



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

March 12, 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 – 2/12/18
8. Interviews for the Board of Appeals and Planning Board

Planning Board – (one appointment until 11/30/19)

- Drew Fitch

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

(030118-1) The Kittery Town Council moves to hear a report from the Fire Chief David O'Brien on Public Protection Classification (ISO).

10. PUBLIC HEARINGS

(030118-2) The Kittery Town Council moves to approve an application from Provisions at Pepperrell Cove LLC, 88 Pepperrell Road, Kittery Point, ME 03905 for a Victualer's License for Provisions, 88 Pepperrell Road.

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. (030118-3) The Kittery Town Council moves to approve the disbursement warrants.

c. (030118-4) The Kittery Town Council moves to authorize Tributary Brewing Company to hold a special event on Saturday, April 14, 2018, from 12 noon to 8:00 p.m. and to extend the bonded area to a tent outside the tasting room for the release of "Mott the Lesser".

d. (030118-5) The Kittery Town Council moves to approve an application from York Harbor Brewing Co., 439 US Route 1, Kittery for a Malt, Vinous and Spirituous Liquor License for Maine Beer Café, 439 US Route 1.

e. (030118-6) The Kittery Town Council moves to authorize the Kittery Land Trust to hang a banner across Rogers Road in front of the Community Center from March 19th – April 2nd, 2018 to advertise "March is Membership Month".

f. (030118-7) The Kittery Town Council moves to authorize the 2018 Project Graduation Committee to hold a toll collection on Saturday, April 7, 2018 from 9:00 am to 5:00 pm and to put up a large sign on McKenzie Lane from 3/31/18 to 4/7/18 to advertise their fund raiser for Class of 2018 Project Graduation.

g. (030118-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Education Scholarship Committee to interview George Dow for his re-appointment to that board until 12/31/21.

h. (030118-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Shellfish Conservation Committee to interview Todd Rollins for his appointment as a regular member to that board until 12/31/21.

i. (030118-10) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Shellfish Conservation Committee to interview Peter Thomas for his appointment as a regular member to that board until 12/31/21.

j. (030118-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Cassandra O'Brien for her appointment as an associate member until 12/31/21.

14. COUNCILOR ISSUES OR COMMENTS

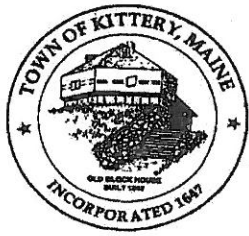
15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

(030118-12) The Kittery Town Council moves to go into executive session in accordance with 1 M.R.S. § 405(6) (A) to discuss a personnel matter.

17. ADJOURNMENT



TOWN OF KITTERY
Office of the Town Manager
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806
kamaral@kitteryme.org

Town Manager's Report to the Town Council
March 12, 2018

- 1. Damage from Storm "Riley"** – The town made it through the most recent storm with limited damage, few power outages, and periodic road closures. The majority of municipal damage resulting from nor'easter Riley was sustained at Fort Foster. The path between the main parking area and the pavilions was washed out. Pier railings and deck boards also were damaged from the wave surge. It is anticipated this storm will qualify as a state-level emergency and may qualify under FEMA's guidelines. Riley will be the second storm to qualify for emergency support this fiscal year. It is unclear when funding will be released from the October storm, and whether Riley will result in federal funding for municipalities.

We plan to focus attention on updating and refining our emergency plans in the coming months to ensure we continue to be able to respond and address natural and man-made emergency events. A workplan and schedule is being developed now.

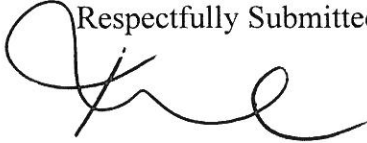
- 2. Route 236/Aroma Joe's Intersection** – We are currently working with KACTS and the Town of Eliot to finalize a corridor study scope for the stretch of 236 from Stevenson Road to Beech Road. The corridor study will include developing short and long-term traffic and safety improvements for the corridor, developing concept level cost estimates and benefits analysis, and assisting with prioritizing the improvements. The results of the study can then inform financial planning for implementation of the improvements. The expected cost of the study is \$29,000, with the majority of funding coming from KACTs, with the two towns splitting the match requirement.
- 3. State Roads List Online** – Councilor Denault requested we post information online about state-controlled roads in Kittery. On our Public Works webpage is a link that includes a map of state roads and a detailed listing by distance and intersection of all state roads in town.
- 4. Pavement Markings at Traffic Circle** – Councilor Thomson noted the pavement markings for yield lines and crosswalks at certain sections of the newly reconstructed Memorial Traffic Circle are already faded. These were items identified as part of the punch list for the project and will be addressed in the spring when the contractor closes out the project.
- 5. Town Clerk** – I am pleased to announce we have hired our new Town Clerk. Nicole Maurice will be joining the Kittery team on March 19th, and will be working with Maryann Place for two weeks to transition into the role.

Ms. Maurice has held a variety of municipal roles in Rochester and Newmarket, New Hampshire and most recently served as Assistant Tax Collector with the Town of Wells. She comes to us with experience managing vital records, tax receipts and property tax liens, vehicle and voter registrations, and other critical Clerk Office functions. Throughout the hiring process, she articulated a focus on excellence in service and enthusiasm for innovation in providing government services. Ms. Maurice will be at the March 26th meeting.

Upcoming Dates:

- 10th Annual Kittery Community Center Auction – April 6, 6PM, Regatta Room, Eliot

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendra Amaral', written in a cursive style.

Kendra Amaral
Town Manager

1
2
3 **Kittery Town Council**
4 **Regular Meeting – Council Chambers**
5 **February 12, 2018**
6
7

- 8 1. Call to Order: Chairperson Lemont called the meeting to order at 6:00 p.m.
9
10 2. Introductory: Chairperson Lemont read the introductory.
11
12 3. Pledge of Allegiance: Chairperson Lemont led all present in the Pledge of Allegiance.
13
14 4. Roll Call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson,
15 Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth
16 Lemont.
17
18 5. Agenda Amendment and Adoption: Chairperson Lemont cast one vote to accept the agenda
19 as presented.
20
21 6. Town Manager’s Report: Kendra Amaral said the Quarter 2 financial update is included in
22 Council’s packets. She said generally they are on track for revenues in respect to the second
23 quarter, but they are watching the Solid Waste budget very closely. She said as Council may, or
24 may not be aware, China has ended imports of all mixed recyclables.

25
26 Town Manager Amaral said they are gaining ground on excise taxes, and as she reported they
27 were falling behind in Quarter 1.
28

29 Town Manager Amaral said that CEO and Planning fees have increased, especially the CEO
30 budget has generated revenues on permit applications and they are ahead in revenue projections
31 with the Planning Board. She said they are typically not large line items, but this signals growth and
32 value are coming and this will help to keep the tax rate manageable in the future. She said they are
33 seeing more fees coming in, but this is not expected to hit until 2020. She said they are doing a
34 thorough review of projected revenues for '19, and are keeping an eye on that.
35

36 Town Manager Amaral said they were watching cash flows so there would be sufficient funding for
37 large projects going on, such as Emery Field and the Memorial Circle, but now that they have gone
38 through those projects, and they have gotten back reimbursements on them, we can put that money
39 away. She said she will be meeting with the bankers in the next couple of weeks to discuss this.
40

41 Town Manager Amaral said expenditures ended Quarter 1 with a \$107,000 deficit in TIF funds due
42 to a seven-year miscalculation, and they are watching it. She said she will feel better when they get
43 through this quarter with the major snow and ice projections.
44

45 Town Manager Amaral said they are keeping an eye on overtime in the Police Dept. She said
46 typically the Police Dept. generates \$3,500 of overtime a week and there will be a \$24,000 overage
47 in this account. She said that Chief Soucy has been keeping an eye on this.
48

49 Town Manager Amaral said that they are watching the salt budget and they are \$65,000 over. She
50 said this is due to a lot more ice than snow, and they have been using more salt to keep up the
51 management of the road conditions.

52
53 Town Manager Amaral said they are down two staff in the Planning Dept. and they are relying on
54 consultants, with assistance from SMPDC.

55
56 Town Manager Amaral said they have identified the issue with the Sewer Fund which they have to
57 address and the auditor spoke to Council and provided them with a report last month. She said
58 they have engaged the services of Woodard & Curran to help us do an analysis of the Sewer
59 operation. She said they are looking at revenues to make sure they are not leaving any revenues
60 on the table and they will develop a financial model so that the Sewer Fund can remain solvent into
61 the future. She said that will be coming up in the next couple of months.

62
63 Town Manager Amaral said a copy of the electricity supply contract is in Council's packets. She
64 said they went out to bid, but they locked in a good price for four years at a rate of \$0.0674 per kWh
65 starting in Nov. 2018. She said by comparison completely unintentionally Kittery had locked in a
66 four-year high rate five years ago, and this savings will help offset that.

67
68 Town Manager Amaral said they put a bid out for our natural gas supply, but they are actually
69 getting a better rate being billed monthly with their current supplier, Unitil, so they decided to stay
70 with them.

71
72 Town Manager Amaral said the Kittery Port Authority held a public hearing on Feb. 1st to gather
73 public input on the reconstruction of the Government Street pier. She said they had a study done
74 which identified structural deficiencies and the people want to keep it working as a commercial pier,
75 so they had to put weight limits on the use of it. She said the Port Authority now wishes to expedite
76 the implementation of the project. She said the current plan is to fund \$50,000 per year through
77 CIP until they get sufficient funding, including the expectation of a SHIP grant.

78
79 Town Manager Amaral said that Chair Ken Lemont, Patricia Moore, Finance Director and Port
80 Authority members Bruce Crawford and Steve Lawrence and she met to discuss options to
81 expedite funding, and will be potentially seeking a Warrant Article in June for the funding of this
82 project.

83
84 Town Manager Amaral said that they have received phone calls that the flags have been missing at
85 the Memorial Circle and the DPW Commissioner has had challenges with the current vendor in that
86 the repairs of the flags have not been lasting as long as they had in the past, meaning both flags
87 have been out for repair or replacement at the same time. She said he has been addressing this
88 issue with the vendor.

89
90 Town Manager Amaral asked Council to join her in congratulating both George Kathios as the
91 recipient of the New England Water Environment Association's James J. Courchaine Collections
92 Systems Award, which he received in January at their annual conference for excellence in
93 wastewater collections system management, and Scott Lincoln on his recent promotion to Building
94 Maintenance Supervisor. She said he has been working as Head Custodian at the KCC and with
95 his skill set, will bring greater efficiency to the maintenance of the town's other buildings.

96
97 Town Manager Amaral cited upcoming dates: Feb. 15th – tax bills due, Feb. 22nd, 6 p.m. the
98 Planning Board will be presenting a discussion on Affordable and Workforce Housing at the Kittery
99 Community Center, and 10th annual KCC Auction, April 6th, 6:30 p.m. at the Regatta Room in Eliot.

100 Town Manager Amaral also wanted to mention that Town Clerk Maryann Place will be retiring after
101 29 years of service to the Town of Kittery and they will be hosting a dinner for her on March 8th at
102 6:00 p.m. at the Kittery Community Center. She said tickets go on sale and all are welcome to
103 come and help us recognize Maryann for her tremendous service to the community.
104

105 Chairperson Lemont asked if there were any questions of the Town Manager.
106

107 Councilor Thomson said he had one quick question. He said he was not able to attend the Port
108 Authority's public hearing, and that he has brought this up before. He wanted to know if, part of the
109 planning for this pier, for lack of a better term, is making it more "citizen-friendly"?
110

111 Town Manager Amaral responded that they are doing a survey of the Foreside, but there is not a
112 whole lot of space to add a ramp without reducing the services of the pier itself. She said they need
113 to look at the design.
114

115 Councilor Thomson asked what did she mean by "ramp"?
116

117 Town Manager Amaral replied that Councilor Thomson had mentioned at the last meeting of
118 possibly doing a boat launch or a ramp where recreational boaters could get into the water.
119

120 Councilor Thomson said no, he was talking more about pedestrians, walking to the Foreside while
121 waiting for reservations and so forth on a summer evening, or going down to the water.
122

123 Town Manager Amaral said that is more a part of the Foreside Development Study. She said what
124 they were talking about in terms of this project is the reconstructing of the pier from the seawall into
125 the water and not necessarily the infrastructure outside of that. She said that is definitely something
126 that at we have been talking about with the Foreside Committee, making a connection that will be
127 more active and visible from the Foreside area.
128

129 Councilor Brock wanted to follow-up with the consultants doing the Foreside Study, there is an
130 interest by the public to have access, leisure pedestrian access, as well as water access to the
131 extent feasible. He said he appreciates the commercial lobstering down there, and thought it
132 needs to be protected. He said it is important to look to see if it fits in to have public accessibility
133 and dovetail that, if it will be handled separately through the Foreside study, and coordinated so that
134 we can do better to enhance this for the public overall.
135

136 Chairperson Lemont said, following up on Councilor's Brock's point, maybe the Town Manager
137 could follow up with the Foreside Committee. He believes the Port Authority's thinks the time is
138 short, and that is why they made the effort to meet with us to find funding sooner rather than wait 3-
139 4 years. He thanked the Town Manager.
140

141 Chairperson Lemont asked if there were any other questions. There were none.
142

143 7. Acceptance of Previous Minutes: 9/25/17 Regular Meeting, 1/17/18 Special Meeting and
144 1/22/18 Regular Meeting
145

146 Chairperson Lemont said they will start with the minutes of September 25th and asked if there are
147 any corrections, omissions or deletions to the minutes. Some corrections were noted by the Chair
148 and Councilor Dennett.
149

150 Chairperson Lemont said he will cast one vote to accept the minutes of September 25th 2017
151 minutes as amended.

152
153 Chairperson Lemont asked if there were any corrections, omissions or deletions to the minutes of
154 January 17th 2018 and he had one correction. Ms. Place noted the Recorder had made the
155 grammatical changes and other corrections that Councilor Dennett had sent to her and that the
156 Recorder had made the correction the Chair had mentioned as well.

157
158 Chairperson Lemont said he would cast one vote to accept the minutes of January 17, 2018 as
159 amended.

160
161 Chairperson Lemont asked if there were any corrections, omissions or deletions to the minutes of
162 January 22, 2018. Hearing none, he said he would cast one vote to accept the minutes of January
163 22nd as presented.

164
165 8. Interviews for the Board of Appeals and Planning Board:

166
167 Chairperson Lemont said they have five applicants for one appointment to the Board of Appeals for
168 a term until 12/1/19. He said he will be interviewing the applicants in the order that they are listed
169 on the agenda, and for the sake of fairness, will be asking five questions of each applicant. He said
170 any Councilor will have the opportunity for a follow-up question if they so choose.

171
172 Councilor Brock asked if all five interviewed would then be nominated.

173
174 Chairperson Lemont said he will talk about that after questioning the applicants. He said he will
175 start with **Vern Gardner**.

176
177 Chairperson Lemont asked Mr. Gardner what did he see as the primary role of the Board of
178 Appeals.

179
180 Mr. Gardner answered the primary role of the Board of Appeals is to administer Title 16 with an
181 objective of fair play and a measure of compassion. He said that Title 16 is a set of rules and
182 statutes that members of the Board administer with fair play and compassion in mind.

183
184 Chairperson Lemont asked Mr. Gardner why is he interested in serving on the Board of Appeals?

185
186 Mr. Gardner replied that he has spent much of his career in analyzing land uses, which is the basis
187 for the Board of Appeals. He said much of the work he does these days is some form of land use
188 regulation before the courts. He said in that role it is a policing authority. He said there are four
189 general provisions under the law and Title 16, zoning, falls into policing activity.

190
191 Chairperson Lemont asked Mr. Gardner what relevant experience, education or prior service does
192 he have that will benefit him as a member of the Board of Appeals.

193
194 Mr. Gardner responded that he has served on the Board of Appeals for 9 years and was Chair for 7
195 and he has served on the Comprehensive Plan Committee for four years and has served as Chair
196 for more than three.

197
198 Chairperson Lemont asked Mr. Gardner what has he done, or plans to do, to prepare himself to be
199 on the Board of Appeals.

200

201 Mr. Gardner answered he probably already answered that, but he is very familiar with Title 16 and
202 has had the opportunity to use it following an appeal to the Board.
203
204 Chairperson Lemont asked Mr. Gardner if he is able to commit to the time necessary to become
205 familiar with the Code, review applications and attend meetings of the Board of Appeals.
206
207 Mr. Gardner replied yes.
208
209 Chairperson Lemont asked if any other Councilor had questions. There were none.
210
211 Chairperson Lemont asked **Drew Fitch** what did he see as the primary role of the Board of
212 Appeals.
213
214 Mr. Fitch replied their role is as a back stop to insure development occurs in town consistent with
215 the land use regulations that exist.
216
217 Chairperson Lemont asked Mr. Fitch why he is interested in serving on the Board of Appeals.
218
219 Mr. Fitch replied he would like to contribute to the town. He said he is in a position to have more
220 time available and lend his expertise to the Board of Adjustment.
221
222 Chairperson Lemont asked Mr. Fitch what education, relevant experience or prior service did he
223 have that would benefit him as a Board of Appeals member.
224
225 Mr. Fitch answered he has been involved in financing and development of real estate for 20 years,
226 with his focus on affordable housing. He said he is very familiar with how the zoning affects
227 development. He thought he has the broad knowledge of the intent of zoning and how it applies to
228 new development.
229
230 Chairperson Lemont asked Mr. Fitch what he had done, or plans to do to prepare to be on the
231 Board of Appeals.
232
233 Mr. Fitch responded he has read the zoning ordinance and reviewed the Comprehensive Plan. He
234 thought he understands the intent and desire of the town as conveyed in the ordinances and the
235 comprehensive plan.
236
237 Chairperson Lemont asked Mr. Fitch if he would be able to commit to the time necessary to become
238 familiar with the code, review applications and attend meetings.
239
240 Mr. Fitch answered yes, he is.
241
242 Chairperson Lemont asked if any Councilors had questions of the applicant.
243
244 Councilor Thomson said he had a quick question. He said that Mr. Fitch indicated he is president
245 of Atlantic Development LLC and wanted to know exactly what does Atlantic Development do.
246
247 Mr. Fitch replied that they are developers of affordable housing, but frankly, they have not had any
248 development lately. He said he would classify himself as semi-retired and the function at this time
249 is to manage the current portfolio.
250
251 Chairperson Lemont recognized Councilor Dennett.

252 Councilor Dennett said that Mr. Fitch answered the questions a little fast and asked if he heard him
253 correctly but did Mr. Fitch say Board of Adjustment.
254
255 Mr. Fitch responded yes, that was a mistake and he apologized.
256
257 Councilor Dennett said then he presumed that Mr. Fitch has New Hampshire experience.
258
259 Mr. Fitch replied yes, he has been on boards in New Hampshire.
260
261 Councilor Dennett asked Mr. Fitch if he worked in real estate in New Hampshire.
262
263 Mr. Fitch answered yes, early on he was a Dept. Head for funding affordable housing at the New
264 Hampshire Financing Authority, from 1995-98.
265
266 Councilor Dennett said that is where you picked up the term used in New Hampshire as opposed to
267 Maine.
268
269 Mr. Fitch said yes, that would be a safe assumption.
270
271 Chairperson Lemont asked if there were any other questions from Councilors? There were none.
272
273 Chairperson Lemont asked **Todd Rollins** what did he see as the primary role of the Board of
274 Appeals?
275
276 Mr. Rollins asked if he could use Vern Gardner's answer?
277
278 Chairperson Lemont replied sure.
279
280 Mr. Rollins replied he see it as situations that deviate from the norm and people are looking for
281 exceptions to the written law of the Planning Board. He said that the committee hears and acts on
282 situations like that.
283
284 Chairperson Lemont asked why is Mr. Rollins interested in being a member of the Board of
285 Appeals.
286
287 Mr. Rollins answered he has worked and lived in this area for 15 years, closer to 20 because he
288 went to UNH. He said he loves the area and he has some time now that he works from home and
289 he would like to contribute if he can.
290
291 Chairperson Lemont asked Mr. Rollins what relevant experience, education or prior service does he
292 have that would benefit him as a member of the Board of Appeals?
293
294 Mr. Rollins responded he does not have any town background other than he has attended a couple
295 of meetings. He said he is a financial analyst and works in a bank and is a technology project
296 manager. He said he can dot "i's" and cross "t's", that type of thing, and he is eager to learn.
297
298 Chairperson Lemont asked Mr. Rollins what he has done, or plans to do to prepare to be on the
299 Board of Appeals.
300
301 Mr. Rollins replied he has read as much information as he could find on the website and has been
302 attending as many Town Council meetings as he can make and learning how this operation works.

303 Chairperson Lemont asked Mr. Rollins if he has the time necessary to commit to become familiar
304 with the Code, review applications, and attend meetings.

305
306 Mr. Rollins responded yes.

307
308 Chairperson Lemont asked if there were any other questions Councilors had for the applicant.

309
310 Councilor Dennett said he appreciates Mr. Rollins dotting “i’s” and crossing “t’s”, but wanted to
311 know why didn’t he answer the last two questions on his application?

312
313 Mr. Rollins answered he did not know what they might have been.

314
315 Ms. Place showed Mr. Rollins his application.

316
317 Mr. Rollins apologized and said he probably did not see them. He said he had also filled out an
318 application for the Planning Board and rushed through the last one.

319
320 Chairperson Lemont asked if Councilor Dennett would like to ask the applicant the questions now.

321
322 Councilor Dennett replied that Mr. Rollins already answered one – the reason why he applied to the
323 board – but he wanted to know if the applicant has attended at least one or two meetings of the
324 Board for which an application has been made, yes or no?

325
326 Mr. Rollins replied yes.

327
328 Chairperson Lemont asked if there were any other questions. There were none.

329
330 Chairperson Lemont asked **Suzanne Dwyer-Jones** what she saw as the primary role of the Board
331 of Appeals.

332
333 Ms. Dwyer-Jones replied that she believes the Board of Appeals hears and decides administrative
334 appeals of the Planning Board as well as cites variances, specific variances and miscellaneous
335 variances pursuant to Title 16 and Maine law. She said they look at errors of law or whatever an
336 aggrieved party brings forth along with the variance.

337
338 Chairperson Lemont asked Ms. Dwyer-Jones why she is interested in serving on the Board of
339 Appeals.

340
341 Ms. Dwyer-Jones responded she has a daughter going into high school and has the time now to
342 commit. She said she no longer practices law and although she is licensed in Massachusetts, she
343 is no longer doing work down there. She said she has extra time and loves Kittery. She said she
344 has been in the York-Kittery area for 40 years, and she is not a native, and still can’t consider
345 herself one, but she would like to get involved.

346
347 Chairperson Lemont asked Ms. Dwyer-Jones what relevant experience, education or prior service
348 does she have that would benefit her as being a member of the Board of Appeals.

349
350 Ms. Dwyer-Jones replied she does not have any specific town board experience. She said she has
351 done a few cases with her uncle, who is a builder in York over the years. She said she was
352 basically a public defender in Massachusetts, for 14 years, and was an appellate defender for the
353 Commonwealth of Massachusetts in Boston. She said she did a total of 15 cases to the SJC, which

354 is different administratively, but she did fairly well and won five out of the 15, so she did okay with
355 that. She said she is fairly detail-oriented and is familiar with the town codes. She has read up on
356 them and she is willing to learn.

357
358 Chairperson Lemont asked Ms. Dwyer-Jones what has she done, or plans to do, to prepare to
359 become a member of the Board of Appeals.

360
361 Ms. Dwyer-Jones answered she has tried to memorize Title 16, but she isn't finished yet.

362
363 Chairperson Lemont said perhaps she could recite it for them.

364
365 Ms. Dwyer-Jones asked what is it, M.R.S.A. Chapter 30, Sec. 4353, but she has read more on the
366 website and she needs to get more involved.

367
368 Chairperson Lemont asked if Ms. Dwyer-Jones is willing to commit to the time necessary to become
369 familiar with the Town Code, review Board of Appeals applications and attend meetings.

370
371 Ms. Dwyer-Jones responded absolutely and that she spends her time researching and reading.
372 She said this is an opportunity to give some time back which is very important. She said the town is
373 unbelievable from what she has seen. She said she was a child when she first came here and the
374 town is beautiful.

375
376 Chairperson Lemont asked if any Councilors had any questions.

377
378 Councilor Dennett said madam, on your application, under "Education/training" you listed a BA from
379 Colby College and a J.D. from MSL?

380
381 Ms. Dwyer-Jones replied, Massachusetts School of Law, night school.

382
383 Councilor Dennett thanked her for clarifying that and said he was not familiar with the jargon, it
384 could have been Maine. He said she has had experience in that other State.

385
386 Ms. Dwyer-Jones said yes, that other State, much experience, trial experience.

387
388 Councilor Dennett thanked her.

389
390 Chairperson Lemont asked **Judy Spiller** what did she think is the primary role of the Board of
391 Appeals.

392
393 Ms. Spiller answered the Board of Appeals plays an important role in fairness and gives people the
394 opportunity to challenge the decisions of the Code Enforcement Officer if they think that person has
395 made an error in some way. She said there is an opportunity for people to request variances under
396 Title 16, the land use code.

397
398 Chairperson Lemont asked Ms. Spiller why she was interested in serving on the Board of Appeals.

399
400 Ms. Spiller replied she is interested in continuing her service to the community and she thought that
401 the Board of Appeals serves an important function. She said she knows in the past years they have
402 had a difficult time finding people for that board or not being available to serve on the Board of
403 Appeals. She said she is both interested in serving on the Board and is available to serve.

404

405 Chairperson Lemont asked Ms. Spiller what relevant experience, education or prior service does
406 she have that would benefit her being a member of the Board of Appeals.
407

408 Ms. Spiller responded she has served on the Town Council and on the Comprehensive Plan
409 Update Committee, is familiar with Title 16, and, in an earlier life, was involved in writing regulations
410 and reviewing regulations, and she has also taught environmental risk assessment. She said she
411 has a pretty good knowledge of environmental issues and the degree of uncertainty around those
412 issues.
413

414 Chairperson Lemont asked Ms. Spiller what has she done, or plans to do, to prepare herself to be a
415 member of the Board of Appeals.
416

417 Ms. Spiller replied, like the other candidates, she has reviewed all the materials on line regarding
418 the Board of Appeals, Maine laws and has read the MMA comprehensive handbook on the Board of
419 Appeals. She said she is also available to attend the March 20th Maine Municipal Association's
420 workshop on the Planning Board and Board of Appeals. She said she attended a meeting, which
421 was a lengthy meeting where the Board of Appeals deliberated for two hours on one issue. She
422 said it was very interesting and it helped her understand the importance of knowledge of the law
423 and regulations in making decisions for that Board.
424

425 Chairperson Lemont asked Ms. Spiller if she was able to commit to the time necessary to....
426

427 Ms. Spiller interrupted and said yes, she is.
428

429 Chairperson Lemont asked if she wanted to listen to the whole question.
430

431 Ms. Spiller said she has heard it.
432

433 Chairperson Lemont said he was getting really good at reading it.
434

435 Ms. Spiller told Chairperson Lemont to read it backwards.
436

437 Chairperson Lemont asked if there were any other questions. Hearing none, he said he wanted to
438 thank all the applicants for coming out this evening. He said that Council has just received a
439 resignation from the Planning Board, so there will be an opening on the Planning Board. He said a
440 lot of the names have also applied to the Planning Board.
441

442 Chairperson Lemont said that Council can nominate as many as they would like to, but it requires
443 four like votes. He said he will announce the number of like votes.
444

445 **COUNCILOR THOMSON MOVED TO NOMINATE JUDY SPILLER AS A MEMBER OF THE**
446 **BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019, SECONDED BY**
447 **COUNCILOR BEERS.**
448

449 Chairperson Lemont asked for any discussion.
450

451 Councilor Brock asked for a point of clarification. He said if one is nominated and let's say gets one
452 vote, and another gets five, is that the end of it.
453

454 Chairperson Lemont said they can nominate as many as they want.
455

456 **ROLL CALL VOTE TAKEN, 4-3 (COUNCILOR DENNETT, VICE-CHAIRPERSON DENAULT AND**
457 **CHAIRPERSON LEMONT IN OPPOSITION). CHAIRPERSON LEMONT SAID THERE ARE**
458 **FOUR “YES” VOTES.**

459
460 Chairperson Lemont asked if there were any further nominations.

461
462 **VICE-CHAIRPERSON DENAULT MOVED TO NOMINATE SUZANNE DWYER-JONES AS A**
463 **MEMBER OF THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019,**
464 **SECONDED BY CHAIRPERSON LEMONT FOR DISCUSSION.**

465
466 Vice-Chairperson Denault thought in this particular case, it is refreshing to see new people applying
467 with her experience. He said she has been here several times and she is doing her homework, and
468 learning about the process, she shows a great interest and that is why he nominated her.

469
470 Chairperson Lemont asked if there was further discussion. Hearing none, he asked for a roll call.

471
472 **ROLL CALL VOTE WAS TAKEN, 3-4 WITH COUNCILORS THOMSON, BEERS, BROCK AND**
473 **PELLETIER VOTING IN OPPOSITION. CHAIRPERSON LEMONT SAID THERE ARE THREE**
474 **“YES” VOTES.**

475
476 Chairperson Lemont asked if there were any further nominations.

477
478 **VICE-CHAIRPERSON DENAULT MOVED TO NOMINATE DREW FITCH AS A MEMBER OF**
479 **THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019, SECONDED BY**
480 **CHAIRPERSON LEMONT FOR DISCUSSION.**

481
482 **ROLL CALL VOTE WAS TAKEN, VOTED 2-5, WITH COUNCILORS DENNETT, PELLETIER,**
483 **THOMSON, BROCK AND BEERS VOTING IN OPPOSITION.** Chairperson Lemont said there are
484 two “yes” votes.

485
486 Chairperson Lemont asked if there were any further nominations.

487
488 **VICE-CHAIRPERSON DENAULT MOVED TO NOMINATE TODD ROLLINS AS A MEMBER OF**
489 **THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019. MOTION FAILS**
490 **FOR LACK OF A SECOND.**

491
492 Chairperson Lemont asked if there were any other nominations. Hearing none, he congratulated
493 Judy Spiller on her appointment to the Board of Appeals. He thanked the applicants and reminded
494 them once again about the vacancy on the Planning Board.

495
496 Chairperson Lemont said to Ms. Spiller she knows how this works and that she should see the
497 Clerk within a week to be sworn in.

498
499 9. All items involving the town attorney, town engineers, town employees or other town consultants
500 or requested officials.

501
502 (020118-1) The Kittery Town Council moves to receive a presentation from the Town Manager on
503 the 2019-2023 Capital Improvement Program.

504

505 Town Manager Amaral said she would give an overview of the CIP Program and what the
506 Committee has been discussing, but there is more detailed information in Council's packets. She
507 said that the presentation will be available online for folks to view. She said the Committee is
508 comprised of Gary Beers, Council Rep, Jonathan Rivers, School Rep, Jeff Clifford and Chris
509 Perkins, Citizen reps, Patricia Moore, Finance Director, Supt. Eric Waddell and herself.
510

511 Town Manager Amaral outlined the process: update the policy, reorganization of CIP funds, review
512 status of approved projects, evaluate project requests, consider financial capacity and finalize
513 projects. She said one thing the Committee discussed was the Channel 22 PEG fund, which
514 receives revenues through the cable license and now has a balance of \$250,000. She said that this
515 is sufficient funds for broadcasting purposes, but they would like to make use of this fund as it
516 keeps growing. She said they changed the policy to transfer from this fund to capital needs when
517 the fund balance exceeds \$200,000, so there will be at least \$125,000 in the account.
518

519 Town Manager Amaral said it is just common sense and that she researched this. She found out in
520 FY'12 there was \$60,000 and \$300,000 will be available for other capital needs. She said there is a
521 transition for the boiler replacement to the Fire Facility Reserve Fund. She said they re-categorized
522 Town Hall Records Preservation as a Reserve Fund, since it is not a one-time project. She said in
523 FY 18 the amount in the budget was \$1,509,303 and what was approved for FY '19 is \$1,753,281,
524 exclusive of the debt proposal, so the taxpayers will have a "zero" increase in property taxes. She
525 said this is a one-time infusion.
526

527 Town Manager Amaral said they will never be done with the five-year Pavement Management Plan
528 as project requests increased by \$70,000. She said the Town Debt has decreased by \$35,478 and
529 the Library Bond project will hit in FY 21. She said she is not assuming voter approval of the Bond
530 for the Library.
531

532 Town Manager Amaral reviewed CIP funding by category. She said they put a lot of money into
533 vehicles and equipment, such as fire trucks, DPW trucks, police cars. She said infrastructure is the
534 next biggest investment. She said they are asking for an increase to the Right-of-Way Account of
535 \$400,000. She said that it does not allow them to gain on the five-year pavement management
536 plan, but it allows them not to fall behind. She said they looked at whether it makes sense for
537 bonding for saving and it does not.
538

539 Town Manager Amaral spoke about other holding accounts. She said the question is what is the
540 next project. She said they have been discussing the Athletic Field Master Plan with Mike Roberge
541 and Supt. Waddell to make sure they have put away the money. She said she does not have a
542 replacement schedule for the Municipal Facility, but it is being developed.
543

544 Town Manager Amaral reviewed Reserve Accounts: \$50,000 for the Government St. pier, asking
545 for \$50,000 increase in Technology to keep up with the hardware replacement, the Fire Facility
546 Reserve for Lewis Square Fire Station boiler. She said the Library project has been removed from
547 the CIP following the non-binding referendum vote for the design and renovation of the expansion
548 of the Rice Library Building; Pepperrell Cove paving the parking lot – Harbormaster Scott Lessi is
549 asking for additional money to complete the project.
550

551 Town Manager Amaral said they will not see money for recodification, and that later on, there will
552 be a \$25,000 transfer from the Comp. Plan to this. She said she did not think they needed FY'19
553 funding for that.

554
555 Town Manager Amaral pointed out, in the next slide, projects that are not funded: Police A.E.D.'s,
556 Radios, Variable Speed Detection Signs, which will be put three public safety impact fees. She said
557 they will be able to get one variable speed detection sign.

558
559 Town Manager Amaral said conclusions include that the CIP includes no new bonding in FY21 and
560 the new debt would be potentially for the library project, that the proposed use of \$243,978 from the
561 Channel 22 PEG surplus to keep CIP flat with FY 18.

562
563 Chairperson Lemont asked if Councilors had any questions of the Town Manager.

564
565 Councilor Beers wanted to offer his comment as Council Committee member and compliment the
566 Town Manager, Finance Director and Department Heads for the diligence, increase in accuracy,
567 and attention to detail, and reliable basis of estimate brought to this project. He said notably
568 Town Council established the CIP policy in October 2008, and, over the past 10 years, significant
569 projects have been undertaken with minimum impact on the tax rate. He said in October 2008, the
570 Public Safety Impact Fee was implemented.

571
572 Councilor Beers said in the packet, despite the magnitude of must needs being done progressively,
573 it is well below Council's established thresholds. He said State law allows towns to incur debt up to
574 7 ½ % of their total valuation, excluding schools and sewer, and Kittery could have had \$138 million
575 dollars in debt. He said Council's 2 ½ % threshold would constrain us to \$38,795,000 for FY'19
576 debt or 1.94% of our valuation. He said they are \$8.7 million dollars below Council's allowed
577 threshold. He said this is a testimony to the Town Manager and Finance Director that we can do
578 what we need to do without killing the taxpayers.

579
580 Councilor Thomson said to piggyback off of Councilor Beers' congratulations to the Town Manager,
581 Finance Director and the Committee for their tremendous work. He said when the entire budget is
582 before us, we could discuss this. He said he is a little hesitant because the Town Manager
583 indicated it is a one-time infusion and the cash amount raised is \$1.5 million dollars raised, which
584 will not be the case moving forward. He said looking at this for FY'20, it could grow potentially to
585 over \$2 million dollars.

586
587 Councilor Thomson said he didn't want to date himself, but as he had said, he served on the Town
588 Council back in the 70's, when Revenue Sharing existed, and Council would put that Federal share
589 check in the "revenue pot" to decrease the Federal Revenue sharing amount of tax rate increase,
590 but then the Federal Revenue Sharing went away, the spending levels of the town did not go away.
591 He said this was a significant impact on the town to absorb that and he is wondering if we may want
592 to look at this, and half off included not being financed for this other fund.

593
594 Councilor Thomson said maybe they could bite half off and not being financed through this other
595 fund.

596
597 Town Manager Amaral said she does not have the same discomfort on these funds. She said she
598 keeps looking at a half-million dollars and they do not need \$250,000. She said the idea of

599 increasing the property tax assessment when we have this money, she would have a hard time
600 doing that.

601
602 Councilor Thomson said one way to approach this, would be to allocate \$150,000 for FY'19 and
603 \$150,000 for FY'20, but we can talk about that later. He said this would lessen the impact on the tax
604 rate.

605
606 Councilor Beers said part of this concern, which was addressed by the Committee, is the unknown
607 factor of the Library and, if the numbers are not realized, there would be a \$350,000 reduction in FY
608 20 and '21, if it goes to bond, it would be stretched out so there is some ambiguity in the outer years
609 which needs to be part of the equation as well.

610
611 Vice-Chairperson Denault asked the Town Manager using the \$243,978 from Channel 22, what do
612 we have left over after that.

613
614 Town Manager Amaral replied they will have about \$250,000.

615
616 Vice-Chairperson Denault asked \$250,000? He said the public needs to realize we are getting this
617 money from Comcast, is that correct?

618
619 Town Manager Amaral responded yes, it is actually an assessment on their bills.

620
621 Vice-Chairperson Denault asked what?

622
623 Town Manager Amaral said on their bills.

624
625 Vice-Chairperson Denault wanted to know, as part of that funding for Channel 22, even if we use
626 this money going forward, will we get more programming and still have enough money to keep that
627 going as money comes back in.

628
629 Town Manager Amaral responded most definitely. She said it is important to grow broadcasting
630 capabilities and that is why we set the number they did. She said Randy, and the Town Council
631 have done a great job of adding community programs on Channel 22 and they want to make sure
632 we continue to support that.

633
634 Vice-Chairperson Denault said what concerns him the most, is that Channel 22 is not a failsafe for
635 the budget. He said it is designed for something and to keep taking a little bit from this is like what
636 the Governor did with the PC apps until it disappeared. He said Channel 22 is not a slush fund, it is
637 there for a reason and this cannot keep happening.

638
639 Councilor Beers wanted to follow-up on that. He said Councilor Dennett was the primary instigator
640 of the Franchise Agreement negotiations in 2010 with Comcast and there is approximately \$75,000
641 spent a year for improvements in technology and to Channel 22. He said this transfer request
642 would leave \$250,000 available. He said over the next 10 years, and there would be \$112,000 in
643 revenue for anticipated operating expenses of about \$60,000. He said this is a prudent request for
644 funds that have no particular foreseeable purpose.

645

646 Chairperson Lemont asked if there were any other questions. Hearing none, he thanked the Town
647 Manager for her presentation.

648
649 10. PUBLIC HEARINGS:
650

651 a. (020118-2) The Kittery Town Council moves to hold a public hearing on an application
652 from LaCasita LLC 58 A Bradstreet Lane, Eliot, ME 03903 for a Victualer’s License for LaCasita,
653 181 State Road.

654
655 Chairperson Lemont said establishment is in compliance with town code and ordinances. He
656 opened the public hearing at 7:11 pm and asked if any one wished to speak to, for or against the
657 application.

658
659 Chairperson Lemont closed the public hearing.

660
661 **COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE**
662 **APPLICATION FROM LACASITA, LLC, 58A BRADSTREET LANE, ELIOT, ME FOR A**
663 **VICTUALER’S LICENSE FOR LACASITA, 181 STATE ROAD. COUNCILOR PELLETIER**
664 **SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE**
665 **OPPOSED, MOTION CARRIES.**

666
667 b. (020118-3) The Kittery Town Council moves to hold a public hearing on transfer of Other
668 Funds between accounts.

669
670 Chairperson Lemont asked the Town Manager to give Council a little background.

671
672 Town Manager Amaral said one of the things we are trying to do is clean up some of the deficits
673 and some inactive surpluses that we have in our other funds account as we get ready for FY '19.
674 She said they are seeking a number of transfers that will address a couple of deficits in the grant
675 accounts and the dispatch account where we mistakenly charged the rent for an antenna at the Mt.
676 Agamenticus site to a capital fund account as opposed to operating and we need to address that.

677
678 Town Manager Amaral said they will be moving money around, \$25,000 Comp. Plan surplus into
679 zoning recodification so we do not have to see funds for that project in FY '19, Fire Dept. SCBA's
680 into Fire Equipment Reserve Account, funding from the Pepperell Cove Wave Mitigation project into
681 the KPA Facility Reserve. She said they are trying to match like with like. She did note that this is
682 not all the funds from surplus nor all the deficits. She said one more deficit, the Gorges Rd. Fire
683 Station boiler replacement system, will be addressed later on this year.

684
685 Chairperson Lemont opened the public hearing at 7:13 pm and asked if any one wished to speak
686 to, for or against the transfers of other funds between accounts.

687
688 Chairperson Lemont closed the public hearing.

689
690 **COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL HEREBY ORDAINS**
691 **THE FOLLOWING FUND TRANSFERS: FROM ACCT. 2013, GMH FIRE/POLICE PROTECTION**
692 **IN THE AMOUNT OF \$483 TO ACCT. 2077, BROWNFIELDS GRANT; ACCT. 2033 PROPERTY**
693 **REVALUATION IN THE AMOUNT OF \$3,058 TO ACCT. 2077 BROWNFIELDS GRANT; ACCT.**
694 **4057 RTE. 1 BYPASS AND RTE. 1 TWO WAY PLAN IN THE AMOUNT OF \$1,500 TO ACCT.**
695 **2077, BROWNFIELDS GRANT; ACCT. 2033 PROPERTY REVALUATION IN THE AMOUNT OF**
696 **\$421 TO ACCT. 4027, MUNICIPAL FACILITY; ACCT. 4000 KCC ANNEX & ECONOMIC**

697 **DEVELOPMENT IN THE AMOUNT OF \$6,397 TO ACCT. 4027, MUNICIPAL FACILITY; ACCT.**
698 **2076 WAVE MITIGATION – PEPPERRELL COVE IN THE AMOUNT OF \$4,000 TO ACCT. 4116**
699 **KPA FACILITY RESERVE; ACCT. 2080 COMPREHENSIVE PLAN UPDATE IN THE AMOUNT**
700 **OF \$25,000 TO ACCT. 4122 ZONING RECODIFICATION; ACCT. 4037 FIRE DEPT. SCBA’S IN**
701 **THE AMOUNT OF \$493 TO ACCT. 4056 FIRE DEPT. EQUIPMENT RESERVE; AND ACCT. 4057**
702 **RTE. 1 BYPASS AND RTE. 1 TWO WAY PLAN TO ACCT 2092, DISPATCH CENTER FOR A**
703 **TOTAL OF \$42,352 TRANSFERRED.**

704
705 **COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN**
706 **IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

707
708
709 11. DISCUSSION

710 a. By members of the public

711
712 Chairperson Lemont asked if any members of the public would like to speak, and if so, to please
713 respect the three-minute time limit.

714
715 Vern Gardner said he attended the Council meeting where the financial auditor presented the audit.
716 He said in the auditor’s presentation, he said the Sewer Dept., which has been self-sustaining for
717 the past 9 years preceding the most recent expansion, is not operating at a deficit, and in order to
718 prevent, failure, the town is drawing on the General Fund. He said this is a fund we all contribute
719 to, whether or not we are on the public system, and those of us who are not on the public system
720 are paying for something that we are not receiving.

721
722 Mr. Gardner said that, at the conclusion of the discussion, Councilor Beers suggested a fee
723 increase to cover the deficit, which sounds reasonable, except it is cover the expansion of the
724 sewer to the Business Park. He said this is where it does not pass the smell test. He said
725 Councilor Beers helped to write Title 13, which governs Connections, Special Assessments and
726 Impact Fees to the sewer system.

727
728 Mr. Gardner said that on October 17, 2017, Councilor Beers applied for one and then three more
729 building permits to connect homes in the Mobile Home Park to the sewer system. He said the town
730 denied the applications, but these permits would have allowed Councilor Beers to connect 71
731 individual mobile homes, defined as 71 individual units to the sewer line for a fee of \$3,000.

732
733 Mr. Gardner said that on January 27, 2018, the Board of Appeals heard an administrative appeal to
734 the town’s denial of Councilor Beer’s building permits for the Mobile Home Park, which Councilor
735 Beers managed this real estate, therefore, by definition, indirect control, Title 13, which Councilor
736 Beers helped write, describes special assessments of \$3,000 for each dwelling unit. He said if his
737 math is correct, the total payment owed by the Mobile Home Park should have been \$213,000 and
738 not \$3,000. He said this would have resulted in a wind fall savings of \$210,000 to Councilor Beers,
739 which the taxpayers would have ended up paying for.

740
741 Mr. Gardner said that, in so doing, Councilor Beers appears to have violated the Town Charter,
742 Sec. 2.11.3, 12.1.2, which reads “direct or indirect ownership or control of real estate” and also
743 appears to have violated Sec. 15.3.61, 64 and 65b. He said the thing that really stinks is all the
744 Board of Appeals members voted against Councilor Beer’s application except for Charles Denault,
745 III, Councilor Denault’s son. He said if Charles the 3rd would have bothered to read Title 13,
746 Councilor Beers, and his employer should have been treated exactly like the rest of us. He said
747 gentlemen, this is what cronyism looks like. He said this board member was trying to help his

748 father, Councilor Denault, help his friend, Councilor Beers to benefit his employer, and indirectly
749 himself, at the expense of the taxpayers of Kittery.

750
751 b. Chairperson's response to public comments

752
753 Chairperson Lemont asked if anyone else wished to speak? Hearing none, he closed the public
754 forum.

755
756 Councilor Beers said Mr. Chairman....

757
758 Chairperson Lemont asked that he address Mr. Gardner's comments and then he would give him
759 the opportunity to speak.

760
761 Councilor Beers said for the record, to be clear, he has had no ownership or association with the
762 Mobile Home Park in question. He said he has had no management or control relating to the
763 property since 2010. He said he has not been employed by Steven A. Hynes Real Property Trust
764 group since July 1st, 2017. He said he was called to come back as a consultant to process some
765 business permits with the new staff and ended that association on December 1st.

766
767 Councilor Beers said the fact is that the Mobile Home Park will pay \$432,000 in Sewer Assessment
768 fees and an additional \$280,000 of other related fees. He said the interesting aspect of the appeals
769 decision is that the new hotel going on Rte. 1 will pay \$480,000, Dominoes will pay \$12,000 and
770 Landmark Hill will pay \$6,000 times all new connections. He said every added new connection in
771 town will pay \$6,000.

772
773 Councilor Beers also wanted to note that Mr. Gardner referenced, in a number of passages, to the
774 number 15, which does not exist in the Town of Kittery.

775
776 Chairperson Lemont said he would like to address the first part of Mr. Gardner's comments. He
777 said that Mr. Gardner touched on the sewer deficit, which the Town Manager addressed in her
778 report, which she is aware of. He thanked Mr. Gardner for raising that.

779
780 Chairperson Lemont said, concerning a member of the Board of Appeals, he does not sit in
781 judgement, nor does he question anyone's vote, who sits on a board of the town.

782
783 Chairperson Lemont asked Councilor Denault if he wished to respond, since his name had been
784 brought up.

785
786 Vice-Chairperson Denault replied it is not worth it, thank you.

787
788
789 12. UNFINISHED BUSINESS

790
791
792 (010818-10) The Kittery Town Council moves to establish and approve the charges for three
793 Library Committees as recommended by the Town Manager.

794
795 Chairperson Lemont said he would like to postpone this item since they are not ready to move
796 forward until March 12, 2018.

797

798 **COUNCILOR THOMSON MOVED THAT THIS ITEM BE POSTPONED TO THE REGULAR**
799 **MEETING OF MARCH 12, 2018, SECONDED BY COUNCILOR PELLETIER.**

800
801 Chairperson Lemont asked for any discussion.

802
803 Councilor Dennett said that it cannot be a formal appointment moved and seconded before Council.
804 He said they could informally agree to postpone this item until that date.

805
806 Councilor Brock asked, as a point of clarification, if they were talking about the Library Committee.

807
808 Chairperson Lemont said yes, and they did not need a motion.

809
810 Council consensus was not to take any action on this item until the March 12th meeting.

811
812 13. NEW BUSINESS

813
814 a. Donations/gifts received for Council disposition

815
816 Chairperson Lemont said they have two donations to the town and they can be taken as one
817 motion. He read the donations from Robert and Colette Taylor and York Hospital as stated.

818
819 (020118-4) The Kittery Town Council moves to accept the following donations:

- 820
- 821 • \$90.00 from Robert C. and Colette A. Taylor to be deposited in account #2063-
822 43600 Kittery Community Center Donations
 - 823
 - 824 • \$9,250 from York Hospital to be deposited in account #5003-43600 York
825 Hospital Scholarship
 - 826

827 **COUNCILOR THOMSON MOVED TO ACCEPT THE CHECKS AND TO BE DEPOSITED IN THE**
828 **ACCOUNTS AS READ, SECONDED BY COUNCILOR PELLETIER.**

829
830 Councilor Dennett said he had a problem with the motion and it needs to be straightened out. He
831 said in looking at the paperwork, it states a check in the amount of \$90, and \$40 cash from Robert
832 and Colette Taylor, which should be \$130.

833
834 Chairperson Lemont thanked Councilor Dennett and asked for clarification on that from the Town
835 Manager. Town Manager Amaral said it should be \$130.

836
837 Councilor Dennett suggested changing the motion to state accepting the donations. He said State
838 law allows them to accept donations in any form.

839
840 **COUNCILOR THOMSON MOVED TO ACCEPT THE DONATIONS AND THAT THEY BE**
841 **DEPOSITED IN THE SPECIFIED ACCOUNTS AS READ, SECONDED BY COUNCILOR**
842 **PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE.**

843
844 b. (020118-4) The Kittery Town Council moves to approve the disbursement warrants.

845
846 Chairperson Lemont asked Councilor Beers if the Town Accts. Payable and Sewer Payable
847 warrants were in due form. Councilor Beers replied yes, indeed they are.

848 Chairperson Lemont asked Councilor Pelletier if the School Payable warrant was in due form.
849 Councilor Pelletier responded, yes it is.

850
851 **COUNCILOR PELLETIER MOVED THAT THE DISBURSEMENT WARRANTS: TOWN**
852 **PAYABLE IN THE AMOUNT OF \$269,696.96, SEWER PAYABLE, IN THE AMOUNT OF**
853 **\$71,815.74 AND SCHOOL PAYABLE IN THE AMOUNT OF \$464,463.34, BE PAID AS**
854 **REVIEWED. COUNCILOR THOMSON SECONDED THE MOTION. ALL WERE IN FAVOR, BY A**
855 **VOICE VOTE, AYE, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

856 c. (020118-5) The Kittery Town Council moves to approve the 2019-2023 Capital
857 Improvement Program in accordance with Town Charter Section 6.05 and Council policy, as
858 presented.

859
860 **COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL ACCEPT THE 2019-**
861 **2023 CAPITAL IMPROVEMENT PROGRAM IN ACCORDANCE WITH TOWN CHARTER**
862 **SECTION 6.05 AND COUNCIL POLICY, AS PRESENTED, SECONDED BY VICE-**
863 **CHAIRPERSON DENAULT.**

864
865 Councilor Thomson said he will explain the terminology change. He said they had this same
866 conversation a year ago, by approving this it is a tacit endorsement and appropriation. He said he
867 believed that if they accept this information as placed in the overall budget as presented to us, a
868 public hearing is held and at that time, appropriation is made. He said until that time, all they can
869 do is accept the fine work, with gratitude.

870
871 **ROLL CALL VOTE WAS TAKEN WITH SEVEN IN FAVOR, NONE OPPOSED, MOTION**
872 **CARRIES.**

873
874 d. (020118-6) The Kittery Town Council moves to approve the fiscal year 2019 Capital
875 Improvement Program budget in accordance with Town Charter Sec. 6.04(2) and Council policy, in
876 the amount of \$1,753,281.

877
878 **COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL ACCEPT THE**
879 **PROPOSED FY'2019 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF**
880 **\$1,753,281, SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS**
881 **TAKEN, SEVEN IN FAVOR 7-0, NONE OPPOSED, MOTION CARRIES.**

882
883
884 e. (020118-7) The Kittery Town Council moves to authorize the Kittery Rotary After Hours
885 Club to place 10 signs, no larger than real estate signs, be placed in various locations around
886 Kittery to advertise their St. Patrick's Day Dinner.

887
888 **COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL APPROVE THE**
889 **REQUEST OF THE KITTEY ROTARY AFTER HOURS CLUB TO PLACE 10 SIGNS (NO**
890 **LARGER THAN REAL ESTATE SIGNS) IN VARIOUS LOCATIONS AROUND KITTEY TO**
891 **ADVERTISE THEIR ST. PATRICK'S DAY DINNER. VICE-CHAIRPERSON DENAULT**
892 **SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE**
893 **OPPOSED, MOTION CARRIES.**

894
895 f. (020118-8) The Kittery Town Council moves to authorize the Kittery Little League to
896 hang a banner on Rogers Road across from the Community Center from February 13th through
897 March 9th, 2018 to advertise their registration is open.

898 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE**
899 **REQUEST FROM THE KITTERY LITTLE LEAGUE TO HANG A BANNER ON ROGERS ROAD**
900 **ACROSS FROM THE COMMUNITY CENTER FROM FEBRUARY 13 – MARCH 9, 2018 TO**
901 **ADVERTISE THEIR REGISTRATION IS OPEN, SECONDED BY COUNCILOR PELLETIER.**
902 **ROLL CALL VOTE WAS TAKEN, WITH SEVEN IN FAVOR, NONE OPPOSED, MOTION**
903 **CARRIES.**

904
905 g. (020118-9) The Kittery Town Council moves to approve a renewal application from
906 Badger's Island Pizza LLC, 30 Remicks Lane, Kittery, ME for a Malt and Vinous Liquor License for
907 Badger's Island Pizza, 3 Island Ave.

908
909 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE**
910 **RENEWAL APPLICATION FROM BADGER'S ISLAND PIZZA LLC 30 REMICKS LANE,**
911 **KITTERY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER'S ISLAND PIZZA,**
912 **3 ISLAND AVE. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL**
913 **VOTE WAS TAKEN, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

914
915 h. (020118-10) The Kittery Town Council moves to elect a Chair Pro Tem for the February
916 26, 2018 Town Council meeting during the absence of Chairperson Lemont and Vice-Chair
917 Denault.

918
919 Vice-Chairperson Denault nominated Councilor Beers as Chair pro tem for the February 26th
920 meeting.

921
922 Councilor Beers said he respectfully declines the honorific position.

923
924 Vice-Chairperson Denault said he would like to change his nomination to Councilor Thomson.

925
926
927 **VICE-CHAIRPERSON DENAULT MOVED TO ELECT COUNCILOR THOMSON TO SERVE AS**
928 **CHAIR PRO TEM FOR THE FEBRUARY 26, 2018 TOWN COUNCIL MEETING. CHAIRPERSON**
929 **LEMONT SECONDED THE MOTION.**

930
931 Chairperson Lemont asked for any discussion.

932
933 Councilor Dennett said he will not vote against the motion, but he thought they should allow a
934 member with no experience as Chair to be a part of that honorific position.

935
936 **ROLL CALL VOTE WAS TAKEN 7-0 WITH SEVEN VOTING IN FAVOR, NONE OPPOSED,**
937 **MOTION CARRIES.**

938
939 Chairperson Lemont thanked Councilor Thomson for again stepping up and doing that job.

940

941

942 14. COUNCILOR ISSUES OR COMMENTS

943

944 Chairperson Lemont asked if any Councilor had any comments.

945

946 Councilor Dennett said as of several weeks ago, we were able to hear, if we could stand it, the
947 State of the Union address by the President. He said very shortly, they will receive the State of the

948 State address by our governor. He asked when the Chair was going to present the State of the
949 Town.

950
951 Chairperson Lemont replied on February 26th.

952
953 Councilor Beers complimented the Kittery Community Center staff and associates celebrating their
954 fifth anniversary last Wednesday. He said he would have liked to have been there; however, his
955 wife slipped on the ice and they spent the afternoon in the Emergency Room.

956
957 Councilor Brock said the Town Manager previously referred to the Affordable Workforce Housing on
958 February 22nd at 6:00 p.m. at the Community Center. He said he will be monitoring that event He
959 said he is trying to raise this issue that is important to this community and he hoped that people will
960 consider showing up.

961
962 Councilor Thomson said he would like to wish the 16th President, Mr. Lincoln, a happy 209th
963 birthday. He said he is his one and only favorite Republican President.

964
965 Councilor Thomson said he would like to piggyback on the editorial that appeared in the Portsmouth
966 Herald a couple of days ago on the Sarah Mildred Long Bridge situation. He said they have seen it
967 move back to September, October, November December and now they are saying May. He said
968 they have no specific information forthcoming He thought that it is rude to the two communities
969 that are impacted the most by the bridge being closed.

970
971 Councilor Thomson said the date has been pushed back four times and what happens when they
972 get to May and they say it won't be open until July? He said they will be looking at the same
973 situation they had last year, closing roads off quickly. He said what he finds interesting is, that
974 when things were going well, and they had meetings at the KCC, they were patting each other on
975 the back that they were on time, and since things have gone south – crickets.

976
977 Councilor Thomson asked, again, through the Chair to the Town Manager if there is some way they
978 can get a representative from DOT or Cianbro if they could write a letter with what the specific issue
979 is. He thought that the two communities and the public officials involved would appreciate it.

980
981 Councilor Thomson said, to piggyback what Councilor Brock mentioned on Workforce Housing, is
982 certainly a meaningful discussion to have in this community. He said that he and Councilor Brock
983 attended last month's session and he is a little concerned about the periphery conversation he was
984 hearing and he does not want to disrupt the focus on Workforce Affordable Housing.

985
986 Councilor Thomson said, for example, he went into a local business establishment, and someone
987 he has known for many years, told him "Jeff, you and the other Councilors have to stop these
988 people from moving into town and ruining it." He said "these people" have a right to move into
989 Kittery and buy property. He said if someone is willing to pay the price for the property, it is a
990 private, real estate business transaction. He said let's try to start on the real issue – finding
991 workforce housing solutions for our community.

992
993 Councilor Thomson said the sand pile in the corner has been depleted a number of times. He
994 received an e-mail from a citizen inquiring as to its status. He said he watched a vehicle with New
995 Hampshire plates drive in, realized there was nothing there, and drove out – but we cannot police it
996 24 hours a day. He wanted to know how to address this issue in fairness to the citizens and
997 recognizes that we cannot be providing the sand for the Seacoast area.

998

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1035

Councilor Dennett said before the Chair closes, he needed to bring up another thing – the vehicle driver who was looking for sand is probably someone living in Kittery with New Hampshire plates.

Councilor Dennett said regarding the situation with the Sarah Long bridge, there was an article in the Portsmouth Herald that the spokesperson for Cianbro said “do not bother us, send all inquiries to DOT, it’s out of our hands” so he guessed that they can tell what they are saying about it.

Councilor Dennett said this did not show up tonight, but he left something with Administration.

Town Manager Amaral said it is in Council’s mailboxes.

Councilor Dennett said that he brought up the Oxford Serial comma error in the State law which ended up in Court and the bulletin was in their packets several weeks ago. He said the company involved settle in court – which happened to be a dairy operation, which is facing the cost of upwards of five million dollars – all because of a misplaced comma. He said it behooves us to be careful with what they do.

- 15. COMMITTEE AND OTHER REPORTS - none
 - a. Communications from the Chairperson
 - b. Committee Reports

- 16. EXECUTIVE SESSION - none

- 17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 7:42 P.M. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. SEVEN IN FAVOR BY A UNANIMOUS VOICE VOTE. MOTION CARRIES. MEETING ADJOURNED.

Respectfully submitted,

Barbara Boggiano
Recording Secretary



RECEIVED

FEB 15 2018

BY: 1:24 pm

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Drew Fitch

RESIDENCE: 9 Langton St, Kittery

MAILING (if different) _____

E-MAIL ADDRESS: Drew@Atlanticdev.net PHONE #: (Home) (207) 756-9136(Work) same

Please check one choice:

- | | |
|--|---|
| <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"/> Education Scholarship Committee | <input type="checkbox"/> CIP Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input checked="" type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: BA from Colby College, numerous courses in Real Estate Appraisal

RELATED EXPERIENCE (Including other Boards and Commissions) I have spent my career of over 30 years in real estate. Out of college I spent 10 years as a commercial real estate appraiser. Following that I was employed for 3 years at New Hampshire Housing Finance Authority where I assembled funding for affordable housing projects throughout the state. Since then I have been involved in the development of affordable housing and I am now the principal of a small firm in Kittery.

PRESENT EMPLOYMENT: President of Atlantic Development LLC


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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): No

REASON FOR APPLICATION TO THIS BOARD: I believe my experience would be a valuable addition to the Planning Board, particularly with the likelihood of changes resulting from recommendations of the comprehensive plan.

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

Please read the back of this application before signing.



SIGNATURE OF APPLICANT

2/15/18

DATE



Town of Kittery, Maine

Fire Department

3 Gorges Road
Kittery, Maine 03904
Tel (207) 439-2262

Chief David O'Brien
firechief@kitteryme.org

REPORT TO COUNCIL


12 March 2018

From: Chief David W. O'Brien

Subj: Insurance Service Office Public Protection Classification

Councilors:

It is with pleasure that I will announce the recent Insurance Service Office (ISO) Public Protection Classification (PPC) review results. I will provide a brief report of the historical position of the PPC for the Town of Kittery, the improvements made in the last twenty years, the changes in the classification standard and how Kittery improved our classification from a 5 to a 4 and what this means to our community.



D. W. O'Brien
MECFO III



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

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

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): PROVISIONS AT PEPPERRELL COVE LLC
(please print)

Applicant Address: 88 Pepperrell Rd Kittery Point ME 03905
(please print)

Applicant's mailing address if different from above: PO BOX 67 KITTERY POINT MAINE 03905

Date of Birth (Sole Proprietor): 8/1/51 Applicant's Telephone Number: 203-475-1010

Business Name: PROVISIONS
(please print)

Business Address: 88 Pepperrell Rd. Kittery Point ME 03905
(please print)

Business Telephone Number: 207-703-2028

Signature of Applicant: Ann L Kendall DATE: 2-28-18

Applicant's Name: Ann L Kendall
(please print)

LICENSE FEE: \$ 50.00

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

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

March 5, 2018

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

Dear Sirs and Madams,

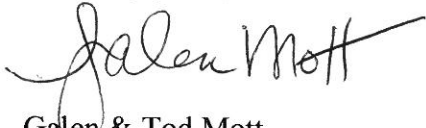
We are writing to request permission to hold a special event for the release of Mott the Lesser on Saturday, April 14, 12 noon to 8 pm.

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

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

We respectfully submit this request.

Sincerely yours,

A handwritten signature in black ink that reads "Galen Mott". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Galen & Tod Mott
Owners
Tributary Brewing Co.



Imagery ©2015 DigitalGlobe, Maine Geolibrary, U.S. Geological Survey, Map data ©

DRISCOLL REALTY, INC.
P O BOX 207 KITTERY POINT ME 03905

March 2, 2018

Town of Kittery
Town Council
200 Rogers Road
Kittery, Maine 03904

RE: TRIBUTARY BREWING COMPANY ~ EVENT APRIL 14, 2018

Dear Kittery Town Council,

Driscoll Realty, Inc. hereby gives permission to Tributary Brewing Company to host it's Spring Release of "Mott the Lesser" at Post Office Square, 10 Shapleigh Road, Kittery on Saturday, April 14, 2018.

Thank you for your support,

Debbie Driscoll
Property Manager
Driscoll Realty, Inc.
(207)439-7502

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 12/17/18

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) —(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>York Harbor Brewing Corp</u> DOB: _____ DOB: _____	2. Business Name (D/B/A) <u>Maine Beer Cafe</u>
Address <u>439 US Rt 1 Ste 1</u>	Location (Street Address) <u>439 US Rt 1 Ste 1</u>
City/Town <u>K. Hery</u> State <u>ME</u> Zip Code <u>03904</u>	City/Town <u>K. Hery</u> State <u>ME</u> Zip Code <u>03904</u>
Telephone Number <u>207-703-8060</u> Fax Number _____	Mailing Address <u>439 US Rt 1 Ste 1</u>
Federal I.D. # <u>46-1346619</u>	Business Telephone Number <u>207-703-8060</u> Fax Number _____
	Seller Certificate # <u>1165843</u>

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 90,000 LIQUOR \$ \$190,000
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: David D'Anteuil
8. If business is NEW or under new ownership, indicate starting date: ~~4/5/18~~ ~~5/1/18~~

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 439 US RT 1 Ste 1 Kittery, ME 03904

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
<u>David D'Auteuil</u>	<u>2/6/71</u>	<u>Lewiston, ME</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)
Kittery, Maine

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner:
Harrison E Lemait Manager 439 US RT 1 Ste 3 Kittery

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)
See Attached

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.3 Which of the above is nearest? Church

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

If YES, give details: Kennebunk Savings

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

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

Dated at: Kittery, ME 03904 on 3/1/18, 20 18
Town/City, State Date



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

For Office Use Only:
License #: _____
Date Filed: _____

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

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

- Exact legal name:
York Harbor Brewing Corp
- Other business name for your entity (DBA), if any:
Maine Beer Cafe
- Date of filing with the Secretary of State: 10/12/2012
- State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
David D'Antoni	8 Blueberry Lane V. Hwy 47A US RT 1 By Bass, W. Hwy	2/6/71	100

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

Yes No

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

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

Yes No

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

Name: _____

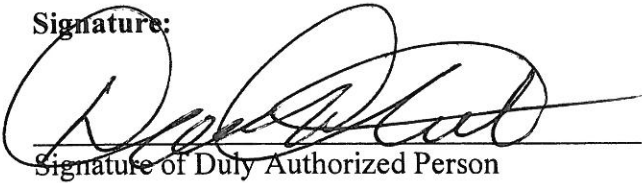
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

3/1/18
Date

David D'Auteuil
Print Name of Duly Authorized Person

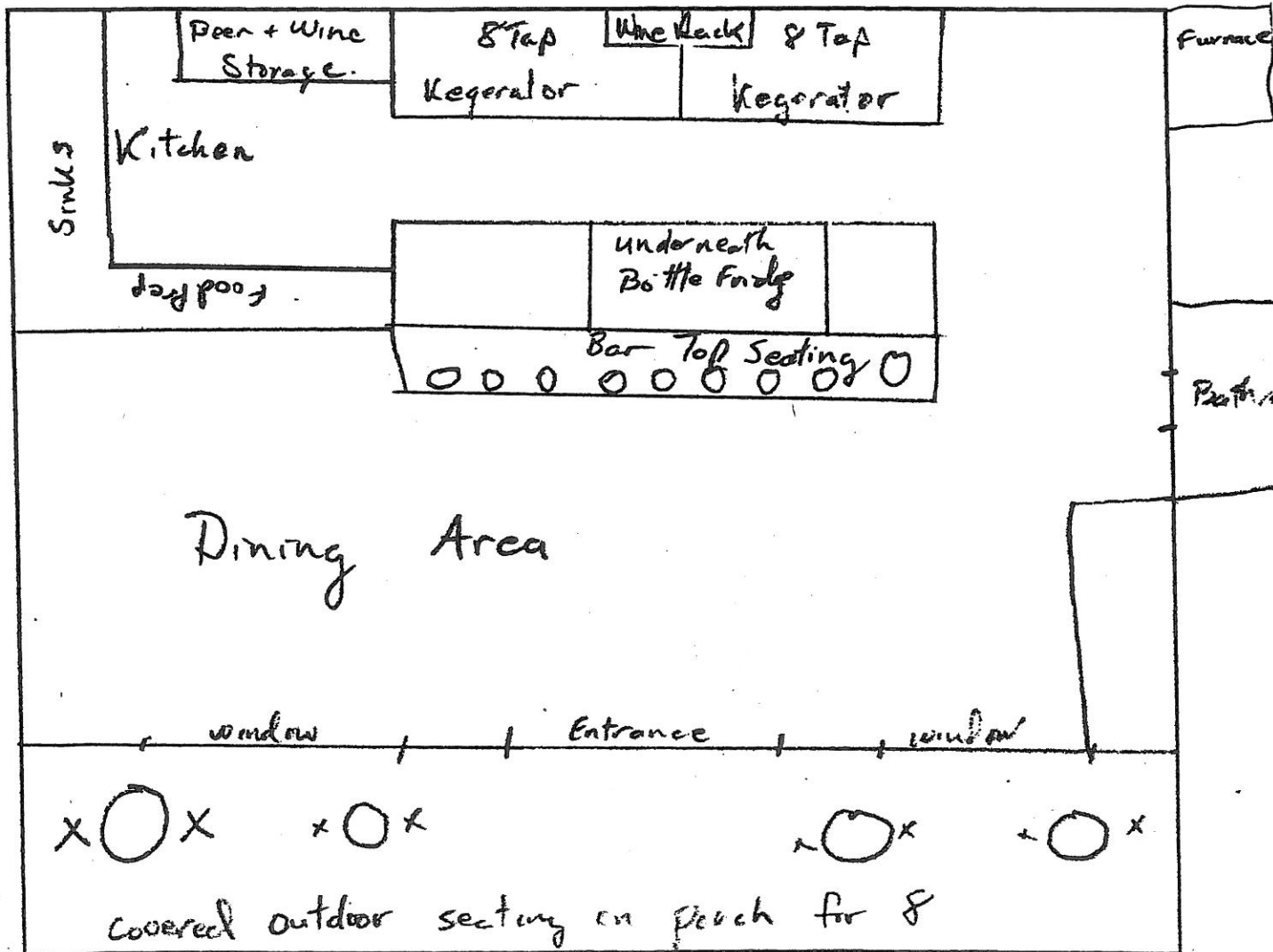
Submit Completed Forms To: Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220



**SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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




 Signature of Applicant or Corporate Officer(s)
 David D'Antoni
 Print Name

Please sign in blue ink

 Signature of Applicant or Corporate Officer(s)

 Print Name

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

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

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

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

On: _____
Date

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise 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-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
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: [1987, c45, Pt.A§4 (new).]
 - 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; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation 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; [1993, c.730, §27 (amd).]
 - 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; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

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 pub-

lic hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) 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.



KITTERY LAND TRUST

March 1, 2016

Kittery Town Council
Kenneth Lemont, Chair
200 Rogers Road
Kittery, ME 03904

Dear Chairman Lemont,

Kittery Land Trust respectfully requests permission to display a banner across Rogers Road during the last 2 weeks of March. This will coincide with our annual March membership drive. We propose to have the banner raised on 3/19 and lowered on 4/2. The banner would display our logo, website address and the text "March is Membership Month".

As a 501.c.3 non-profit organization, Kittery Land Trust relies on membership donations to support its operating expenses. Many people in our community are unaware of this fact.

With our education and outreach programs, we strive to reach and enrich the lives of the greatest number of Kittery residents possible. A banner would help raise people's awareness of our organization and hopefully attract more members.

KLT confers membership status to anyone who makes a donation of any amount in a given year. We also extend membership status to those who can only donate their time and effort as volunteers.

We are ever grateful for the Town Council's support of our work to protect and steward important natural areas that improve the quality of life in Kittery now and into the future. We hope you will grant us permission to display a banner during our Membership drive this year.

Respectfully yours,

Christine Bennett
Executive Director

cc: Maryann Place, Town Clerk

Members of the Board of Directors

Kalle Matso, *President*, Bob Sheppard, *Vice President*,
Faith Harrington, *Treasurer*, Heather Sullivan, *Secretary*
William Brewster, Ken Fellows, Melissa Paly
Cynthia Pawlek, Clayton Smith

Christine Bennett, *Executive Director*, Cindy Kuliga, *Administrative Assistant*

RECEIVED

MAR 05 2018

BY: _____

Suzanne,

The 2018 Project Graduation Committee is seeking permission to hold a dump toll collection on Saturday, April 7th from 9 AM to 5 PM, with 100% of the proceeds to be used for activities for the Class of 2018 Project Graduation.

We are also seeking permission to put up a large handmade sign notifying people of the upcoming fundraiser to be posted on McKenzie Lane from 3/31/18-4/7/2018. We would like to post the sign against the fence at the end of Mackenzie Lane, straight ahead where people drive in and bear right to go up toward the dump. The dump toll has been one of the most successful fundraisers held by Project Graduation and we thank the committee in advance for considering.

Thank you for your time,

2018 Project Graduation Committee



TOWN OF KITTELY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
MAR 11 2018
2:24 PM

PLEASE CHECK APPROPRIATE BOX:

- APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS
- APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER
- APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: George V. Dow IV

RESIDENCE: 1 BARNETT ROAD, KITTELY Pt. ME 03905

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: JOMCONSULT@COMCAST.NET

TELEPHONE NUMBERS: (HOME) _____ (WORK) 603-339-8468

PRESENT POSITION: MEMBER

PLEASE CHECK APPROPRIATE BOX:

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

COMMENTS: THANK YOU FOR THE OPPORTUNITY TO CONTINUE TO SERVE.

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

3/1/18
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Todd Rollins
RESIDENCE: 47 Tilton Ave
MAILING (if different) _____

E-MAIL ADDRESS: trollins@gmail.com PHONE #: (Home) 475-8801 (Work) _____

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 checked="" type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: B.S. Marine and Freshwater Biology - UNH
RELATED EXPERIENCE (Including other Boards and Commissions) _____

I am a Boy Scout leader and I volunteer locally for children reading programs.

PRESENT EMPLOYMENT: BNY Mellon (software development manager)

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

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: Concerned about the environment
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.

Todd Rollins
SIGNATURE OF APPLICANT

2/23/18
DATE

RECEIVED
FEB 28 2018
BY: 10:51 am



RECEIVED
MAR 05 2013
BY: 1:30 pm

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: PETER THOMAS

RESIDENCE: 2 FROG HOLLOW LANE K.P.

MAILING (if different) _____

E-MAIL ADDRESS: PET2THM@AOL PHONE #: (Home) 439-5191 (Work) _____

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"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Cable Television Rate Regulation Board | 3 <input checked="" type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Comm. | <input type="checkbox"/> Community Center Bldg. Comm./Rec. Comm. |
| <input type="checkbox"/> Parks Commission | 1 <input checked="" type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | 2 <input checked="" type="checkbox"/> Other <u>COMPREHENSIVE PLAN UPDATE</u> |

COMMITTEE

EDUCATION/TRAINING: 12 yrs

RELATED EXPERIENCE (Including other Boards and Commissions) _____

PRESENT EMPLOYMENT: BOSTON MARINE TRANSPORTATION

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

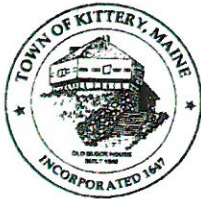
ANY KNOWN CONFLICT OF INTEREST: NO

REASON FOR APPLICATION TO THIS BOARD: INTERESTED IN OPEN SPACE POLICY
CITIZEN INPUT ON CPU COMMITTEE

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.

PT
SIGNATURE OF APPLICANT

5 MARCH 13
DATE



TOWN OF KITTEERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

MAR 15 2018
BY: KAE 9:11 am

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Cassandra O'Brian

RESIDENCE: 10 Old Farm Road, Kittery, ME 03904

MAILING (if different) _____

E-MAIL ADDRESS: Cassandraann34@gmail.com PHONE #: (Home) 603-969-1175 (Work) 603-319-5309

Please check your choices:

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

EDUCATION/TRAINING: B.S. Environmental Conservation & Sustainability, minor in Wildlife Conservation, U.S. Army (5 years)

RELATED EXPERIENCE (Including other Boards and Commissions) Experience with wildlife and other biological surveys, wetland

delineation support, GIS/GPS, NH wetland and shoreland permitting, communication between municipal/state level authorities, conducting research/due diligence, marketing tactics, health and safety concerns, and environmental

education. Volunteer within the community in support of environmental conservation, habitat restoration, and wildlife concerns. Co-founder and former president of the UNH Student Armed Forces Association.

PRESENT EMPLOYMENT: Wildlife Biologist, H&S Support, and Marketing Support at Normandeau Associates, Inc.

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

ANY KNOWN CONFLICT OF INTEREST: No

REASON FOR APPLICATION TO THIS BOARD: application for Associate Member of the Conservation Commission

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.

Cassandra O'Brian
SIGNATURE OF APPLICANT

3/5/2018
DATE