: Matt Brock, Chairperson, Housing Committee
Subject: Accessory Dwelling Units Grant and Housing Committee Report
Councilor Sponsor: Chairperson Judy Spiller

OVERVIEW

The Kittery Housing Committee is planning to provide the Town Council with a report on its accomplishments this past year, and its upcoming initiatives.

The Housing Committee was established as a formal standing committee in November of 2020. However, its work began in 2019, as a working group. Since its formation, the Housing Committee has worked on various Title 16 Land Use Code amendments to incentivize the development of affordable housing units in future developments. The Committee has also been actively working to align resources to directly generate affordable housing units on town owned property and through the strategic use of American Rescue Plan Act funds (ARPA).

COMMITTEE ACTIONS

Since forming the Committee has successfully proposed amendments to Title 16 including:

- Removing barriers to establishing Accessory Dwelling Units
- Establishing a mandatory affordable housing component for developments of 5 or more units
- Adding housing as an allowable use in the C-1 and C-3 zones
- Incorporate incentives (increased density, reduced parking requirements, etc.) to encourage development of affordable housing

The Committee also successfully proposed amendments to Town Code including:

- Establishment of the Housing Reserve Fund to support affordable housing development efforts
- Requiring proceeds from the sale of tax acquired properties to go towards the affordable housing fund as the rule rather than the exception

Most recently the Committee has been working with the Kittery Land Issues Committee (KLIC) on the development of additional Title 16 amendments to advance affordable housing in the Business Local zones. It has been involved in the proposal to surplus the Old Post properties for an affordable housing project, and is continuing its due diligence on the Cole Street building (former Recreation building) for potential redevelopment.

The work of the Committee is already achieving outcomes. Since the adoption of the ADU amendments, the Town has increased the generation of new ADU units by 52%, with 9 new units being approved in just the past year.

The Committee also participated in the recently completed Urban Land Institute study evaluating two parcels in Kittery, a mall property on Route 1 (C-1 zone) and the Water District site (BL-1 Zone), for redevelopment as a mixed-use housing opportunity.

The Committee has collaborated with the Economic Development Committee on the surplus of the Old Post properties, and will be represented on the proposal review committee for the surplus of that site.

HOUSING RESERVE FUND

The COVID-19 pandemic has exacerbated housing and shelter needs throughout the country. So much so, that the American Rescue Plan Act (ARPA) includes in its primary goals, addressing access to housing. Every opportunity to support the development of affordable units is critical to both the income diversity of Kittery and the economic viability of local businesses.

The Town Council, with encouragement from the Housing Committee, allocated \$150,000 of its ARPA fund to the Housing Reserve; with the expressed goal of funding activities to address affordable housing needs in town.

The Committee has spent considerable time discussing and developing a plan for the use of some of the ARPA funds. It interviewed experts, including those who develop and fund affordable housing projects, and considered multiple models of support for affordable housing needs. It reviewed other affordable housing programs in Maine and New England to identify successes and avoid repetition of existing programs already available for Kittery residents and homeowners.

After much discussion, the Committee agreed the primary goal for the use of the ARPA funds should be the increase of housing supply through the generation of new housing units in Kittery. This addresses the server shortage of housing, which is in turn driving up rents and housing prices. The most direct and immediate way to accomplish this with the available funding, is to support the creation of more ADUs.

ADUs are seen as such a critical part of the affordable housing strategy for Maine. So much so, that the 130th Legislature advanced LD1312 “An Act to Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Homes Are Allowed”. The Act was carried over, and reflects an approach Kittery has recently adopted for generating units in a responsible and sensitive manner.

Attached is the framework for the proposed Accessory Dwelling Unit grant program developed by the Housing Committee. This grant program is being advanced as a pilot effort. Following the implementation, the Committee will review the outcomes and report back to the Council on its recommendation whether to allocate additional funding to continue the program.

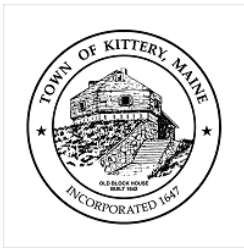
The Committee recognizes that the Housing Reserve Fund will begin to accumulate more funds as the Town surpluses tax-acquired property and as housing development resumes in earnest post pandemic. The Committee continues to focus on establishing innovative ways to utilize the funds in the most impactful and responsible manner possible.

RECOMMENDATION

Authorize the Accessory Dwelling Unit Grant Program.

ATTACHMENTS

- Proposed Accessory Dwelling Unit Grant Program Framework



Accessory Dwelling Unit Grant Pilot Program

Purpose:

- Increase the supply of affordable housing units in Kittery in a tangible and durable manner

Anticipated Outcomes:

- Two new affordable Accessory Dwelling Units created
- Two households are better able to afford to stay in their homes through ADU rental income
- Two additional households will benefit from the access to an affordable housing unit (ADU).
 - With likely tenant turnover, multiple households will benefit from each ADU over the course of the 10-year restriction

Use of Funds:

- Grant up to \$50,000 per applicant for design, permitting and construction costs to create an Accessory Dwelling Unit on their property
- There will be two grants available in the pilot year, for a total allocation of up to \$100,000
- The newly created ADU can be inside the existing structure, attached to the existing structure, or a separate structure on the property.
- The ADU must comply with Title 16 and all other zoning regulations.
- The grantee must comply with all town inspection and code enforcement regulations and processes.
- Proposed timeline and process for distributing funds:
 - The grantee must have the ADU design completed and a contract with a builder within 6 months of grant notification and/or obtain a building permit (if performing the work on their own).
 - The grantee must have all permits, and construction must begin within 1-year of the grant award.
 - The ADU must be completed within 2-years of the grant award.
 - Grant funds will be disbursed as direct payments to the designer and/or contractor.
 - 10% of funds may be paid up front for materials costs, with itemized bill from contractor

GRANT STIPULATIONS

- Homeowner applicant (grantee)
 - Household must be at 80% of Area Median Income (AMI), or less, as defined by MaineHousing for the York-Kittery-South Berwick HMFA and as adjusted periodically.
 - The Town will verify income qualification at the time of application.
 - The applicant must be able to build a code complaint ADU on their property, as verified by the Kittery Planning Staff prior to application.
- ADU Tenants
 - Tenant household must be at 80% of AMI, or less, as defined by MaineHousing for the York-Kittery-South Berwick HMFA and as adjusted periodically

- Tenants' household income may increase to a maximum of 110% of AMI over the course of their tenancy, at which time they will be given one-year to find an alternative housing placement
- Town will verify tenant household income on a yearly basis. The grantee is responsible for assisting in the verification process by providing information for this purpose. If the grantee does not comply with this stipulation, they will be responsible for paying back a pro-rated portion of the grant.
- Every initial lease with a tenant must be for a minimum of 1-year, but may transition to a month-to-month thereafter.
- Rents
 - Rent must remain at or below the [voucher payment standard](#), as defined by MaineHousing for the York-Kittery-South Berwick HMFA and as adjusted periodically
 - Town must confirm each new lease is in compliance with the grant stipulations for income qualifications and duration.
- **Finding a tenant**
 - Grantees may advertise their rental unit as they see fit, but must include information on income restrictions.
 - Local social service agencies may also assist the homeowner in identifying potential tenants.
 - The homeowner is the sole decision maker on who they choose as tenant, so long as the tenant meets the income stipulations outlined above.
 - If the homeowner chooses to rent to a household with a voucher, they will benefit from additional incentives through Fair Tide's [Landlord Engagement Initiative](#)
- **All stipulations will be in place for 10 years and enforced through a deed restriction executed and recorded with the grant award, and municipal liens (as may be allowed by State Law).**

TOWN COUNCIL STANDING ADHOC & COMMITTEE LIST

COUNCIL CHAIRPERSON / VICE CHAIR - 1 ST ORDER OF BUSINESS AFTER SWEARING IN

Chairperson - Judy Spiller

Vice Chair - George Dow

Capital Improvement Committee (1 Council Rep)

Colin McGuire

Climate Adaptation Committee (2 Council Reps)

Judith Spiller

Cameron Hamm

Comprehensive Plan Implementation Committee (Chair and Vice Chair)

Council Chairperson – Judy Spiller

Council Vice Chair – George Dow

Economic Development Committee (1 Council Rep)

George Dow

Education Scholarship Selection Committee (2 Council Reps)

Cameron Hamm

Cyrus Clark

Kittery Community Center Board of Directors (1 Council Rep)

Jeffrey Pelletier

Trustees of Trust Funds (Council Chair serves as ex-officio member)

Council Chairperson – Judy Spiller

Kittery Land Issues Committee (1 Council Rep)

Judith Spiller

Disbursement Warrant for Town Employee Wages (Primary, Secondary, Tertiary)

Colin McGuire

Cyrus Clark

Jeffrey Pelletier

Disbursement Warrant for Town Expenses (Primary, Secondary, Tertiary)

Cyrus Clark

Cameron Hamm

Mary Gibbons Stevens

School Warrant for General Disbursements (Primary, Secondary, Tertiary)

Jeffrey Pelletier

Mary Gibbons Stevens

Cyrus Clark

Library Building Committee (Ad Hoc) (2 Council Reps)

Mary Gibbons Stevens

Jeffrey Pelletier

Celebration Committee (Ad Hoc) (1 Council Rep)

VACANT

Library Advisory Board (1 Council Rep)

Judy Spiller

Housing Committee (1 Council Rep)

Mary Gibbons Stevens



TOWN OF KITTERY COUNCIL RULES

DRAFT: November 22, 2021

COUNCIL RULES

Except as superseded by these rules, Robert's Rules of Order, Newly Revised, 11th Edition, govern the conduct of meetings.

SECTION ONE. REGULAR MEETINGS:

The regular meetings of the Council are held in the Council Chambers of the Town Hall, or through telephonic, video, electronic, or similar means of remote participation as allowed by Maine Law, on either the second or fourth Monday of each calendar month, or both. Routinely, only one regular meeting will be scheduled in July, August and December, except if the Chairperson and Town Manager deem it necessary to hold a second. Public proceedings commence at 6:00 p.m. whether or not preceded by an executive session.

When said meeting falls on a holiday or is otherwise postponed, the regular meeting is held on the following Wednesday, at the same time and place.

The date and venue of any regular meeting may be changed upon the vote of the Council, provided, however, that said change in date, or venue, will still provide for at least one regular meeting in each month.

SECTION TWO. SPECIAL MEETINGS:

Special meetings may be called by the Chairperson or by four members of the Town Council. Notice of such meeting must, when possible, be given at least twelve hours before the time for holding the meeting. The call for the meeting must set forth the matters to be acted upon and nothing else may be considered.

Special meetings include public comment time as provided at regular Council meetings, but such public comment is limited to the matters on the agenda for the meeting. Notices of such meetings must include the name(s) of the person(s) requesting the meeting.

SECTION THREE. COUNCIL ACTION:

The Town Council shall act only by ordinance, order, resolve, and by consensus.

Actions of the Council are recorded in the minutes of the Council meeting.

SECTION FOUR. EFFECTIVE DATE OF COUNCIL ACTIONS:

All actions of the Council, except ordinances, take effect immediately upon passage.

The effective date of ordinances is governed by Section 2.14, Paragraph 3 of the Town Charter.

SECTION FIVE. DUTIES OF THE CHAIRPERSON.

The Chairperson shall assume the chair at the time appointed for the meeting; call the members to order; provide for introductory and pledge of allegiance; cause the roll to be called; and, a quorum being present, proceed to conduct the business of the Council according to the published agenda.

The Chairperson shall preserve decorum and order; speak to points of order in preference to other members; and, decide all questions of order subject to an appeal to the Council by motion regularly made and seconded, and no other business is in order until the question on appeal be decided.

The Chairperson shall declare all votes, but if any member doubts a vote, the Chairperson shall cause a return of the members voting in the affirmative and in the negative without debate.

All persons wishing to speak, whether they be Council members or members of the general public must first be recognized by the Chairperson.

The Chairperson enjoys the same rights and privileges as other members of the Council, including the introduction and seconding of motions and participation in debate.

SECTION SIX. VICE CHAIRPERSON.

The position of Vice Chairperson is hereby established. The provisions of Charter Sec. 2.05 (1) apply for election to this position.

In the temporary absence or disability of the Chairperson, Charter Sec. 2.05 (3) and Section Five of these Council Rules govern the duties of the Vice Chairperson.

SECTION SEVEN. RECONSIDERATION OF THE VOTE.

When a vote is concluded, it is in order for any member who voted on the prevailing side to move a reconsideration thereof at the same or next regular meeting.

SECTION EIGHT. CONDUCT IN ADDRESSING THE COUNCIL.

Proper decorum, befitting the gravity of their solemn duties, is expected of all Councilors during the conduct of meetings.

Councilors wishing to speak shall respectfully address the Chairperson, and confine their comments to the question under debate, or the issue the Councilor wants to raise.

No member may be interrupted by another, but for a point of order or to correct a mistake, and only upon recognition by the Chairperson.

SECTION NINE. MOTIONS IN WRITING

Motions must be reduced to writing if the Chairperson so directs.

SECTION TEN. SUSPENSION OF THE RULES.

The rules may not be dispensed with, or suspended, unless five members of the Council consent thereto. No rules may be adopted, amended, or deleted without notice in writing being given at the preceding regular meeting.

SECTION ELEVEN. VOTING:

Voting is by a randomly sequenced roll call. Councilors shall indicate their vote by a yes or no, or by abstention, when polled. No Councilor may be excluded from participation in debate on any question except as required by Town Charter or state statute, (currently Section 12.01 and 30-A MRS §2605, respectively). Councilors have the right to change their vote up to the time the vote is announced by the Chairperson.

Voting on Council Chairperson, Vice Chairperson, and for appointment to the Planning Board and Board of Appeals will be conducted in the following way:

- Nomination will require a motion and second
- Councilors shall indicate their vote by stating the name of one nominee or by abstention
- In case of a tie, the vote will be taken again. In the case of a second tie vote, the Council may either take another vote or continue the matter to the next Council meeting.

The vote must be recorded in the minutes of the meeting to indicate each Councilor's vote, or abstention.

SECTION TWELVE. AGENDA:

In order that advance notice of the matters to be discussed at Council meetings be afforded interested parties, all meetings of the Council will be conducted according to the agenda.

An agenda will be prepared for each regular meeting and posted by the Thursday preceding said meeting. Posting will be in a public area of the municipal building and of the U.S. Post Offices in Kittery and Kittery Point, and on the Town's website.

When practicable, an agenda will be prepared at least twelve hours in advance of a special meeting; delivered to all Council members and posted as previously provided.

All Town Manager's memoranda of interest to the Council members will be delivered to them at least seventy-two hours before a regular meeting.

All reports or proposals made to the Council, which require or request that an action be taken by the Council, are to be submitted in written form. The content will consist of the following, as appropriate:

- Executive Summary
- Statement of Need
- Background
- Facts Bearing on the Equation
- Current Situation
- Proposed Solution / Recommendation
- Rationale for the Proposed Solution (including costs)

The agenda consists of the following categories:

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 Planning Board and Board of Appeals.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

Persons who are represented by legal or engineering consultants, who are present and wish to address the Council, shall notify the Chairperson prior to the Council Call to Order of the subject they wish to speak on and will be heard at this time.

10. Public hearings
11. Discussion
 - a. Discussion by members of the public (3 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
 13. a. Donations/gifts received for Council disposition
14. Councilor issues or comment
15. Committee and other reports
 - a. Communications from the Chairperson
 - b. Committee reports
16. Executive session, if required

17. Adjournment

To the extent possible, matters to be discussed at a meeting by the town manager or Chairperson will be listed on the agenda under Chairperson Communications, or Town Manager's Report, respectively.

The category of Unfinished Business is specifically reserved for Council business discussed at a previous meeting that has been postponed or continued to the meeting for which the present agenda is prepared.

The New Business section of the agenda is reserved for those matters which a Councilor wishes to introduce anew.

Except as provided in Charter Article XI, no proposal for ordinances enactment, repeal, or amendment may lie before the Council unless introduced by a Council member.

In keeping with the policy regarding advance notice, Councilors are encouraged and requested to submit to the Town Clerk those matters which they wish to introduce under New Business by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted. The Town Clerk shall then place those matters on the agenda.

Immediately following the roll call, the Chairperson may amend and must adopt the agenda, except no matter requiring public notice may be added without such notice. Agenda amendment after adoption may be made only by majority vote.

SECTION THIRTEEN. DISCUSSION.

A. Discussion by members of the public (3 minutes per person)

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures.

1. The Public Discussion section of the agenda is reserved for members of the public who wish to address the Council on any matters listed on the agenda or on other matters they wish to bring to the Council's attention.
2. Any person wishing to have an item listed on the agenda under Public Discussion shall submit the matter to be discussed in writing to the Town Clerk by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted.
3. Persons wishing to address the Council during public discussion will signify their desire and, when recognized by the Chairperson, request permission to address the Council, giving their name and address, then designating the subject matter on which they desire to address the Council.

4. Members of the public, addressing the Council during the public discussion section of the agenda shall limit their statements to the Council, to no more than three minutes per person unless the Chairperson finds it necessary to allow more time.

5. Persons wishing to address the Council on an item which appears on the agenda as a public hearing, shall wait until the Chairperson announces the consideration of such item, at which time, after being recognized, they may address the Council on that particular item.

Once the Council has begun its deliberation on the item, no person is permitted to address the Council unless the Chairperson, having determined that the Council's deliberations appear finished, and that the item under consideration is of great concern to members of the public gathered, permits persons in the audience to address the Council before closing the discussion and calling for Council vote.

B. Response to public comments.

In order to assure that the Council is speaking as one voice when responding to public comments all general responses shall be made by the Council Chairperson.

The Chairperson is responsible for any subsequent follow-up response to the speakers. In the event a member of the public addresses an issue to a particular Councilor, the Chairperson will invite such Councilor to respond directly, if that Councilor so desires.

SECTION FOURTEEN. COUNCIL POLICIES:

The Town Clerk shall maintain copies of Council rules and policies and provide same to the Rice Public Library.

To allow for the opportunity for full attendance, all workshops held by the Council will be scheduled for a Monday. When this is impossible to do, another night will be chosen by the Council at a regular Monday meeting.

No member of the Council may request a legal opinion relative to Town business from the Town's appointed attorneys without prior approval of a majority vote of the Council. All such requests must be made through the Town Manager.

SECTION FIFTEEN. STANDING COMMITTEES

In accordance with the Kittery Town Charter, Sec. 2.10(2) the Council may establish standing committees.

SECTION SIXTEEN. COPY COSTS:

The cost charged by the Town for making copies of any materials, excluding those produced by the Planning Department, access to which the public is entitled, is twenty-five (25) cents a copy.

Copies of the Council packets are to be made available to the media at ten (10) cents a page.

SECTION SEVENTEEN. COUNCILOR AWARENESS

The Council realizes that Councilors should make an effort to broaden and increase their knowledge of information and skills directly related to their responsibility to govern the Town, and that efforts should be made to appropriate funds for this purpose.

Prior to incurring and requesting reimbursement for such expenses, however, individual Councilors must obtain the approval of the Council. Such approval is required for any individual expense that would be paid from the Council Contingency or the Council Expense accounts.

Approved 02/27/89	Amended 09/27/99	Amended 12/17/01	Amended 09/27/10
Amended 12/28/92	Amended 11/22/99	Amended 09/16/02	Amended 01/09/12
Amended 06/26/95	Amended 05/31/00	Amended 10/28/02	Amended 09/10/12
Amended 01/03/96	Amended 10/30/00	Amended 08/24/09	Amended 02/11/13
Amended 01/10/96	Amended 03/19/01	Amended 11/23/09	Amended 03/25/13
Amended 12/09/96	Amended 07/02/01	Amended 08/23/10	Amended 01/27/14
Amended 11/28/16	Amended 01/08/18	Amended 11/14/18	Amended 02/11/19
Amended 11/23/20			



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

REPORT TO TOWN COUNCIL

Date: November 22, 2021
From: Kendra Amaral, Town Manager
Subject: Waste Hauling Services – 5 Year Contract
Councilor Sponsor: Chairperson Judy Spiller

EXECUTIVE SUMMARY

The Town of Kittery needs to secure waste hauling services for municipal solid waste (MSW) and demolition waste. The hauling services take trailers full of waste from the Kittery Resource Recovery Facility (KRRF) to our various waste disposal vendors. The waste hauling services must include the provision of at least one new trailer that connect to the KRRF waste chute. The trailer is a custom build based on the Town's chute design, size, and door securing mechanism. The Town currently utilizes two trailers for MSW.

The Town is seeking to enter into a multi-year agreement with our existing vendor in order to retain their services and address the replacement of the trailers, which cost approximately \$120,000 each.

CONTRACT DETAILS

The Town has been under a month-by-month contract with Troiano Waste, inclusive of an equipment use fee for two MSW trailers. The trailers are beyond their useful and functional life span and require replacement. The Department of Environmental Protection has also noted that the trailers are no longer fully containing waste liquid; a matter the Town is required to address as part of our transfer station permit.

The Town bid the services and received no responses. As a result, we are seeking to proceed with our existing vendor.

Troiano provided two options for the Town. Option 1 is for the town to lease two new trailers which get swapped out every haul. That is the current process and is the most efficient for the operations at the KRRF. Option 2 is for the town to lease one new trailer which Troiano would haul and return. This has an operational impact on the KRRF, because it leaves the facility with no trailer to place waste in for at least half a day, twice a week. Waste would have to be collected on the floor of the KRRF building, which could generate ancillary issues relative to the Town's permit.

Troiano would retain responsibility for maintenance of the trailers throughout their lease period. Once the lease is up, the Town typically pays a trailer use fee which is less than the lease rate.

Though Option 1 costs \$31,656 more over the five-year contract, the operational efficiency retained is significantly beneficial. Therefore, staff are recommending the Town pursue Option 1.

Additionally, the proposed contract will secure the hauling services for 5 years. Year one rates would be \$415 for MSW, \$250 and \$575 for hauling of demo waste (depending on the destination), and \$575 for mattress waste hauling. The five-year contract will lock in a 3% increase each year.

By comparison, our tipping fee (waste disposal) has an escalator tied to the CPI-U with a ceiling of 7% annually. CPI-U is currently 5.4%.

The Town will utilize its standard vendor agreement for the five-year contract with Troiano.

PROPOSED SOLUTION/RECOMMENDATION

Approve the Town Manager to enter into the five-year contract for waste hauling services.

ATTACHMENTS

- Troiano Proposal
- Cost Comparison
- Draft Enactment for a Multi-Year Agreement
- Invitation for Bids
- Town Charter §6.11(3)



Troiano Waste Services, Inc.

P O Box 3541
Portland, Maine 04104-3541
Telephone: 207-767-2070
FAX 207-767-6156

Hello Dave,

Thank you for giving us the opportunity to keep our ongoing working relationship and re-bid the Kittery Transfer Station contract. Troiano is a family run company, and we pride ourselves in providing exceptional customer service at a competitive rate. As we discussed the cost of everything from fuel, tires, steel, and wages has increased at an astronomical pace the past few years. With this so has the cost of us providing the service you have been accustomed to.

As you know the two trailers that Kittery leases from Troiano have come to the end of their service life and need replacements. We have received quotes for two brand new trailers and in the time since Troiano purchased the two existing trailers the cost of replacements has at least tripled. The trailers that we had received quotes for would be push out trailers used specifically for the town of Kittery and Kittery only. All maintenance and repairs on leased trailers will be done by Troiano Waste Service. Trailer Lease price will Be \$2000 per month per trailer.

Haul Pricing as follows:

Option 1

If Kittery decides to lease two trailers Troiano will swap trailers Tuesday and Fridays at \$415 per swap

Option 2

If Kittery decides to only lease one trailer Troiano will "dump and return" the single trailer Tuesday and Fridays at \$575 per haul.

The Town owned demo trailer pricing will be:

\$250 to dump and return to ARC in Eliot.
\$575 to dump and return to ECO in Portland.

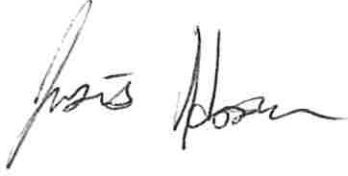
Mattress trailer to ECO for disposal:

Troiano will provide an empty trailer on regular service days Tuesday or Friday to be filled by the town and dumped same day at \$575.

Troiano will want a five-year signed contract with a 3% increase per year on the haul pricing only.

If you have any questions or concerns, please don't hesitate to reach back out to me.

Thank you,

A handwritten signature in black ink, appearing to read "Justin Hanson". The signature is written in a cursive style with a large initial "J" and "H".

Justin Hanson
Operations Manager
Troiano Waste Services

**Municipal Solid Waste
Hauling Costs
Proposed Rates**

	Unit Price	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
Option 1 - Preferred							
Trailer 1	\$ 2,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	
Trailer 2	\$ 2,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	
Haul	\$ 415	\$ 43,160	\$ 44,455	\$ 45,788	\$ 47,162	\$ 48,577	
Total		\$ 91,160	\$ 92,455	\$ 93,788	\$ 95,162	\$ 96,577	\$469,142

Option 2							
Trailer 1	\$ 2,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	
Haul	\$ 575	\$ 59,800	\$ 61,594	\$ 63,442	\$ 65,345	\$ 67,305	
Total		\$ 83,800	\$ 85,594	\$ 87,442	\$ 89,345	\$ 91,305	\$437,486

VARIANCE **\$ 31,656**

ACTUAL Annual Costs	FY17	FY18	FY19	FY20	FY21
	\$ 45,125	\$ 42,750	\$ 53,993	\$ 51,210	\$ 53,119
Variance		\$ (2,375)	\$ 11,243	\$ (2,783)	\$ 1,909
		-5%	26%	-5%	4%

**KITTERY TOWN CODE –
WASTE HAULING SERVICES
MULTI-YEAR AGREEMENT**

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

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

10 **WHEREAS**, the Town of Kittery requires waste hauling services that include the use of two
11 waste trailers for its municipal solid waste program; and

12 **WHEREAS**, by entering into a multi-year agreement the Town may obtain the services inclusive
13 of the trailers, and lock in the waste hauling rates for five years;

14 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
15 CHARTER §§2.14 and 6.11(3), THE TOWN OF KITTERY HEREBY ORDAINS APPROVAL
16 FOR THE TOWN MANAGER TO EXECUTE A FIVE-YEAR AGREEMENT FOR WASTE
17 HAULING SERVICES.

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

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

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



Town of Kittery
Maine

Invitation for Bids

**SOLID WASTE TRANSPORTATION SERVICES
KITTERY, MAINE**

**Bids Due
November 15, 2021
10AM**

at
Town Manager's Office
200 Rogers Road
Kittery, ME 03904

**TOWN OF KITTELY MAINE
SOLID WASTE TRANSPORTATION SERVICES**

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GENERAL PRICE FORM	8
LOCATION AND EXISTING CONDITIONS.....	10

BID REQUIREMENTS

1. PURPOSE

The intent and purpose of this Invitation for Bids (IFB) is to establish price agreements (labor and materials inclusive) for transportation of various waste collected at the Kittery Resource Recovery Facility (KRRF) transfer station to appropriate disposal facilities. The price agreements are to include the lease or rental of trailer(s) used to transport the waste to the appropriate disposal facility.

2. SELECTION PROCESS

- A. Each bid shall be on the forms provided and be signed by a person authorized to bind the Bidder to the proposed contractual agreement.
- B. Each bid shall be delivered to
Kittery Town Hall
Town Manager's Office
200 Rogers Road
Kittery, ME 03904
DEADLINE: November 15, 2021 10AM
- C. Each bid shall be submitted in a sealed envelope clearly marked with the Bidder's name and "Kittery Solid Waste Transportation Services" on the outside. Electronic format of bids will not be accepted.
- D. Bids shall consist of three (3) hard copies of the following:
 - a. Overview of company including business address, years in business, and services provided.
 - b. Completed and signed bid form.
 - c. Names and contact information of three (3) entities for which Bidder has successfully provided services of similar scope and/or size, to illustrate the ability to perform the scope of work described herein.
 - d. List of proposed key personnel, titles, qualifications, applicable licenses, and experience.
- E. The Bidders must acknowledge receipt of addendum on the bid form. The Bidders shall be responsible to check for addendum located at the Town's website www.kitteryme.gov/bids, or by contacting Suzanne Esposito at the Town of Kittery at (207) 475-1309 or sesposito@kitteryme.org.
- F. Bids that are incomplete, conditional or obscure, or which contain any additions not called for may be rejected by the Town.
- G. Any bid may be withdrawn or withdrawn and resubmitted on request of the Bidder up until the deadline. Bids may not be withdrawn after the deadline.

- H. Unless otherwise specified, questions pertaining to general information regarding the scope of services shall be addressed only in writing. **No questions will be answered in-person or via telephone.** Questions shall be written and emailed to the following:

David RichDPW
Commissioner
Town of Kittery
200 Rogers Road
Kittery, ME 03904
drich@kitteryme.org

4. SCOPE OF SERVICES

See the attached detailed scope of services for more information.

5. BIDDER'S REQUIREMENTS (Work)

It is mandatory that the Bidder be able to meet the following requirements:

A. General

- a. Have been in the waste transportation field for no less than 5 years under the current company name.
- b. Have in-house staff or confirmed sub-consultants licensed and experienced in performing any other services that may be necessary to successfully complete the scope of service sought.
- c. Procure and maintain insurance for the duration of the contract as described herein.
- d. Attend meetings with the Town designee, as deemed necessary by the Town, to coordinate the implementation of the scope of services.
- e. Provide the Town with any reports or documentation generated in the performance of the scope of services, as may be requested, in hard copy and electronic format, with the format as determined by the Town.

6. EXISTING CONDITIONS

Measurements, drawings or descriptions, verbal or otherwise, of existing conditions are intended only as an aid. The Bidder will be responsible to verify all existing conditions.

7. EQUAL OPPORTUNITY COMPLIANCE

The Bidder shall comply with any and all applicable federal, state, and local laws, executive orders, and regulations prohibiting discrimination in employment. The Bidder shall not discriminate against any qualified employee or applicant for employment because of race, color, national origin, ancestry, age, sex, religion, handicap, or sexual orientation.

8. CONTRACT DURATION

The anticipated contract will be for up to five years from the date of execution. The Town may choose to enter into a contract for fewer years based on bid prices and what is most advantageous for the Town.

9. SUBCONTRACTING

The Bidder shall not subcontract or sublet any portion of the work not specified in the original agreement without prior written approval from the Town.

10. PAYMENT

The Bidder shall be paid per approved invoice. An invoice will be presented for the services performed, and as a minimum, identify the work that was completed, when the work was performed, and the amount due.

The Town is exempt from federal and state taxes. The prices shall be net and not include the amount of any such taxes. Invoices shall be submitted with any and all required documentation as required by state, federal, or grant requirements that may be associated with the project.

11. CANCELLATION OF RFP, REJECTION OF BIDS

The Town reserves the right to cancel the IFB and/or reject any and all bids and/or to waive any informalities if deemed in the best interest of the Town to do so. The Town is the sole judge of its best interest.

12. CANCELATION OF CONTRACT

The Town reserves the right to cancel and terminate the contract in the event that the services provided by the Consultant prove to be unsatisfactory. The Town shall be the sole judge of satisfactory performance consistent with the scope of work and requirements contained herein.

13. BASIS FOR AWARD OF CONTRACT

Award of this contract shall be made to the most advantageous Bidder with an acceptable price within seven (7) days, Saturdays, Sundays, and legal holidays excluded, after the bid deadline. The Town reserves the right to reject any and all bids if deemed in the best interest of the Town.

INSURANCE REQUIREMENTS

A. Worker's Compensation and Employers Liability Insurance to comply with the requirements of Maine statutes, plus employers' liability for:

Each Accident	\$500,000
Each Employee (Disease)	\$500,000
Police Limit (Disease)	\$500,000

B. General Liability on an occurrence (as opposed to claims-made) basis with general aggregate limit per applicable project (ISO CG2503 or equivalent)

Each Occurrence	\$1,000,000
General Aggregate	\$2,000,000
Products – Completed Operations Aggregate	\$2,000,000

C. Automobile Liability coverage must include Owned Vehicles, Leased Vehicles, Hired Vehicles, Non-Owned Vehicles.

Each Occurrence	\$1,000,000
-----------------	-------------

D. Owner's Protective Liability Insurance

The Consultant shall furnish the Certificates of Insurance naming the Town of Kittery as additionally insured as their interest may appear, and maintain the require insurances through the life of this Contract.

E. General Requirements for All Lines of Insurance to be Furnishing

All policies shall be provided by a company or companies licensed in the State of Maine. All policies shall be written so the Town shall be notified of cancellation or addition of "restrictive amendments" by registered mail or by facsimile not later than ten (10) days prior to the effective date of such cancellation or amendment.

If the initial policy/policies expire prior to the completion of the Work, renewal certificates shall be promptly filed with the Town for extension of said coverage. The full cost of insurance and renewing such coverage for additional amounts of time shall be the sole responsibility of the Consultant.

The Consultant shall require that each subcontractor procure, and maintain, until completion of that subcontractor's work, insurance of the types and to the limits set forth in the above sections. All such coverage by subcontractors shall be in favor of the Consultant, and the Town shall be held harmless from liability in all such policies. Use of subcontractor(s) is subject to the specifications herein.

SCOPE OF SERVICES

GENERAL

Provide transportation services, in the below list containers, from the Kittery Resource Recovery Facility (KRRF) transfer station, 1 Mackenzie Lane, Kittery ME to the below identified locations.

The Bidder shall transport roll-off containers on an appropriate over-the-road tractor with an appropriate chassis or trailer, equipped with industry standard lift and connection systems.

The Bidder must be available to haul the trailers Tuesday, Thursday or Friday each week or as scheduling that meets the Town's needs based on waste collection.

The Bidder shall be responsible to maintain in good working condition containers provided as part of the contract, including ensuring containers are free of defects, have proper working top cover or roof structure, prevent the seepage of waste liquids, and are compliant with all Department of Environmental Protection permitting requirements for the KRRF.

WASTE TYPES AND CONTAINERS

A. Household Waste/Municipal Solid Waste

- a. Provide 77 to 89 cubic yard trailer with a push out ejector that fits the Town's chute and door structure at the KRRF.
- b. Transport trailer to Ecomaine, 64 Blueberry Road, Portland, Maine
- c. Average annual tons: 2,200

B. Construction and demolition debris

- a. Transport Town's 120 cubic yard trailer to Aggregate Recycling Corp, 434 Dow Highway, Eliot, Maine.
- b. Average annual tons: 1,200

C. Mattress and Furniture

- a. Provide 77 to 89 cubic yard trailer
- b. Transport trailer to Ecomaine, 64 Blueberry Road, Portland, Maine
- c. Average annual tons: 60

GENERAL PRICE FORM

- A. The undersigned proposes to furnish all labor and materials required for waste transportation services in accordance with the accompanying IFB for the rates specified in the accompanying price proposal.
- B. The undersigned certifies that he/she has carefully examined the Invitation for Bids, the general conditions, the specifications, any special conditions, and any and all addenda issued for this bid, and can perform the work and furnish all the material called for in these specifications, general conditions, special conditions in the manner prescribed therein and in accordance with the requirements of the Town of Kittery under them.
- C. Price Proposal

Contract Length	12 Months	24 Months	36 Months	48 Months	60 Months
Price per haul					
Container fee					
Other (Describe):					

- D. Describe any proposed alternatives and price impacts. Use a separate sheet if additional space is needed.

- E. The undersigned hereby certifies that he/she is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; and that he/she will comply fully with all laws and regulations.

F. The undersigned further certifies under the penalties of perjury that this price proposal is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

Name of Company

Business Address

City, State, Zip

Phone, Email

Name and Title of Individual Submitting Bid

Signature

Date

LOCATION AND EXISTING CONDITIONS



Kittery Resource Recovery Facility

Kittery, ME



November 2, 2021

1 inch = 274 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Existing Municipal Solid Waste Trailer & Chute Connection



§ 6.11. Administration of budget.

- (1) Work programs and allotments. At such time as the manager may specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager must review and authorize such allotments with or without revision as early as possible in the fiscal year. The manager may revise such allotments during the year if the manager deems it desirable and revise them to be in accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to § 6.09.
- (2) Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and the officer shall also be liable to the town for any amount so paid.
- (3) Issuance of bonds and multi-year contracts. Except where prohibited by law, nothing in this charter may be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action was made or approved by ordinance. Where a non-appropriation of funds clause is incorporated into a contract with termination and there is no penalty if not appropriated, and any renewal year is automatic with an approved appropriation, the contract is not considered multi-year.

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

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

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

5. Business records are located at the following address:

144A Rogers Road Kittery, ME 03904

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

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

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

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

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

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

Yes No

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

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Kevin Carr	7-21-79	Poway, CT
Robert Martin	12-23-77	Boston, MA
Nicole Cozla	12-8-74	Methuen, MA
Joshua Carruth	1-24-80	Newburyport, MA

Residence address on all the above for previous 5 years

Name Address:

Name Address:

Name Address:

Name Address:

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: Robert Martin Date of Conviction: Kevin Carr
Dui 11/00

Offense: Driving w/o license 2/07 Location: Dui 6/12

Disposition: Ovi 2/09 dis 08/09
Ovi 4/12 dis 09/12
Resisting arrest/Failure to signal 4/18 drp 9/18

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

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

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

~~Stalder Groose~~ 66-68 Wallingford Square LLC
17 Madbury Rd Suite 120
Durham, NH 03824

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

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

Pizza Restaurant 22 seats

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

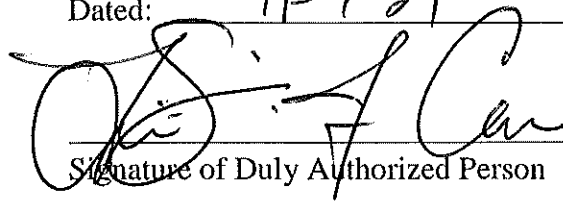
Name: Traip Academy
Distance: .25 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 11-7-21


Signature of Duly Authorized Person

Signature of Duly Authorized Person

Kevin J Carr - Owner
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

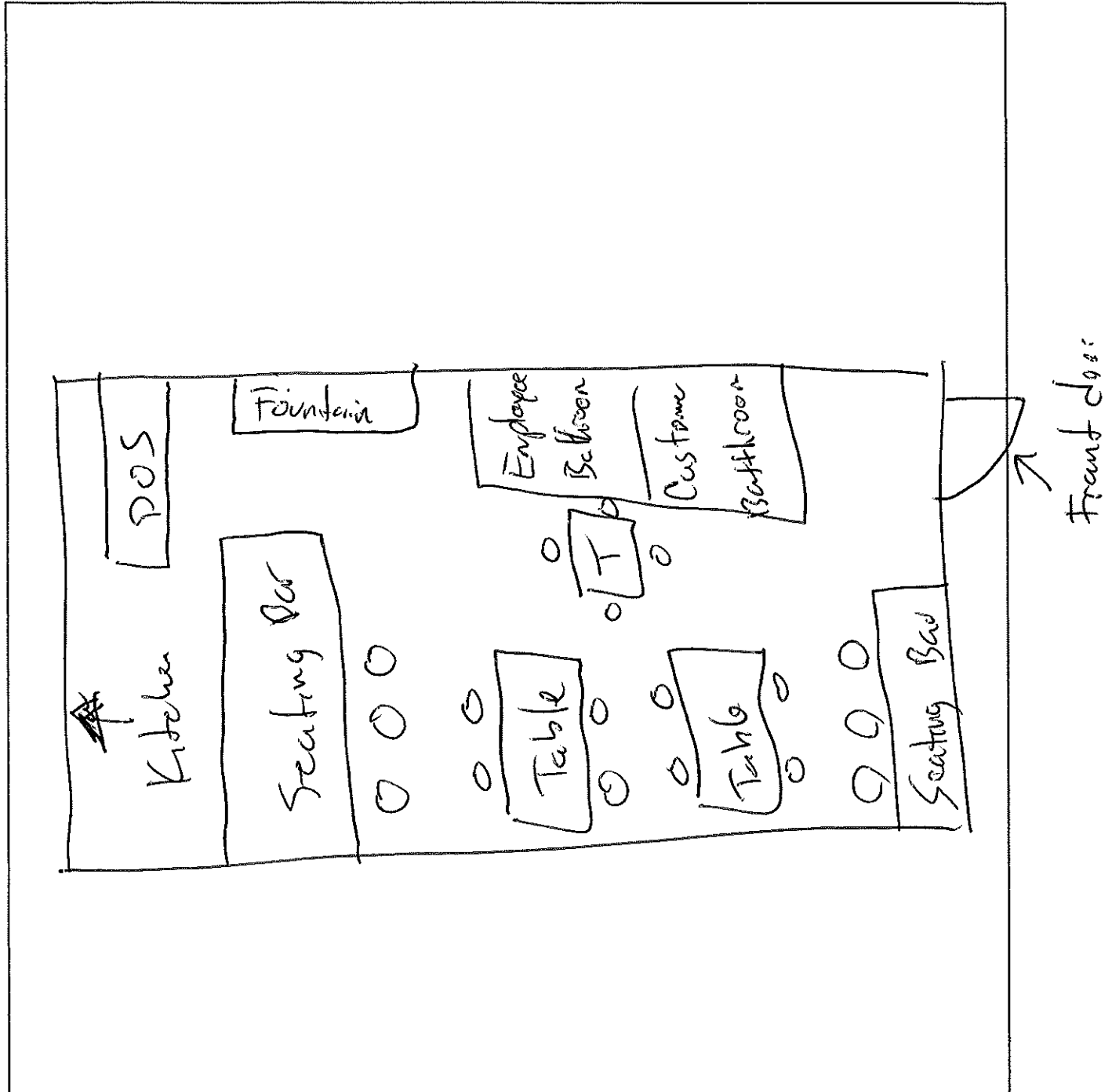
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Inizia, LLC
2. Doing Business As, if any: AS's Wood Grill Pizza
3. Date of filing with Secretary of State: 11/2014 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Kevin Carr	1444 Rogers Rd Kittery 131 State Rd Kittery	7-21-79	Owner	25
Robert Martin	Haley Rd Kittery	12-23-77	Owner	25
Nicole Gula	4 Autumn Lane Stratham NH	12-8-74	Owner	25
Joshua Garrett	4 Autumn Lane Stratham NH	1-24-80	Owner	25

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



November 11, 2021

Town of Kittery
200 Rogers Road
Kittery, Maine 03904

RE: 2021 Kittery Community Market (Winter Market)

Dear Kittery Town Council,

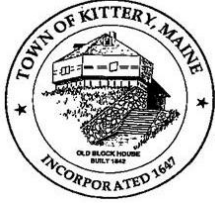
The Kittery Community Market would like permission to keep one Kittery Community Market banner up at Post Office Square, 10 Shapleigh Road, through the Winter Market season, from now until December 20, 2021.

Kittery Community Market will feature 3 Outdoor Winter Markets in 2021: November 21st and December 5th and 19th from 10 a.m. to 2 p.m.

We would also like permission to place directional signs in various locations around Kittery and Kittery Point to direct people to the Kittery Community Market from November 19, 2021 to December 20, 2021. The signs will be set in place on Friday or Saturday and be removed on Sunday or Monday each week, providing we are not expecting snow.

Thank you for your support!!

Greg Clements, KCM Chair
Dot Avery, KCM Co-Manager
Michelle Gill, KCM Co-Manager
Debbie Driscoll, KCM Treasurer



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

REPORT TO TOWN COUNCIL

Meeting Date: November 22, 2021
From: Kendra Amaral, Town Manager
Subject: Release Deed Map 62 Lot 22-D
Councilor Sponsor: Chairperson Judy Spiller

EXECUTIVE SUMMARY

The Town Council is being requested to execute a Release Deed for Map 62 Lot 22-D, 68 Bartlett Road in order to resolve outstanding liens so the property.

BACKGROUND

The property was foreclosed on for unpaid taxes from 2017, 2018, 2019, 2020; and also owed for 2021 which would have resulted in foreclosure. Total taxes owed were \$7,975.68.

The property was sold and all back taxes have been paid in full. The new owner wishes to clear the title.

PROPOSED SOLUTION/RECOMMENDATION

Approve the Release Deed as presented.

MUNICIPAL RELEASE DEED

The TOWN OF KITTERY (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

JACOB W. FROST

with a mailing address of 263 STEPPINSTONE RD, NOTTINGHAM, NH 03901

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 M. REID and recorded in the

York County Registry of Deeds in Book / Page 8852/3 and further shown as Map / Lot 62-22D 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 18766 Page 107
2. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 18405 Page 797
3. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 18033 Page 378
4. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17789 Page 133
5. Tax Lien Certificate regarding real estate taxes recorded in the York County Registry of Deeds: Book 17545 Page 290

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.

IN WITNESS WHEREOF, the Town of Kittery, acting through its municipal officers, has caused this Municipal Release Deed to be signed.

DATE: _____

TOWN OF KITTERY

WITNESS

By _____
JUDY SPILLER

GEORGE DOW

JEFFREY PELLETIER

CYRUS CLARK

CAMERON HAMM

MARY GIBBONS STEVENS

COLIN MCGUIRE

STATE OF MAINE
YORK, ss.

Personally appeared the above named Municipal Officers and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of the Town of Kittery, Maine.

Before me,

Print Name: Karen Estee
Notary Public
My commission expires August 4, 2023



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-8806

6/1/2021

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: John Corgan

RESIDENCE: 24 Landmark Hill Lane

MAILING (if different) _____

E-MAIL ADDRESS: JCorgan@msn.com

PHONE #: (H) 484-553-0316 (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 checked="" type="checkbox"/> 1 Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Kittery Port Authority |
| <input type="checkbox"/> Planning Board | <input checked="" type="checkbox"/> 2 KCC Board of Directors |
| <input type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> Library Advisory Committee |
| <input type="checkbox"/> Kittery Celebration Committee | Other _____ |

EDUCATION/TRAINING: BA Accounting Muhlenberg College

RELATED EXPERIENCE (Including other Boards and Commissions) _____
Small business owner

PRESENT EMPLOYMENT: Associate Director Merck &

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: Kittery is a great town, want to get involved.

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

Please read the back of this application before signing.

John Corgan
SIGNATURE OF APPLICANT

06/01/2021
DATE



TOWN OF KITTELY, 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: Celestine Bragg

RESIDENCE: 139 Denneff Rd - Kittery

MAILING (if different) _____

Celestine.B@gmail.com

E-MAIL ADDRESS: _____ PHONE #: (Home) 439-0042 (Work) 438-1881

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 checked="" 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: See attached

RELATED EXPERIENCE (Including other Boards and Commissions) _____

See Attached

PRESENT EMPLOYMENT: PNSY - Warfighter Family Services

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

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: _____

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

Please read the back of this application before signing.

Celestine Bragg
SIGNATURE OF APPLICANT

12-11-2018
DATE

RECEIVED
DEC 11 2018

BY: 10:00am

BRAGG, CELESTYNE

APPLICATION FOR ECONOMIC DEVELOPMENT COMMITTEE

EDUCATION/TRAINING RELATED EXPERIENCE

Retired Air Force – 20+ years

FEMA – IS-00100.b Intro to Incident Command System

FEMA – IS-00200.b ICS for Single Resources and Initial Action Incident ICS-200

FEMA – IS-00700.a National Incident Management System (NIMS) An Introduction

FEMA – IS-00800.b National Response Framework, An Introduction

FEMA – IS-00100.an Introduction to the Incident Command System ICS 100

FEMA – ICS for Single Resources and Initial Action Incidents, ICS-200

FEMA – IS-00775 EOC Management and Operations

Military Equal Employment Opportunity/Military Equal Opportunity

Sexual Assault Response Coordinator Training

Victim Advocate Training

Associate Minister, New Hope Baptist Church - 13 years

REASON FOR APPLICATION TO THIS BOARD:

I believe I would make an excellent addition to this Board as a Citizen Representative. I am a resident who was born here (Portsmouth Naval Shipyard Hospital), enlisted in the military from here and who returned here, and in that I feel I have a vested interest in the economic development, including goal setting, strategic planning, marketing and business recruitment, retention and expansion for the Town of Kittery.

As an employee of the Portsmouth Naval Shipyard I am fully aware of the impact of the primary commuting times and how that impacts our roads as well as the community as a whole; but I can also see how beneficial the employment growth on the Shipyard has been positive on the local population. As we move forward as an evolving community, I realize that we need to continue to be a welcoming community to all, providing jobs/opportunities to retain those in all levels of the workforce.

I have a personal interest in becoming actively in the Town as I have certainly seen it change and grow over the years and I would like to be positively involved in the Town's future growth.

Celestyme Bragg 12/11/2018