



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

September 10, 2018

Council Chambers

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – **None**
8. Interviews for the Board of Appeals and Planning Board – **None**
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS
  - a. (090118-) The Kittery Town Council moves to hold a public hearing and ordains amendments to Title 8- Public Health and Safety.
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
13. NEW BUSINESS
  - a. Donations/gifts received for Council disposition.
  - b. Kittery Town Council moves to approve the disbursement warrants.

- c. (090118-) The Kittery Town Council moves to establish an overlay amount of \$\_\_\_\_, resulting in a mil rate of \_\_\_\_\_ mils, and to charge an interest rate of 7% per annum on past due accounts and an interest rate of 3% on overpayment of property taxes, and confirms the dates of October 31, 2018, February 15, 2019 and May 31, 2019, as the due dates for property and personal property taxes.
- d. (090118-) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the November 6<sup>th</sup>, 2018 Municipal and State Election.
- e. (090118-4) The Kittery Town Council moves to approve a request from the Traip Athletic Boosters to hang a banner in front of the Kittery Community Center from October 26<sup>th</sup> to November 11<sup>th</sup> to promote the Traip Athletic Booster Craft Fair.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: September 6, 2018



# TOWN OF KITTEERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

## Town Manager's Report to the Town Council September 10, 2018

- 1. Stray/Feral Cats on Pocahontas** – This is to provide an update on the issue raised through public comment at the August Council meeting. The Police Department was able to gain permission from the property owners to collect the stray/feral cats. Officer Hackett has been working with a local organization to trap the cats, treat, spay or neuter them, and put them up for adoption. Not all of the trapped cats will be able to be adopted out. In this case those cats will receive the same veterinary care, spay or neutering, and then returned to the property.
- 2. Fire Pumper** – The Fire Chief issued an Invitation for Bids to replace the Fire Pumper. This apparatus is scheduled for replacement in FY20 (per our CIP). We determined that locking in a bid price now, before an estimated 4% price increase caused by tariffs went into effect was advantageous. It was also recognized that unless the town intended to buy a floor model, it would take approximately one year for delivery. Two bids were received, with the winning bid from Bull Dog Fire & Emergency coming in at \$557,964. The CIP estimated \$601,746. The timing of this bid allowed the town to save at least \$21,000 on the overall price. The town is preparing 50% in FY19 and will make the final payment in FY20, which aligns with the CIP.
- 3. Legion Pond** – Councilor Thomson requested we review the Legion Pond status and take steps to try and improve the water quality of the pond. In November, we tested the water and found high levels of fecal coliform bacteria. There were no human sources of bacteria detected, meaning no leaking septic system or sanitary sewer system. It was determined that the sources of nutrient and phosphates are likely from waterfowl, pet waste, lawn clippings, and fertilizers/pesticides on abutting lawns. Yardscaping workshops focused on providing property owners with alternative lawn care strategies that help protect waterbodies were presented in April. As a next step we will be working with our vendor to spray the pond surface with a treatment that will hopefully reduce the algae blooms. We continue to encourage abutting landowners to take steps on their own property to improve the health of the pond.
- 4. School Board Seats** – It was reported at the last meeting that there was only one certified candidate for two seats on the School Board. As of the September 7 deadline, two declared write-in candidates have come in.

### Upcoming Dates:

- Candidate Night – **October 9**, 6PM, Council Chambers (please note date change)

Respectfully Submitted,

Kendra Amaral  
Town Manager





# TOWN OF KITTEERY

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## REPORT TO TOWN COUNCIL

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Meeting Date: September 10, 2018  
From: Kendra Amaral, Town Manager  
Subject: Title 8 Health and Safety – Resource Recovery Facility  
Councilor Sponsor: Chairperson Kenneth Lemont

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### EXECUTIVE SUMMARY

This proposal is being presented in accordance with the ongoing Town Council and Manager goals of improving efficiency and service delivery.

The Town Clerk's Office, in collaboration with the Department of Public Works, is working to improve the Resource Recovery Facility (KRRF) permits program. Title 8 Health and Safety requires residents and non-residents to be issued decals for use of the Resource Recovery Facility. The proposed amendments to the ordinance, clarify the requirements to obtain a decal, codify the move to the annual renewal (implemented in 2016), and eliminate process language that is better suited for administrative manuals and protocols.

### CURRENT SITUATION

To obtain a Resource Recovery Facility decal, a resident or property owner must provide documentation such as a vehicle registration, tax bill to demonstrate eligibility to use the facility. The ordinance stipulates that decals are good for two years.

For residents, the December renewal process required them to come to Town Hall twice, once for their vehicle registration renewal and another for their decal.

For Administrative Clerks, the process detailed in the ordinance required more process than necessary given the town's software options, and required the town collect and retain unnecessary amounts of paperwork for the purpose of record keeping.

### PROPOSED SOLUTION

The proposal seeks to codify the manner in which eligibility for access to the KRRF will be assessed. Every effort has been made to consider the various scenarios regularly encountered, while providing some discretion for unanticipated situations. The proposed language is consistent with the town's current operating procedures.

The town changed to an annual renewal process to coincide with vehicle registration two years ago. This provided more of a one-stop service and allowed the Town Clerk's office to better

manage peak times at the service counter. The proposed changes will codify the change implemented two years ago.

Additionally, the ordinance currently enumerates very detailed administrative processes that require too many steps for a simple function and the production of a great deal of paperwork.

The ordinance currently requires the decal holder sign a piece of paper to be kept on file indicating they have received a copy of the KRRF rules, which must then be filed, in binders and kept on hand for a number of years. This is the only process we require customers to sign a form indicating they will abide by rules, despite having multiple rules and ordinances governing behavior and activity in other areas of town service. Further, we are now able to use technology to track the issuance of decals, and retain a database for reference when questions of validity arise, thereby reducing the paper needed for this program.

We are currently discussing the possibility of offering online renewal of decals, and working through the pros and cons of that added convenience.

Finally, we intend to redesign the decal. We will be eliminating the non-resident decal, as it does not correspond to any actual limitation or restriction on access to the KRRF, resident only parking, or other services that use the sticker as an indicator of eligibility. We are also redesigning the decal to make it easier for the staff at the KRRF to quickly determine if it is expired.

It is our intention that with these changes we will improve service to the customer, streamline the processing for staff, and simplify the ordinance for enforcement.

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

To approve the amendments as proposed.

## Article IV Deposit Permit

- 1 § 8.1.4.1 **Kittery permit decal.**
- 2 A. Required. No person(s) may deposit any waste at the solid waste facility without first  
3 obtaining a permit, as evidenced by a current decal properly affixed to a motor vehicle.
- 4 B. Application. An application for a decal ~~to the Town Clerk~~ requires proof of residency or  
5 property ownership such as motor vehicle registration, property tax bill, or other  
6 documentation acceptable to the Town Clerk. ~~the name and Kittery address of the~~  
7 ~~applicant, proof of residency or property ownership, the registration number of the~~  
8 ~~vehicle upon which it will be used, and the signature of the applicant certifying that~~  
9 ~~person has received a copy of and will abide by the specific rules and regulations for the~~  
10 ~~resource recovery of rubbish, recycling of trash, and reduction of wet wastes.~~
- 11 C. Information to appear on decal. Each decal is to bear ~~the words "Kittery Solid Waste~~  
12 ~~Facility" and the date~~ month and year of expiration and motor vehicle registration  
13 number of the permit holder.
- 14 D. Location of decals. Decals are to be affixed no higher than four inches from the bottom  
15 line of the driver's side of the windshield ~~or door window.~~
- 16 E. Decal issuance and renewals. Kittery decals are issued on an ~~biannual~~ annual basis with  
17 an expiration date one year from the month of issuance. ~~to coincide with even-~~  
18 ~~numbered years and may be renewed in November or December of the odd-numbered~~  
19 ~~year prior to expiration, with a one-month grace period allowed in January of the even-~~  
20 ~~numbered year of renewal.~~
- 21 ~~F.—Records. The original of the decal application, decal serial number, and signature of the~~  
22 ~~applicant and the issuing Town employee are to be kept on record for two years.—~~
- 23 ~~GF.~~ Replacement. A new decal must be obtained whenever the one in use becomes defaced,  
24 lost or whenever the user's motor vehicle registration number is changed. A fee as set  
25 out in Appendix A will be charged for a ~~duplicate~~ replacement decal for the same motor  
26 vehicle registration, except there will be no charge when the applicant submits sufficient  
27 remnants of the old decal or proof that the loss was not due to the applicant's negligence.
- 28 ~~HG.~~ Fraud. Any decal found to have been obtained by fraudulent means will be revoked, the  
29 motor vehicle registration plate number posted at the solid waste facility, and the person  
30 penalized as provided by Article ~~VII~~ of this chapter.
- 31 ~~IH.~~ Misuse of permit decal. Any person found to be delivering to the solid waste facility any  
32 waste that originates outside the Town or violating any other provisions of this chapter is  
33 subject to the penalties as provided by ~~of~~ Article ~~VII~~ of this chapter.
- 34 § 8.1.4.2 **Temporary passes.**
- 35 A. A temporary pass may be issued on an "as needed" basis for business or non-property  
36 owner use at the discretion of the Town Manager. ~~Required. No person without a valid~~  
37 ~~permit decal engaged or employed to provide disposal service for a resident, business or~~  
38 ~~nonresident property owner's waste originated within the Town, except as a "good-~~

39 ~~neighbor," may deposit any waste at the solid waste facility without first obtaining a~~  
40 ~~temporary pass. \_~~

41 B. Application. An application for a temporary pass must show the name and address of the  
42 resident, business or nonresident property owner for whom the work is being done; the  
43 name, address and telephone number of the hauler; the vehicle registration number; the  
44 type of material to be carried; the date(s) when the material is to be moved; satisfactory  
45 verification by the Kittery person(s) that the hauler is in fact authorized to perform the  
46 work contemplated; and the signatures of applicant and Town employee issuing said  
47 pass.

48 C. Information to appear on temporary pass. Temporary passes are to be a duplicate of the  
49 approved application, bearing a serial number and wording to indicate that mandatory  
50 recycling and separation is required.

51 D. Temporary pass usage. A temporary pass must be presented to the attendant at the solid  
52 waste facility prior to and each time that disposal has been approved. On completion of  
53 the work, the pass is to be given to the attendant. The expiration date of a temporary  
54 pass may not be later than 14 days from the date of issue, except that a person(s)  
55 engaged or employed by a resident, business or nonresident property owner may be  
56 given a pass for the longer period of time at the discretion of and with the approval of  
57 the Town Manager.

58 ~~E.—Records. The original application for passes is to be kept on file for one year.~~

59 ~~F.—Fraud. Any person(s) found to be delivering to the solid waste facility any waste that~~  
60 ~~originates outside the Town or in violation of any other provisions of this chapter is~~  
61 ~~subject to the penalties of Article VI of this chapter.~~

**KITTERY TOWN CODE TITLE 8  
RESOURCE RECOVER FACILITY PERMIT**

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

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

10 **WHEREAS**, the Kittery Town Council seeks to ensure municipal operations are as efficient and  
11 effective as possible; and

12 **WHEREAS**, codifying in Title 8, the criteria for determining eligibility for permits to use the  
13 Kittery Resource Recovery Facility will ensure fair, consistent, and predictable processing for  
14 customers; and

15 **WHEREAS**, amending the processing procedures for issuing permits to use the Kittery  
16 Resource Recovery Facility will provide for a more streamlined experience for customers;

17 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER  
18 §2.07(3), THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 8 OF THE  
19 TOWN CODE, AS PRESENTED.

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

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

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



# Memorandum

**TO:** Kendra Amaral  
Town Manager

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

**DATE:** September 4, 2018

**RE:** Tax Rate Calculation form

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The town's total taxable valuation base increased from 2017-2018 tax year. There was an approximately \$24.3M increase in real estate taxable valuation due to new construction changes, building permits and cyclical reviews. There was a \$3.3M decrease in personal property values, due to new BETE rules expanding the number of eligible businesses. The net valuation base increased 1.68%.

In total, appropriations increased \$1,382,931, or approximately 4.57% for the combined town, county, TIF offset, and school spending. State and Other Revenues are expected to increase 13.59% or \$587,575. Subsequently, the net tax dollars to be raised by the local property tax rate has increased by roughly 3.33% or \$795,356.

Attached is the overlay relationship spreadsheet showing the potential range of overlay amounts depending on the tax rate selected. The minimum tax rate that could be selected is \$16.72 while the maximum rate is \$17.56.

With consideration for all aspects including prior year tax rates, it is my suggestion that a rate of \$16.80 be selected which is roughly a 1.91% increase from last year and has an overlay amount of roughly \$113,564. This translates into a \$90 annual increase in taxes on a property assessed at \$300,000. For each penny change in the tax rate, taxes on a \$300,000 property changes \$3 while the overlay changes by roughly \$14,500.

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

LINE				
1	LOCAL TAXABLE REAL ESTATE VALUATION	\$1,425,839,386		
2	LOCAL TAXABLE PERSONAL PROPERTY VALUATION	\$32,251,800		
3	TOTAL TAXABLE VALUATION		\$1,458,091,186	
4A	TOTAL OF ALL HOMESTEAD EXEMPT VALUATION	\$24,097,200		
4B	HOMESTEAD EXEMPT REIMBURSEMENT VALUE	\$15,060,750		
5A	TOTAL OF ALL BETE EXEMPT VALUATION	\$3,332,700		
5B	THE STATUTORY STANDARD REIMBURSEMENT FOR 2017 IS 50%	\$1,666,350		
6	<u>TOTAL VALUATION BASE</u>		<u>\$1,474,818,286</u>	
	<b>ASSESSMENTS</b>			
7	COUNTY TAX	\$869,853		
8	MUNICIPAL APPROPRIATION	\$13,431,980		
9	TIF FINANCING PLAN AMOUNT	\$141,649		
10	SCHOOL/EDUCATION APPROPRIATIONS	\$17,229,230		
11	<u>TOTAL APPROPRIATIONS</u>		<u>\$31,672,712</u>	
	ALLOWABLE DEDUCTIONS			
12	STATE MUNICIPAL REVENUE SHARING	\$414,000		
13	OTHER REVENUES	\$6,595,329		
14	<u>TOTAL DEDUCTIONS</u>		<u>\$7,009,329</u>	
15	NET TO BE RAISED BY LOCAL PROPERTY TAX RATE	<u>\$24,663,383</u>		
16	MAXIMUM ALLOWABLE TAX	\$24,663,383	1.05	\$25,896,552
17	MINIMUM TAX RATE	\$24,663,383	\$1,474,818,286	<b>\$0.016723</b>
18	MAXIMUM TAX RATE	\$25,896,552	\$1,474,818,286	<b>\$0.017559</b>
19	TAX FOR COMMITMENT	\$1,458,091,186	<b>\$0.01680</b>	\$24,495,932
20	MAXIMUM OVERLAY	\$24,663,383	0.05	\$1,233,169
21	HOMESTEAD REIMBURSEMENT	\$15,060,750	<b>\$0.01680</b>	\$253,021
22	BETE REIMBURSEMENT	\$1,666,350	<b>\$0.01680</b>	\$27,995
23	OVERLAY	\$24,776,947	\$24,663,383	<b>\$113,564</b>

<b>TAX RATE</b>	<b>OVERLAY AMOUNT</b>	<b>EQUATES TO ASSESSED VALUE</b>	<b>% OF TOTAL TAXABLE ASMNT</b>
\$16.77	\$69,319	\$4,133,512	0.28%
\$16.79	\$98,816	\$5,885,408	0.40%
<b>\$16.80</b>	<b>\$113,564</b>	<b>\$6,759,762</b>	<b>0.46%</b>
\$16.81	\$128,312	\$7,633,076	0.52%
\$16.82	\$143,060	\$8,505,351	0.58%



September 4, 2018

Dear Town Council,

My name is Kimberly Brown-Tyndall. I am writing to you on behalf of the Traip Athletic Boosters. I am requesting permission to have a banner flown in front of the Kittery Community Center. The banner is to promote the Traip Athletic booster craft fair. The craft fair is on November 10th. As in past years we would like to have the banner flown for two weeks (October 26th to November 11th)

Thank you  
Kimberly Brown-Tyndall  
9 Melanies Ct  
Kittery, ME 03904

207 408 5764