



TOWN OF KITTERY

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

May 30, 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 – 4/23/18 Regular Meeting – 5/07/18 Special Meeting
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(050318-1) The Kittery Town Council moves to recognize the recipients of the 2018 Educational Recycling Scholarships.

10. PUBLIC HEARINGS

- a. (050318-2) The Kittery Town Council moves to hold a public hearing and hereby ordains the adoption of the recodification of the Kittery Town Code.
- b. (050318-3) The Kittery Town Council moves to hold a public hearing on the application from Bapashree of New England Inc. 169 State Road, Kittery, Maine 03904 for a Victualers License for the 7'Eleven at 169 State Road, Kittery, Maine.
- c. (050318-4) The Kittery Town Council moves to hold a public hearing on the application from Thai & I Corporation 20 Hillside Avenue, Boylston, MA 01505 for a Victualers License for Thai & I Restaurant at 340 US-1.
- d. (050318-5) The Kittery Town Council moves to hold a public hearing on the application from Thai & I Corporation, 20 Hillside Avenue, Boylston, MA 01505 for a Malt and Vinous Liquor License for Thai and I Restaurant at 340 US-1.
- e. (051318-6) The Kittery Town Council moves to hold a public hearing on the application from Suzanne's Village Café + Bistro LLC, 373 Southside Road, York, Maine 03909 for a Special Activity Amusement Permit for Misto! at 436 US Rte. 1.
- f. (050318-7) The Kittery Town Council moves to hold a public hearing on the application from Maine Ocean Lobster LLC, PO Box 904, Kittery, Maine 03904 for a Special Activity Amusement Permit for The Pointe at 31 Badgers Island West.

- g. (050318-8) The Kittery Town Council moves to hold a public hearing on an application from Capital Video Corporation, 44 Bedson Road, Cranston, RI 02910 for a Viewing Booth License for Amazing.Net at 92 Route 236.

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. (050318-9) The Kittery Town Council moves to approve the disbursement warrants.
- c. (050318-10) The Kittery Town Council hereby ordains amendments to Title 13.04 – Taxpayer Relief Program.
- d. (050318-11) The Kittery Town Council moves to approve the policy of Collection of Unpaid Property Taxes.
- e. (050318-12) The Kittery Town Council moves to approve the renewal application from Suzanne's Village Café and Bistro LLC for a malt, spirituous and vinous Liquor License for Misto! at 436 US Route 1.
- f. (050318-13) The Kittery Town Council move to approve the annual renewal list for Victualers Licenses.
- g. (050318-14) The Kittery Town Council moves to approve the annual renewal list for Amusement Device Licenses.
- h. (050318-15) The Kittery Town Council moves to authorize the Shapleigh 6th grade Odyssey of the Mind students to collect donations at the Kittery Resource Recovery Center on June 9th from 9:00 a.m. to 2:00 p.m., to raise money to attend the World finals at the University of Iowa.
- i. (050318-16) The Kittery Town Council moves to approve a request from the Kittery Block Party Committee to place banners at the following locations; Each building location for the Rice Public Library, Bob's Clam Hut, York Hospital in Kittery, Kittery Trading Post, Kennebunk Savings and Lil's Café. The banners will be hung from June 1st to June 18th, 2018 and to post directional signs at various locations around town to help direct traffic.
- j. (050318-17) The Kittery Town Council moves to appoint a representative to meet with the Chair of the KCC Board of Directors to interview Michael Downs for his re-appointment to that board until 12/31/21.
- k. (050318-18) The Kittery Town Council moves to schedule a public hearing and Amend Appendix A – Sewer Service Rates on June 11, 2018.
- l. (050318-19) The Kittery Town Council moves to schedule a public hearing and hereby ordains an Amendment to Title 13- Rates and Charges on June 11, 2018

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

(050318-21) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (A) to discuss a personnel matter.

17. ADJOURNMENT

Posted: May 24, 2018



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 May 30, 2018

- 1. Election/Town Meeting Secret Ballot June 12** – The upcoming election is scheduled for June 12 at the Kittery Community Center. Polls will be open 8AM to 8PM. Absentee ballots are available at Town Hall and voter registration is ongoing. This is the first election where rank choice voting is occurring. To prepare voters, Town Clerk Nicole Maurice has posted information and a video released by the Secretary of State on our website. For more information click on the Election Tab on our home page.
- 2. Wind Turbine at KRRF** – I am seeking Council consensus on the disposal of the wind turbine at the Kittery Resource Recovery Facility. Ms. Julia O'Connell and Mr. Steve Bilski embarked on an extensive evaluation effort of the turbine to assist us in determining an outcome for the structure. Enclosed is their report, inclusive of options. I recommend we pursue Option 1, issuing an RFP or bid for sale in as-is condition. I wish to thank Ms. O'Connell and Mr. Bilski for their diligent efforts and thorough analysis of this matter; their work has produced a much-needed assessment of the structure and the options before us.
- 3. Online Permit Software** – As the Council is aware, in April we launched our online permitting tool. Over the past six weeks we have been processing permits through this tool, tracking applications, managing the steps through the review and inspection process, and collecting funds. Attached is a report on the permitting activity for the past 30 days in both sum and location.

We continue to make adjustments as we refine the processes and improve the service for our customers. We will be looking to add additional permits and functions available through other departments in the coming months.

- 4. Update on Road Projects** – DPW Commissioner David Rich has made significant progress on moving forward a number of road projects with the state.

Whipple Road – After much persistence the utility easement process has finally begun. Fairpoint or their new parent company Consolidated, has notified those property owners within the project area of easement needs, primarily for pole guy-wires and pole placements. The town will also need to grant an easement, which I will bring to the Council in June. Once this phase is completed, MDOT will begin seeking Right of Way easements and design will be concluded. Our hope is this project will be out for bid in 2019 with construction directly following.

Walker/Wentworth – KACTS recently approved the allocation of an additional \$795,000 needed for the project. This will fund the road and sidewalk improvements for Walker from State Road to the Wentworth intersection, and Wentworth to Whipple Road. The project includes sidewalks on both sides of Wentworth as desired, and parking on one side; as well as a full upgrade of the Walker/Wentworth intersection that serves Gate 1. This project is slated to begin in 2021.

Badgers Island Crosswalks – MDOT has received bids for the crosswalk installation on Badgers Island. This project will provide a safe ADA compliant four-way crossing for pedestrians. The town will be joining onto this project, to make additional sidewalk improvements that provide a delineation of sidewalk from parking lot, to further enhance pedestrian safety. The project is expected to be completed in this construction season.

Government Street - KACTS also recently approved the reallocation of \$464,000 to repaving Government Street. The funding was originally approved for the final section of Route 103 connecting to York. However, in discussion with MDOT it was determined that this project is better accomplished by the town with an overlay (which is already in our 5-year pavement management plan) rather than a broader reconstruction. We were successful in gaining approval from KACTs to reallocate the Route 103 funds to Government Street. This project will be bid out this fall.

5. **Maine National Guard at Fort Foster** – The arrangements with the Maine National Guard have been finalized for their work on Wood Island. The Maine National Guard will be performing construction and repair work as a training exercise, and to include reconstruction of the seawalls and some interior fit-up of the building. The work is provided free to the project and will allow WILSSA the opportunity to make significant progress on their restoration effort.

The Maine National Guard will bivouac (camp) at Fort Foster for the month of June as part of their training exercise. Their camp will be contained in the area near our shed behind the main bathrooms. It will be sectioned off by temporary fencing. They will have their own sanitation facilities (port-a-potties), tents, and a command post. They are prohibited from parking in the main parking area and from interfering with the public use and enjoyment of the park. They will be transporting equipment, materials, and crew from the Shipyard.

The Guard is planning to offer tours and other informational opportunities for the public interested in learning more about their mission and their camp while at Fort Foster. I first reported on this in October and we reviewed this plan with the Parks Commission in March.

6. **Recycling** – The DPW is working on adjustments to our recycling program. The KRRF is now requiring #1 PETE and #3-#7 materials be sorted. We can sell the #3-#7 excepting certain items. After meeting with our vendors, DPW was able to identify this opportunity to update our sorting policies based on current recycling markets. We are continuing to investigate opportunities to minimize tipping costs and maximize offsetting revenue.
7. **Harbormaster John Brosnihan** – I am pleased to announce that John Brosnihan has been selected to serve as our next Harbormaster. John is retiring as a Police Sergeant from the Kittery Police Department. He will be applying his Coast Guard experience and police training to assist the town and Kittery Port Authority in providing responsive service to the boating public. He starts in this new role on June 7th.
8. **Recreation Director/General Manager Jeremy Paul** – I am pleased to announce that I have selected Jeremy Paul to succeed Janice Grady as our next Recreation Director/General Manager. Jeremy has been with the town for nearly 20 years and has grown along with the department. He has been successful in activating the KCC, managing the theater space, and helping grow the programs and opportunities offered by the department. There is no doubt he will bring his wealth of knowledge along with his own vision to the Director position. He starts in this new role on June 25th.

Upcoming Dates:

- Voter Registration Night – June 6th, 6PM to 8PM Town Hall
- Sarah Mildred Long Bridge Ceremony – June 8th 10:30AM (tentative)
- Election/Town Meeting Secret Ballot – June 12th 8AM to 8PM, Kittery Community Center
- Janice Grady's Retirement Party – June 13th 6pm
- Kittery Block Party – June 16th, 10AM to 4PM, Foreside

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendra', with a long horizontal flourish extending to the right.

Kendra Amaral
Town Manager

Kittery Energy and Sustainability Advisory Committee

Recommendations for Entegriety 50kW Wind Turbine

April 4, 2018

In 2008-2009 Kittery voters approved the purchase of a wind turbine to be installed at the transfer station. It was installed and generated power that was fed into the CMP electrical grid for less than a year. It experienced mechanical problems and the output totaled only 15% of the predicted output. The President of Entegriety Enterprises visited the site and told the then Town Manager, Jon Carter, that it was not properly sited and would never produce the promised electricity. He agreed to refund the town but the company went bankrupt within a few months and the town was not able to recoup its losses.

The wind turbine is still perched atop a hill at the transfer station but is no longer connected to the grid. A wind technician's inspection in approximately 2010 revealed that there were at least a few thousands of dollars of repairs required. Further conversations with an Entegriety repair technician revealed the need to upgrade certain parts in the tip brakes (the plates at the ends of the turbine's blades) and replace the main parking brake. There also may be some corrosion, and the twist-cable (the cable between the turbine and the tower) needs to be disconnected and unwound to prevent further damage to the mechanism.

The price quoted in 2017 for these repairs was approximately \$18,777 or \$14,736 (if the technician could piggyback the Kittery service onto existing service calls scheduled in the northeast region). Both estimates include travel expenses from this Colorado-based company. We could find no local companies to do repairs; the original maintenance company from 2010 no longer services these machines.

A thorough analysis of wind data was completed to determine if it is a viable option to resurrect and repair the turbine. Extensive on-site wind data taken during its eight months of operation points to what would be a break-even situation at best (and more likely a loss) from an economic standpoint. In a year of average winds, the unit would produce approximately \$2,000 worth of electricity, which would offset approximately \$2,000 worth of estimated maintenance costs. (It's worth noting that the 2008-2009 on-site wind data correlates well with that from Pease airport, and a comparison of Pease data from that period to similar periods of 2011, 2013, 2015, and 2017 showed only slight differences, confirming that the average wind speed during the period when the turbine was operating was not unusually high or low). However, considering that up-front money would be required to resume operation, the turbine could not be expected to generate an economic gain from continued operation over any given time period.

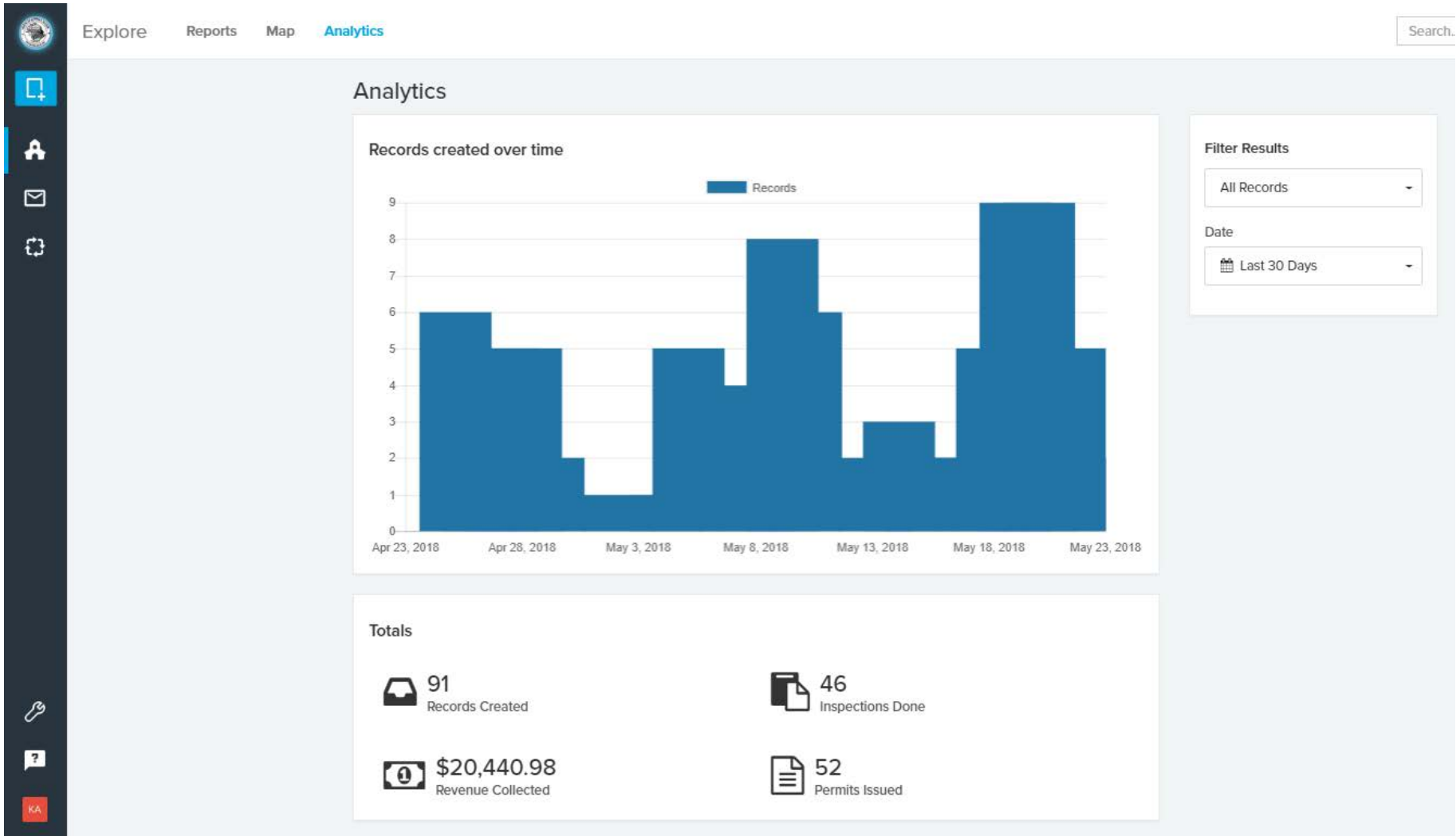
Herewith is a list of options.

- 1) The best-case scenario is for the town to divest itself of the turbine through a surplus and disposal. This is the most attractive option from the standpoint of environmental responsibility (“energy return to the planet”). Notwithstanding Kittery’s experience, the Entegriy EW15 is actually a respected unit in the small turbine wind energy industry, provided that it is sited correctly.
 - a) Generate an RFP to educational institutions that have expressed interest, e.g. Northern Maine Community College (Presque Isle) or Prince Edward Island University, Canada.
 - b) Request bids “as is” with a requirement of the winner bidder to remove it.
- 2) Repurposing
 - a) Contact communication companies to determine if the tower can be used to host communication equipment (cell phone service, wireless internet, etc.). This would require removal of the turbine from the tower, so perhaps a \$2,000 effort (and having the turbine on the ground would also make it more desirable for those interested in obtaining it).
- 3) Sell for parts / scrap.
 - a) The tower is in good condition. It could be advertised. (A similar 80 foot tower sold for \$1,080 on Ebay last year and ours stands taller at 120 feet, so perhaps \$1,600). There may be organizations interested in bidding on the turbine or parts of it.
 - b) Sell for scrap. Tower weighs approx. 7,200 pounds, turbine weighs approx. 5,000. Berwick Iron and Metal will pay approx. \$730 for it, dismantled. This is of course the least glamorous solution. If there are no viable prospects, the least expensive solution would be to simply topple the structure, disassemble on the ground as labor is available, then sell as scrap.
- 4) Use as a local educational tool for high school and middle school students. Camden Maine has a successful program. This would require monies for repair, maintenance and an ongoing educational program.

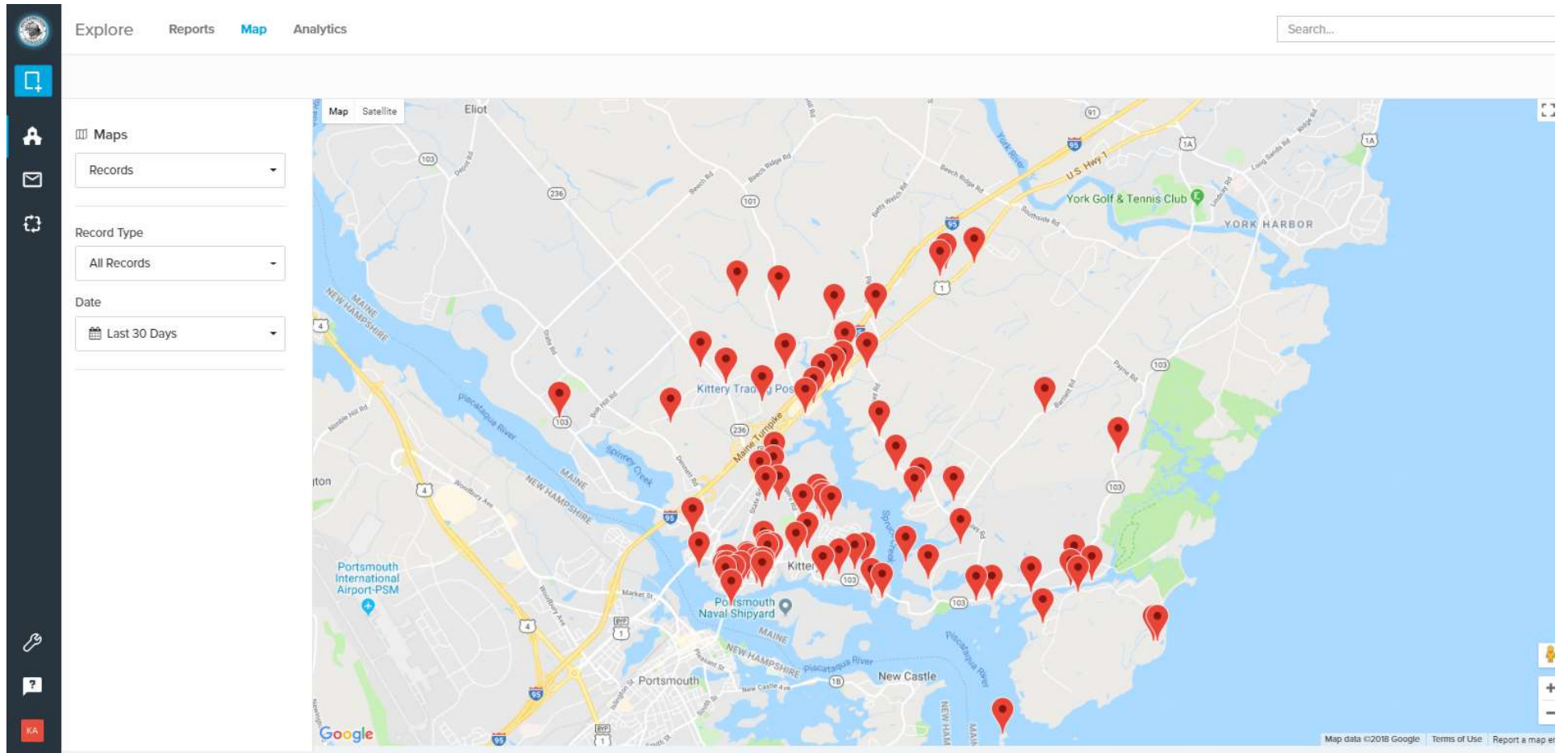
- 5) Allow it to remain in place. There are at least two issues with this option: impact on abutting land value, and safety.
- Risk to abutting lands is related to potential loss in value due to proximity to a degrading turbine structure.
 - Risks to safety increase with the continued decline in the mechanical integrity of the turbine and tower. The chief risk is related to extended operation in a non-designed mode: in its current state, because the parking brake is non-functioning, the rotor is being allowed to spin freely. In high winds, were it not for the tip brakes, the rotor would enter a runaway over-speed condition with a fair chance of self destruction. As it happens, the tip brakes have also failed, however they've failed in a "safe" manner in that they are constantly deployed. Although convenient, this failure mode is not entirely benign though because they're constantly flapping back & forth and banging into the blades. Eventually the hinges (which hold the tip brake plates to the blades) will wear out, allowing the plates to be ejected, ultimately resulting in an overspeed failure. Because the current non-operating mode hasn't be tested, it's difficult to know exactly how long it will continue to behave in a safe fashion. An educated guess (based in part on conversation with the Entegriety technician, the calculated mean-time-between-failure value of the affected components, and on-the-ground observations of the turbine) would be for another two to three years. In its favor, the turbine is located a fair distance from the public area of the transfer station, and the wind speed required for a major failure could keep people from visiting the station.

Respectfully submitted by Julia O'Connell citizen at large and Steve Bilski retired wind turbine design engineer

TOWN OF KITTERY - PERMIT ACTIVITY



TOWN OF KITTERY - PERMIT ACTIVITY



**Kittery Town Council
April 23, 2018
Regular Meeting – 6:00 p.m.
Council Chambers**

1. Call to order: Chairperson Lemont called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Lemont read the introductory.
3. Pledge of Allegiance: Chairperson Lemont led those present in the Pledge of Allegiance.
4. Roll Call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Ken Lemont. Councilors Jeffrey Thomson and Matthew Brock were absent.
5. Agenda Amendment and Adoption: Chairperson Lemont said he will cast one vote for the agenda as presented.
6. Town Manager's Report: Town Manager Amaral gave an update on the 3rd Quarter FY'18 financial report. She said they are on target with revenues, but not all revenues have been brought in. She said some are definitely on a time scale and they are looking at that.

Town Manager Amaral said one thing they are watching is the recyclables market because in January, China was going to limit the import of recyclables. She said typically they take in the recyclables and sell them to other countries, after processing them. She said the cost of mixed paper has dropped to zero, and the revenue we got from that we used to offset the costs of processing. She said they have been in contact with other communities to make arrangements to cover the costs for that recyclable material and to discuss other options.

Town Manager Amaral said that the collected Code Enforcement Officer's fees are ahead of where they projected for in FY17-18. She said people are investing in their property and this will increase their value in the coming years.

Town Manager Amaral said the Homestead Exemption came in higher than what they expected. She said this is due to an increase in the exemption amount and not so much the number of people participating in the program.

Town Manager Amaral reported that currently there is a \$60,000 deficit in the operating budget which needs to be resolved. She said that they will also need to resolve the \$107,000 deficit in the TIF accounts, which has been happening for the last several years.

Town Manager Amaral said some things driving up the costs are unplanned absences and overtime in the Police Dept. She said typically the average cost for overtime, per pay period, is \$3500 and Chief Soucy is managing to try to keep this to a minimum.

Town Manager Amaral said there is a major shortfall in the Public Works account, due to the ice storms and icy road conditions, we used more product this year and the Town has been billed for \$200,000.

Town Manager Amaral said the budget is significantly over \$16,000 in miscellaneous accounts, due to the change in retiree medical health benefits and they have to cover that. She said she has instituted a spending freeze for the last quarter of the year, which she had to set last year, and is the worst way to manage budgets.

Town Manager Amaral said that they are watching the Sewer Dept. account closely and, as they recall from the workshop, currently the revenue is not meeting the expenditures in the budget. She said expenditures are down prior to last year, but she put a spending freeze on in January. She said she has included charts in Council's packets depicting this information.

Town Manager Amaral said that the Harbor Master's last day was April 11th and they have been searching for a new one. She said in the meantime Peter Walsh has been appointed Interim Harbor Master.

Town Manager Amaral said they have been working with the Kittery Port Authority getting the floats ready and the facilities. She said internally, both she and Ms. Esposito have been working with the customers renewing their moorings and making sure their paperwork is in order. She said as Council knows, the Port Authority implemented new rules and proof of residency is needed to register moorings. She thanked Ms. Esposito and the customers for their patience.

Town Manager Amaral said that Councilor Beers had requested Town Council consensus for a Cemetery Perpetual Care committee, and if approved, she would like to create an ad hoc working group to discuss where we need to go from here. She said the funds have been spent down to nothing, and yet, the Town is still responsible for the sites.

Town Manager Amaral said to note a couple of dates: April 24th, 6 pm here in the Chambers, there will be a public hearing on the Comprehensive Plan Update 2015-2025 and the deadline for applications to join the Library Committees is May 9th.

Town Manager Amaral said she would like to note that the new Director of Planning & Development, Adam Causey is here this evening and invited him to come up to the podium to say a few words and introduce himself to Council.

Mr. Causey said he is the town's new Director of Planning & Development born and raised in Atlanta, Georgia. He said he appreciates the confidence from the Town Manager and is excited to get started. He said he does have family in the area, so he is not here by himself.

Mr. Causey said that he has about 13 years planning and economic development experience, is a member of the AICP, and although his primary role has been in Economic Development, he has always kept his planning certification.

Mr. Causey said that Kittery is a dynamic, historic community and he is fortunate to be here.

Chairperson Lemont thanked Mr. Causey and asked him if he was receptive to questions from the Council if they have any?

96
97 Mr. Causey replied sure..

98
99 Chairperson Lemont asked Council, but they didn't have any questions for Mr. Causey, other than them
100 welcoming him.

101
102 Chairperson Lemont said he had one, and said that the homestead exemption, when it started, was
103 supposed to be 100% funded by the State and asked what is the percentage now?

104
105 Town Manager Amaral said she was not sure, but she would check on that and let him know.

106
107 Chairperson Lemont said that the Town Manager and staff deserve kudos for stepping in and issuing
108 moorings and collecting fees and thanked her and the staff. He said now they just have to get her to
109 buy a boat.

110
111 Chairperson Lemont asked if there were any other questions. Hearing none, he proceeded with the
112 next item on the agenda.

113
114 7. Acceptance of previous minutes – 3/26/18 and 4/9/18 Regular Meetings

115
116 Chairperson Lemont said he will place the March 26th minutes on file as amended.

117
118 Chairperson Lemont said he will place the April 9th minutes on file as amended.

119
120 8. Interview for the Board of Appeals and Planning Board – none

121
122 9. All items involving the town attorney, town engineers, town employees or other town consultants
123 or requested officials.

124
125 (040218-1) The Kittery Town Council moves to receive a presentation by Jessa Kellogg,
126 Shoreland Resource Officer/Stormwater Coordinator and Kristie Rabasca from Integrates
127 Environmental Engineering on the MS4 Permit for Stormwater Discharges.

128
129 Chairperson Lemont thanked Jessa Kellogg and Kristie Rabasca for coming tonight.

130
131 Jessa Kellogg thanked Council and said she is the Shoreland Resource Officer/Stormwater Coordinator
132 for the town. She said part of her responsibilities is to insure all the different boards, staff and
133 volunteers in town are fully aware of the stormwater permit the town is subject to, the MS4 Permit,
134 which stands for Municipal Separate Storm Systems for stormwater. She said Kristie Rabasca will
135 explain the history of the MS4 permit and how the town is required to comply with the municipal control
136 measures in the permit. She said Kristie Rabasca is the town's stormwater consultant and she wanted
137 to have her help.

138
139 Kristie Rabasca said that there is a Fact Sheet in Council's packets which gives a description of the
140 Stormwater Program, which Jessa Kellogg prepared. She said this will provide Council with good
141 information on how the program touches all departments in Kittery. She said the Public Works Dept.
142 carries the large burden of work in order to implement this permit. She said all details are in there and
143 she will let Council read through that.

144
145 Ms. Rabasca said the primary purpose for her being here tonight is to update Council on the next
146 permit that it is going to be issued in the next few months. She said first, this is a Clean Water Act
147 permit, and its roots date back to the 70's when the Clean Water Act began.

148
149 Ms. Rabasca said in Council's packet is a poster, "Follow the Flow" which they use for educational
150 purposes. She said there were studies done by the DEP and EPA that stormwater has a lot of
151 pollutants such as fertilizer, brake dust, pet waste, food waste, and litter, which all makes its way into
152 the stormwater system before it makes its way into the water bodies.

153
154 Ms. Rabasca said stormwater treatment hit the State of Maine in the early 2000's where communities
155 began to ask for regulations. She said the EPA wanted to phase in the program to see how it went in
156 the larger cities first. She said one of the triggers they used to decide who is regulated and who is not
157 regulated is the US Census concept called "urbanized area." She said when the town has a high
158 population density, and a lot of impervious cover, the town gets the US Census "urbanized area"
159 designation and that pulls the town into this Clean Water Act permit. She said the "urbanized area" map
160 and all this information is available on the town's website, under Public Works, in case anyone wants to
161 look at it.

162
163 Ms. Rabasca said the ultimate goal for the Clean Water Act program is fishable and swimmable waters.
164 She said in order to do that, the town has had, over the last 15 years, a lot of operational changes. She
165 said the town began regulations when the first permit was issued in 2003. She said the permits are
166 issued in five-year cycles by law, and the town is just completing its third-year of the five-year cycle.
167 She said the next one is due to be issued in June 2018.

168
169 Ms. Rabasca said that she, and Ms. Kellogg, have been reviewing the draft permits from the EPA.
170 She said they have been able to push back on some of the regulations in New Hampshire and
171 Massachusetts that were coming to Maine. She said this permit being issued in July is very close to
172 the same set of requirements the Town has to currently comply with, which is a good thing in terms of
173 staffing and funds and her services.

174
175 Ms. Rabasca said there are a couple of specific areas where the burden has been relaxed are
176 administrative issues and relaxing some catch basin cleaning requirements, out-fall inspection
177 requirements, and maintenance of storm water systems continues to be updated so there won't be as
178 much savings there. She said the town has to do as much as they have done before with each new
179 permit issued.

180
181 Ms. Rabasca said the two areas for additional requirements are first, the Planning Board construction
182 site inspections – town has to update the Kittery ordinance – putting enforcement directly on the Code
183 Enforcement Officer for sediment and erosion control. She said the CEO has always done that, it just
184 means a change in the Town Code.

185
186 Ms. Rabasca said the other area, they do not have the final permit from DEP has to do with Not-for-
187 Profit organizations requiring sampling and analysis and the implementation of studies of impaired
188 waters. She said the Spruce Creek Association has been doing a lot of good work for the town and is
189 very protective of the water quality. She said that, with some assistance from the MMA, the 30
190 communities in the State have been able to push back on some of the regulations that the Not-for-Profit
191 organizations are trying to get impeded in our regulations for impaired water.

192
193 Ms. Rabasca said a quick overview coming down the pike, the bottom line, is most things will stay
194 status quo for the next five years.

195
196 Chairperson Lemont thanked Ms. Rabasca and asked if there were any questions.

197
198 Councilor Dennett asked Ms. Rabasca if the town is still looking at Federal enhancement of nitrogen
199 release which will cause stricter regulations in the town's sewer facility?

200
201 Ms. Rabasca said that is not just a stormwater issue, not just waste, and that is one of the reasons the
202 Not-for-Profit's are pushing to have municipalities due more studies. She said even though she does
203 not see it in the foreseeable future, in the next two years, there is still a lot of pressure for it.

204
205 Vice-Chairperson Denault said that several years ago, he ran a video on Channel 22, "Rubber Ducky"
206 and wanted to know if they could get a new version. He asked if Ms. Rabasca had anything to do with
207 that?

208
209 Ms. Rabasca replied yes - but let Ms. Kellogg answer Vice-Chairperson Denault's question.

210
211 Ms. Kellogg responded that came from a State-wide effort and she believes they are rejuvenating that
212 video in the next permit cycle. She said she is starting to work with some Traip Academy sophomores
213 and will be coming before Council in the next couple of weeks to do a presentation. She said they are
214 going out with her on Thursday to do some stormwater drain stenciling. She said she will put together
215 a PSA and have it on Channel 22.

216
217 Vice-Chairperson Denault asked if there was an updated video on Rubber Ducky or is it still the same?

218
219 Ms. Kellogg replied there are two versions of Rubby Ducky, one is Happy Rubber Ducky and the other
220 one is Devil Rubber Ducky, and they are both on the town's Public Works stormwater page. She said
221 as far as the State-wide update, she has not been given a definitive answer.

222
223 Vice-Chairperson Denault spoke to the viewers and explained that the Rubber Ducky follows the flow of
224 water and you can see "what it picks up along the way." He said he will check with the Town Manager
225 and drop off the old Rubber Ducky video.

226
227 Ms. Kellogg said she will be happy to share that to get that video on.

228
229 Chairperson Lemont asked if there were any other questions. Hearing none, he said he had a couple.
230 He said under Executive Summary, it says it is a federally mandated program, but asked if that meant
231 the Federal government has any money invested in this to help the town out?

232
233 Ms. Kellogg said that is a good question, but she said the town is required to comply with the program
234 but they do not receive any compensation for it.

235
236 Chairperson Lemont said he likes the highlighted bullets on the back. He wanted to know what does an
237 average citizen do if they have a storm drain within 10 ft. – or in front – of their house and could they
238 expect to have any help from the town with it?

240

241

242 Ms. Kellogg responded the town has over 850 catch basins that are annually inspected and cleaned.
243 She said one of the outreach programs for the next permit is to ask people to help with the catch basin
244 in their front yard by keeping it clean. She said it is kind of like an "Adopt-a-Storm-Drain" program and
245 help sweep away debris that may be blocking the drain. She said everybody has a part in this, not just
246 municipal staff, to help keep the water clean in Kittery.

247

248 Ms. Kellogg said that out of the 30 communities regulated in the State of Maine, to her knowledge, most
249 of them have been audited by the U.S. EPA or the Maine Dept. of Environmental Protection and Kittery
250 is the only one that has not received a violation or a warning. She said they are a role model for other
251 communities and she is very proud of that.

252

253 Chairperson Lemont thanked Ms. Kellogg and Ms. Rabasca.

254

255

256 10. PUBLIC HEARINGS - none

257

258 11. DISCUSSION

259 a. By members of the public

260

261 Brett Carney, 25 Wilson Road, said he is standing before Council to discuss traffic issues we had last
262 year. He said he wanted to pick up on that, with summer just around the corner. He said he has been
263 speaking with Chuck on different ideas to make the side roads not become arteries for the main roads
264 for traffic. He said he did mention reducing the speed limit to 20 mph and he liked that concept.

265

266 Mr. Carney said he lives in a small neighborhood and it is nice to see cars not speeding down the road.
267 He said another potential better situation is changing the speed limit, so the slower traffic may take
268 more time to get through local roads and this may detour the traffic back to the main roads. He asked if
269 there are any ideas or has anything been put in place? He wanted to know if he will be seeing a
270 miniature Route 1 in front of his house or will he be able to kick back and relax this summer.

271

272 John Harris said he wanted to jump on that. He said there have been a bunch of studies done on Piccott
273 on traffic – before the traffic started cutting through.

274

275 Mr. Harris said another comment he wanted to make was on the sand lot. He said earlier in the year
276 Council discussed this and there was speculation that a lot of non-residents were taking the sand
277 because it was disappearing quickly. He thought it must be the natural reason and the DPW was over
278 budget, and he would expect the same situation. He said the Council should not assume that non-
279 residents were taking the sand.

280

281 Mr. Harris said he had a question on the proposed investment policy. He said he found the new
282 investment policy interesting as the old policy had a \$100,000 limit. He said the background on this is it
283 was temporarily moved up to one-quarter million dollars. He said it was supposed to have dropped
284 down in 2014 but in 2010 it was made permanent at one-quarter million dollars.

285

Mr. Harris thought they are missing some of the language because of the redundancy, the \$100,000 was crossed out and on lines 114 and 120, and the new limits on lines 125 and 127 were brought up to one-quarter million dollars. He said they will go over the limit in the Money Market accounts.

Mr. Harris said some language should be added. He said if it is the institution where you have the quarter million dollars, the language should state that the CD's should not be there. He said Certificates of Deposit should not be at the same institution. He said another suggestion is to remove the limit of \$100,000 on the old CD and perhaps, should put a quarter million dollars limitation back into the CD's. He said this still pertains to the CD's by themselves.

Mr. Harris said line 93 states the treasurer shall establish written procedures on the investment policy and asked if this is contained in the PNPM and has it been updated to reflect the changes? He said Council should not act on this policy unless the PNPM is also updated to coincide with it. He said if Council had any questions he would be around.

- b. Response to public comment directed to a particular Councilor
- c. Chairperson's Response to public comments

Chairperson Lemont thanked Brett Carney for speaking tonight. He said as you know, the Town Manager was directed to come up with a solution to this problem and that is on the agenda later on tonight. He said he hoped at some point they will be able to debate about that.

Chairperson Lemont addressed Mr. Harris and said he is not aware of any traffic studies out there. He said they are aware of the problem with the sand lot.

Chairperson Lemont thanked Mr. Harris for his comments about the investment policy and noted he saw the Town Manager wrote down his points. He said he hoped she can speak to those. When we get to that part of the agenda.

12. UNFINISHED BUSINESS - none

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
- b. (040218-2) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Beers if the Municipal and Sewer warrants were in due form.

Councilor Beers replied that they were.

Chairperson Lemont asked Councilor Pelletier if the School Payable was in due form.

Councilor Pelletier answered that it was.

Chairperson Lemont read the warrant amounts: Municipal = \$75,426.55; Sewer = \$2,730.55; School = \$173,614.50 for a total of \$251,771.60.

334 **COUNCILOR PELLETIER MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS**
335 **PRESENTED. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A**
336 **VOICE VOTE, 5-0. MOTION CARRIES.**
337

338 c. (040218-3) The Kittery Town Council moves to appoint Cassandra O'Brian to the
339 Conservation Commission as an Associate member until 12/31/2021.
340

341 Chairperson Lemont said that he interviewed her along with the Chair of the Conservation Commission
342 and she is an excellent candidate. He said he agreed with the Chair that she should be appointed to
343 the Commission, so the process works.
344

345 **COUNCILOR PELLETIER MOVED TO APPOINT CASSANDRA O'BRIAN TO THE CONSERVATION**
346 **COMMISSION AS AN ASSOCIATE MEMBER UNTIL 12/31/2021. VICE-CHAIRPERSON DENAULT**
347 **SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR,**
348 **NONE OPPOSED, MOTION CARRIES.**
349

350 d. (040218-4) The Kittery Town Council moves to schedule a public hearing on May 7th 2018
351 to adopt the recodification of the Kittery Town Code.
352

353 **COUNCILOR BEERS MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 7TH 2018 TO ADOPT**
354 **THE RECODIFICATION OF THE KITTERY TOWN CODE. COUNCILOR PELLETIER SECONDED**
355 **THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE. MOTION CARRIES.**
356

357 e. (040218-5) The Kittery Town Council moves to schedule a public hearing on May 14th 2018
358 for the enactment of the Taxpayer Relief Program.
359

360 **COUNCILOR BEERS MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 14TH, 2018 FOR THE**
361 **ENACTMENT OF THE TAXPAYER RELIEF PROGRAM. COUNCILOR PELLETIER SECONDED**
362 **THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**
363

364 f. (040218-6) The Kittery Town Council moves to schedule a public hearing on May 7th, 2018
365 on School Budget Ordinances for Fiscal Year '18.
366

367 **COUNCILOR BEERS MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 7TH 2018 ON**
368 **SCHOOL BUDGET ORDINANCES FOR FISCAL YEAR '18. COUNCILOR PELLETIER SECONDED**
369 **THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE. MOTION CARRIES.**
370

371 g. (040218-7) The Kittery Town Council moves to direct the Town Manager to seek speed limit
372 reductions on cut-through roads.
373

374 Chairperson Lemont asked the Town Manager if she would like to speak to this.
375

376 Town Manager Amaral said as Council recalls, they asked her to take a broader look at the cut-through
377 issues, basically, vehicles cutting through secondary roads in order to avoid traffic on the main roads,
378 the Turnpike or Route One. She said that is why she was exasperated with the Sarah Mildred Long
379 bridge being closed, which added more traffic on Kittery's roads.
380

Town Manager Amaral said she has created a working group with two Councilors and volunteers. She said that Chair Lemont and Vice-Chair Denault helped do some research locally with traffic engineers as well as with the regional transportation planning organization.

Town Manager Amaral said the way-finding apps have a logarithm that predicts when traffic is slow and if vehicles are travelling at 20 mph, it will send people down secondary roads. She said typically, the GPS will not re-route people onto those roads if the traffic is going 20 mph.

Town Manager Amaral said she has come up with a plan on speed limit reductions on the main roads to get from the northern part of Kittery to New Hampshire to avoid the turnpike. She said the list of roads is included in Council's packets. She said the way it works is that we have to request MDOT to consider lowering the speed limits on these roads, even our local roads. She said DOT have criteria to review and once they review their roads first, they will review our local roads. She said they may not agree with all the roads, but we think it's worth a shot to lower the overall speed.

Town Manager Amaral said as part of this, the DPW Commissioner did research on posted roads with MDOT and what was noted was the speed limit posted on a couple of roads was not consistent with DOT requirements. She said she is requesting Council direction to proceed with MDOT.

COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL DIRECT THE TOWN MANAGER TO SEEK SPEED LIMIT REDUCTIONS ON CUT-THROUGH ROADS, AS PRESENTED. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Councilor Dennett said he has to oppose this for a number of reasons. He said the subject matter report to Council is for seasonal traffic management, and they are not looking to do this on a seasonal basis. He said if the speed limit should be set for a mile, then he would be stuck traveling at 20 mph because a lot of people are getting off in a different season.

Councilor Dennett wanted to ask the Chair if they change the speed limit on the roads from say 40 mph to 30 mph, would that be one way only or both ways?

Chairperson Lemont said if that is the question, he will be happy to answer that – yes, it is his understanding, absolutely, it would be both ways.

Councilor Dennett said he will use Haley Road as an example of a traffic problem from Route 1 to the Kittery Point Fire Station, and wanted to know, if he is going from the Fire Station to Route 1, with little traffic, does he have to follow the speed limit? He said when he sees brake lights on, he gets nervous – if there is no accident.

Chairperson Lemont replied yes. Councilor Dennett asked if he may continue?

Councilor Dennett said it was pointed out in the report that the majority of the cars on the roads are local cars and could increase speed violations was not considered by the group. He said there are 29 on the list and he randomly checked three of them – one is okay and the other two are way out of whack.

Councilor Dennett said first is Haley Road to Bartlett Road: the proposed limit of 25 mph for the whole road is listed as 25 mph. He said he looked at Lewis Road.

Chairperson Lemont said, to clarify, that road is posted at 25?

Councilor Dennett replied that the MDOT limit is listed at 35 from Route 1 to Bartlett, but the proposed is 25. He said it is well posted on the whole road from Route 1 to the Point as 25.

Chairperson Lemont asked if it was the whole road?

Councilor Dennett replied he checked today and Friday and it is posted as 25 mph on the whole road, to the Point.

Councilor Dennett said 29 Lewis Road, from Rte. 1 to Norton Road is posted as 40 mph and 30 mph is proposed but he checked and the signs already say 30 mph. He suspected that all of these are not correct and asked how can he ask the Town Manager to proceed?

Town Manager Amaral said they need to address those two roads but the posted speed limits were not approved by MDOT. She said they are trying to get this resolved because the town put up the signs.

Councilor Dennett said when he sees 29 roads on the list and one is correct and two are wrong, he is not sure if they are all correct. He said only one is correct, Martin Road.

Town Manager Amaral said no they are correct.

Councilor Dennett addressed the Chair and said he would like to put this item on hold until they get it straightened out.

COUNCILOR DENNETT MOVED POSTPONING THIS ITEM UNTIL THE FIRST COUNCIL MEETING IN MAY IN ORDER TO GET CLARIFICATION ON SOME INFORMATION ON THE LIST. THERE WAS NO SECOND. MOTION FAILS.

Councilor Beers asked to be recognized.

Chairperson Lemont said yes.

Councilor Beers said, through the Chair, that he did not consider this as a final, set-in-stone action plan, but to give the Town Manager direction to seek reductions in limits, and presumably, she would be in contact with MDOT for the production of accurate information and a presentation to Council to consider speed limits on specific roads. He thinks it is a waste of time and would like to move forward.

Vice-Chairperson Denault said that Councilor Dennett raised some valid points. He said part of one of the meetings they had, they were going to recommend to the Town Manager to go to the State and discuss this. He said to take two other roads and combine them. He thought it would be a waste of time to discuss seasonal speed limit and add roads that need to be clarified. He said they did take into consideration that people would be driving on residential roads, but there would be advertising and the educational part of that would need to be drummed up in a bigger way to alert the residents to that but they would be the recipients of that speed.

Vice Chairperson Denault said they focused on the roads where there were the most complaints and people came forward and asked us to do local traffic only. He said a lot of people came forward.

Vice-Chairperson Deanult said they are looking at the logarithm data going to the GPS companies. He said if the speed limit is reduced to 20 mph and use the 80th percentile, which is the speed most people are driving on the road. He said if they look at 25 it will be 35 mph, but if we drop the speed to 20 mph, it will bring it down to 30 and we will see a reduction in accidents. He will say this again, most of the roads in Kittery are accident prone. He said this will be added safety for people who will be traveling on snow-covered roads. He said as Councilor Beers mentioned, we are just trying to get something going, moving quickly before it's too late.

Chairperson Lemont said he appreciated the working group and all they did with this issue. He said there was direction from the Town Council for the Town Manager to look at this problem and come up with a solution. He said it may not be perfect, but it needed to be timely. He said Councilor Thomson spoke so passionately about this at the last meeting, he knows he would supported this. He said they did try this on the local roads only but it was impacting the other roads in the community.

Chairperson Lemont said he would think by reaching out to DOT, they would look to them for endorsement to correct two of the roads.

Town Manager Amaral asked for clarification and wanted to know what are they voting on for her to do?

Chairperson Lemont replied the working group's recommendation was to approach the State to lower the speed limits on 29 roads that were identified.

Councilor Dennett asked if DOT agrees with this, are we stuck with it?

Chairperson Lemont answered that he thought Councilor Beers had addressed that issue very well.

Town Manager Amaral replied if they meet the criteria, and M.D.O.T. agrees, there will be a lot of objection and that is why she is asking for clarification. She said once they agree to lower the speed limit they will be lowered.

Councilor Beers said that is a different understanding than what he had thought. He wanted to know if they have any authority to establish speed limits on town-owned roads?

Town Manager Amaral replied no, it seems to be unilateral on Wilson and Haley Roads.

COUNCILOR BEERS AMENDED HIS MOTION TO DIRECT THE TOWN MANAGER TO SEEK DIRECTION ON THE TOWN'S RECOMMENDATION TO LOWER THE SPEED LIMIT ON 29 ROADS, AFTER COOPERATION WITH MDOT AS TO WHAT THEY MAY BE IN SPECIFIC DETAIL. VICE-CHAIRPERSON DENAULT SECONDED OF THE AMENDED MOTION.

Councilor Dennett said he did not understand the motion.

Councilor Beers said to coordinate with DOT what roads may be reduced, if any, and to come back to Council with recommendations.

Councilor Dennett said that MDOT will do whatever they want.

Councilor Beers said they are the body that has the authority to orchestrate its affairs to its best legal and technical advantage. He said if the Town Manager will allow this and then DOT says "no" the matter will be dropped. He said the original motion was to give direction to the Town Manager and make that happen, which is not what he agreed to.

Councilor Dennett said if MDOT agrees to something, this is it and we have no choice.

Councilor Beers replied if DOT agrees to Council's request that they do that, then the Town Manager will send the detailed list to DOT and they will say ok, but we are faced with a different consideration.

Councilor Dennett said they are not going to do that.

Councilor Beers said they are working to solve the problem reasonably and prudently and thought they should go with it.

Councilor Pelletier said it is certainly worthy of a discussion with DOT, with the recent history of the traffic. He said he is somewhat concerned about making the roads a snail's pace, when in the summer, they are already a snail's pace, but he did not think they have anything to lose. He said Kittery has unique circumstances and wanted to know if perhaps lowering the limits could be seasonal, if they would consent to that, would they allow us to lower them from May to September, if that is an option?

Vice-Chairperson Denault said he could speak to that. He said signs would have to be changed to show that and appropriately posted. He said there would be a possibility of a motorist doing 25 and saying he did not realize it was May 1st. He said York does this and he thinks it is a great idea.

Vice-Chairperson Denault said he will speak to that. He said they will have to make sure that the posted speed limit is pretty clear and the sub-committee did come up with that suggestion. He said the likelihood of the town workers changing signs May 1st, and asked what if they do not get to them? He said people will have to look at the signs and slow down.

ROLL CALL VOTE WAS TAKEN WITH FOUR VOTING IN FAVOR, AND ONE OPPOSITION, 4-1-0 (COUNCILOR DENNETT). MOTION CARRIES.

Chairperson Lemont asked the Town Manager if she understood what she is being asked to do. Town Manager Amaral replied, yes, she does.

h. (040218-8) The Kittery Town Council moves to approve a request from the Granite State Wheelmen Inc. to have a rest stop at Fort McClary for their 2018 Seacoast Century Bicycle Ride on September 22, 2018 thru September 23, 2018.

VICE-CHAIRPERSON DENAULT MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM GRANITE STATE WHEELMEN, INC. TO HAVE A REST STOP AT FORT MCCLARY FOR THEIR 2018 SEACOAST CENTURY BICYCLE RIDE ON SEPTEMBER 22ND THRU SEPTEMBER 23, 2018. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 5-0. MOTION CARRIES.

i. (040218-9) The Kittery Town Council moves to authorize the Kittery Community Market requests to hang 3 banners: (2) at Post Office Square from May 15, 2018 to October 15, 2018 and (1) banner over Rogers Road, in front of the Kittery Community Center from May 22, 2018 until June 21, 2018 and to post directional signs at various locations around Kittery and Kittery Point.

VICE-CHAIRPERSON DENAULT MOVED TO AUTHORIZE THE KITTERY COMMUNITY MARKET REQUESTS TO HANG 3 BANNERS: TWO AT POST OFFICE SQUARE FROM MAY 15TH TO OCTOBER 15TH, 2018 AND ONE BANNER OVER ROGERS ROAD, IN FRONT OF THE KITTERY COMMUNITY CENTER FROM MAY 22, 2018 UNTIL JUNE 21, 2018 AND TO POST DIRECTIONAL SIGNS AT VARIOUS LOCATIONS AROUND KITTERY AND KITTERY POINT. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 5-0. MOTION CARRIES.

j. (040218-10) The Kittery Town Council moves to approve a renewal application from John K. Reed, for a Malt, Vinous and Spirituous Liquor License for The Corner Pub, 4 Wallingford Square.

Chairperson Lemont said the Code Enforcement Officer has conducted the inspection and the establishment is in compliance with the Town Code.

COUNCILOR PELLETIER MOVED THAT THE TOWN COUNCIL APPROVE A RENEWAL APPLICATION FROM JOHN K. REED FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE CORNER PUB, 4 WALLINGFORD SQUARE. COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

k. (040218-11) The Kittery Town Council moves to approve a renewal application from Sonmat INC. for a Malt, Vinous and Spirituous Liquor License for Anju Noodle Bar, 7 Wallingford Square.

Chairperson Lemont said the Code Enforcement Officer has conducted the inspection and the establishment is in compliance with Town Code.

VICE-CHAIRPERSON DENAULT MOVED TO APPROVE A RENEWAL APPLICATION FROM SONMAT INC. FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ANJU NOODLE BAR, 7 WALLINGFORD SQUARE. COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Lemont asked if there were any questions.

Councilor Dennett what was the name of the applicant?

Chairperson Lemont said it is listed differently on the application.

Councilor Dennett said the agenda is correct.

Chairperson Lemont said duly noted.

ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

621 I. (040218-12) The Kittery Town Council moves to approve the revised Investment Policy.
622

623 Councilor Beers said after hearing Mr. John Harris speak tonight, he would like history on this policy
624 and wanted to withdraw this item until additional information can be provided related to the points made
625 by Mr. Harris on the accounts.

626 Councilor Beers said he is uncomfortable with this and thought that it is not appropriate at this time.
627

628 **COUNCILOR BEERS MOVED TO POSTPONE TAKING ACTION ON THIS ITEM UNTIL**
629 **INFORMATION CAN BE BROUGHT FORWARD SECONDED BY VICE-CHAIRPERSON DENAULT.**
630

631 Councilor Dennett said he should table it to a time certain.
632

633 Councilor Beers said that is his motion request.
634

635 Councilor Dennett said in as much as he supports this item, the Chair could ask for this to be
636 withdrawn.
637

638 Chairperson Lemont asked if Council agreed to withdraw this item, and the majority, by a show of
639 hands, agreed to withdraw this item.
640

641 Chairperson Lemont asked if the Town Manager could meet with Mr. Harris and answer his questions.
642

643 m. (040218-13) The Kittery Town Council moves to sign the warrant for the June 12, 2018
644 Town Meeting/Secret Ballot Election.
645

646 **VICE-CHAIRPERSON DENAULT MOVED TO SIGN THE WARRANT FOR THE JUNE 12, 2018**
647 **TOWN MEETING/SECRET BALLOT ELECTION. COUNCILOR PELLETIER SECONDED THE**
648 **MOTION. ROLL CALL VOTE WAS TAKEN, FIVE IN FAVOR, NONE OPPOSED, MOTION**
649 **CARRIES.**
650

651 n. (040218-14) The Kittery Town Council moves to appoint Nicole Maurice as Registrar of
652 Voters for the Town of Kittery until 12/31/2018.
653

654 **COUNCILOR BEERS MOVED TO APPOINT NICOLE MAURICE AS REGISTRAR OF VOTERS FOR**
655 **THE TOWN OF KITTERY UNTIL 12/31/18. VICE-CHAIRPERSON DENAULT SECONDED THE**
656 **MOTION.**
657

658 Councilor Dennett asked if the individual consented to such appointment?
659

660 Ms. Maurice replied yes.
661

662 **ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR, NONE OPPOSED, MOTION**
663 **CARRIES.**
664

665 o. (040218-15) The Kittery Town Council moves to appoint the election clerks as nominated by
666 the local political parties for the ensuing two years (April 2018 – April 2020).
667

COUNCILOR BEERS MOVED TO APPOINT THE ELECTION CLERKS AS NOMINATED BY THE LOCAL POLITICAL PARTIES FOR THE ENSUING TWO YEARS (APRIL 2018-APRIL 2020) AS PRESENTED. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, FIVE IN FAVOR, NONE OPPOSED, MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Dennett said very briefly, through the Chair, if the Town Manager goes over the investment policy, and he has spoken to her somewhat, he asked that she please review in detail the idea of incorporating one line into this item. He said under the provisions of Maine State statutes, we are permitted, it is currently Line 134 which says it is a new line item #3, obligations permitted, under Title 30-A, M.R.S. Sec. 657, §1 and 2. He said as it stands at this point they cannot invest in certain bonds of the State of Maine and its' instrumentalities. He thinks that they should have the opportunity to consider such investment as is allowed by State law. He said if they avail themselves of that or not is a different story, but we should have to the opportunity to do so.

Vice-Chairperson Denault said, through the Chair, he has a couple of complaints that there is an increase in speeding on Stevenson Road, Martin Road and Manson Road and obviously the bridge traffic has started. He would like to say something positive about the Speed trailer set up on Rte. 236. He said that is an outstanding location, he has seen vehicles slowing down, so it is right on the money and is working great. He said it is running for almost four days without now and is working well.

Chairperson Lemont said he would like to compliment the CEO, Bob Marquis. He said he saw that he had pulled over to the side of the road and was removing illegal signs. He said it is nice to see the CEO is out there, seeing what is right or wrong and taking care of it.

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 7:22 P.M. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

**At Kittery Town Council
May 7, 2018
Special Meeting – 6:00 p.m.
Council Chambers**

1. Call to order: Chairperson Lemont called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Lemont read the introductory.
3. Pledge of Allegiance: Chairperson Lemont led those present in the Pledge of Allegiance.
4. Roll call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth Lemont. Councilor Jeffrey Thomson was excused absent.
5. Agenda Amendment & Adoption: Chairperson Lemont said he had one adjustment to the agenda, item 13 "D" he would like to reschedule the public hearing date for May 30th. Chairperson Lemont asked, and hearing there were no other adjustments, cast one vote for the acceptance of the agenda as amended
6. Town Manager's Report: none
7. Acceptance of Previous Minutes: none
8. Interview for the Board of Appeals & Planning Board: none
9. All Items involving the town attorney, town engineers, town employees or other town consultants or requested officials: none
10. PUBLIC HEARINGS

a. (050118-1) The Kittery Town Council moves to hold a public hearing on the School Budget Validation Referendum.

Chairperson Lemont opened the public hearing at 6:03 p.m. and asked if anyone wishing to speak to, for or against is welcome to do so at this time. Seeing none, he closed the public hearing.

b. (050118-2) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2018-2019."

Chairperson Lemont opened the public hearing at 6:05 p.m. and asked if anyone wishing to speak to, for or against is welcome to do so at this time. Seeing none, he closed the public hearing.

COUNCILOR PELLETIER MOVED TO APPROVE AND HEREBY ORDAINS AN ORDINANCE ENTITLED "ORDINANCE APPROVING ADDITIONAL LOCAL FUNDS FOR SCHOOL BUDGET FOR FISCAL YEAR 2018-19", TO INCLUDE ADDITIONAL FUNDS IN THE AMOUNT OF \$3,574,647.81. COUNCILOR BEERS SECONDED THE MOTION.

Chairperson Lemont asked if there was any discussion?

Councilor Dennett said ever since this particular item has been included in the annual activity for the School Dept., he has never understood why this continuously exceeds the State's Essential Services &

Programs amounts recommended. He said they have a rationale here which he did not entirely disagree with. He said the State short changes us in this area all the time and wanted to know why don't we take a stand one way or the other? He said he is totally confounded and merely because he does not know what is going on, he will abstain.

ROLL CALL VOTE WAS TAKEN, 5-0-1 WITH SIX IN FIVE IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (COUNCILOR DENNETT). MOTION CARRIES.

c. (050118-3) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2018-2019."

Chairperson Lemont opened the public hearing at 6:10 p.m. and asked if anyone wished to speak to, for or against is welcome to do so at this time. Seeing none, he closed the public hearing.

COUNCILOR PELLETIER MOVED TO APPROVE AND HEREBY ORDAINS THE SCHOOL BUDGET FOR FISCAL YEAR 2018-19, WITH THE FOLLOWING AMOUNTS: REGULAR INSTRUCTION = \$6,849,500.46; SPECIAL INSTRUCTION = \$3, 569,010.67; CAREER & TECHNICAL EDUCATION - \$5,152.40; OTHER INSTRUCTION = \$344,553.30; STUDENT & STAFF SUPPORT = \$1,800,672.86; SYSTEM ADMINISTRATION = \$609,766.76; SCHOOL ADMINISTRATION = \$1,094,449.88; TRANSPORTATION/BUSSES = \$654,588.83; FACILITIES MAINTENANCE = \$1,383,566.49; DEBT SERVICE & OTHER COMMITMENTS = \$802,768.75; ALL OTHER EXPENSES = \$115,200.00 FOR A TOTAL OF \$11,990,290.67. COUNCILOR BEERS SECONDED THE MOTION FOR DISCUSSION.

Councilor Beers said they need clarification on the beginning language which should be "hereby ordains, pursuant to Title 20-A, Sections 1485 and 15690..."

Councilor Pelletier agreed to the amendment.

Vice-Chairperson Denault said Councilor Pelletier's summary total authorizes \$11,990,290.67, but on his sheet it says \$17,229,230.40.

Chairperson Lemont said that Vice-Chairperson Denault should look at the second sheet.

Councilor Dennett said he did not hear his last remark.

Vice-Chairperson Denault said he had two sheets with different totals and he did not calculate the amounts on the other sheet in Councilor Pelletier's \$11+ million-dollar figure. He said he was clarifying the amount that Councilor Pelletier had come up with.

Councilor Dennett said the \$17 + million-dollar figure is the correct figure.

Councilor Pelletier said in paragraph two, the total cost of funding public education K-12 Essential Programs and Services is \$10,849,100.71, to be raised as the Town's contribution.

Chairperson Lemont explained additional funds have to be raised locally above and beyond the Essential Programs and Services funding by the State of Maine, is his understanding.

Councilor Dennett asked why was Chairperson Lemont looking at Councilor Pelletier?

Chairperson Lemont said he thought that Councilor Dennett wanted clarification.

Councilor Dennett wanted to know if that is what they are authorized to spend, then why isn't that in the total budget?

Councilor Beers said he concurs with Councilor Dennett's point.

Chairperson Lemont asked Supt. Waddell if he is capable of clarifying this for Council.

Councilor Brock said in paragraph two, the \$11 million-dollar figure is as described in the Essential Programs and Services and he did not think it is intended to be the complete figure, he thought it is part of it.

Supt. Waddell said according to the State, they have to be separated out, using the Essential Programs and Services formula Councilor Pelletier described in the first motion. He said collectively, in a series of motions, the sum will be the \$17 million-dollar figure that he reported out to Council on April 9th.

Councilor Beers said when they look at the list of figures, the first two add up to \$11 million-dollars itself. He said if they add up the whole list, it should be the \$17 million-dollar amount that we should be appropriating.

Chairperson Lemont said to follow up on what Supt. Waddell said, this is what the State requires.

Councilor Pelletier thought that Councilor Dennett and Councilor Beers are correct in that we have to read out the individual pieces, but when we figure in the sum of \$802,768.75 for debt service and local funding are included in the amount to approve the School Budget, then \$17,229,230.40 should be the figure we are moving forward. He said he will amend his motion to include that and asked the Recorder to note that.

Councilor Beers concurred as second.

Chairperson Lemont asked if they can do that under 13a and say \$17,229,230.40 and go through each cost center?

Councilor Pelletier said that 13 (a) is merely putting it out to the public to vote on in June, which he thought is the \$17 + million-dollar figure. He said he would like to amend his motion to include the cost centers in the \$17 + million-dollar figure.

Chairperson Lemont asked Supt. Waddell if that would cover all the bases?

Supt. Waddell replied yes.

Chairperson Lemont thanked Supt. Waddell.

Councilor Dennett said he will abstain on this vote as well because it includes the amount that exceeded the State's recommended amount for Essential Programs and Services.

COUNCILOR PELLETIER AMENDED HIS MOTION AS FOLLOWS: MOVED TO APPROVE, AND HEREBY ORDAINS, PURSUANT TO TITLE 20-a, SECTIONS 1485 AND 15690, THE SCHOOL BUDGET FOR FISCAL YEAR 2018-2019 IN THE FOLLOWING AMOUNTS: REGULAR INSTRUCTION = \$6,849,500.46; SPECIAL INSTRUCTION = \$3, 569,010.67; CAREER & TECHNICAL EDUCATION - \$5,152.40; OTHER INSTRUCTION = \$344,553.30; STUDENT & STAFF SUPPORT = \$1,800,672.86; SYSTEM ADMINISTRATION = \$609,766.76; SCHOOL ADMINISTRATION = \$1,094,449.88; TRANSPORTATION/BUSSES = \$654,588.83; FACILITIES MAINTENANCE = \$1,383,566.49; DEBT SERVICE & OTHER COMMITMENTS = \$802,768.75; ALL OTHER EXPENSES = \$115,200.00 FOR A TOTAL OF \$17,229,230.40.

COUNCILOR BEERS SECONDED THE AMENDED MOTION. ROLL CALL VOTE WAS TAKEN 5-0-1, FIVE IN FAVOR, ONE ABSTENTION (COUNCILOR DENNETT). MOTION CARRIES.

d. (050118-4) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Transfer of School Year-End Balances to Dedicated Accounts" for spending in the 2018-2019 fiscal year.

Chairperson Lemont opened the public hearing and asked if anyone wished to speak to, for or against they are welcome to do so at this time. Seeing none, he closed the public hearing at 6:14 p.m.

COUNCILOR PELLETIER MOVED TO APPROVE AND HEREBY ORDAINS AN ORDINANCE APPROVING TRANSFER OF SCHOOL YEAR-END BALANCES TO DEDICATED ACCOUNTS FOR SPENDING IN THE 2018-19 FISCAL YEAR IN THE AMOUNT OF \$139,555.83 BROKEN OUT AS FOLLOWS: \$0.00 FOR SCHOOL MAINTENANCE DEDICATED ACCT.; \$0.00 FOR SCHOOL SPECIAL EDUCATION DEDICATED ACCT.; \$119,555.83 FOR THE SCHOOL UNFUNDED LIABILITIES DEDICATED ACCT.; \$0.00 SCHOOL TECHNOLOGY DEDICATED ACCT.; \$10,000 FOR THE SCHOOL CO/EXTRA CURRICULAR SUCCESS DEDICATED ACCT. AND \$10,000 FOR THE SCHOOL UNEMPLOYMENT DEDICATED ACCT.

VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH 6 VOTING IN FAVOR, NONE OPPOSED. MOTION CARRIES.

11. DISCUSSION

Chairperson Lemont opened the public discussion at 6:17 p.m. and asked if anyone present wished to speak to any item on the agenda is welcome to do so, but please respect the three-minutes time limit.

Seeing none, he closed the public discussion.

12. UNFINISHED BUSINESS – none

13. NEW BUSINESS

a. (050118-5) The Kittery Town Council moves to approve and sign the warrant for the School Budget Validation Referendum for June 12, 2018.

VICE-CHAIRPERSON DENAULT MOVED TO APPROVE AND SIGN THE WARRANT FOR THE SCHOOL BUDGET VALIDATION REFERENDUM FOR JUNE 12, 2018. COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, MOTION CARRIES.

Chairperson Lemont asked if they should list the actual warrant amounts again?

Council Pelletier said we should direct the Recorder to mention in the minutes that they were previously read.

b. (050118-6) The Kittery Town Council moves to approve and sign the warrant for the Town Meeting Election for June 12, 2018.

COUNCILOR PELLETIER MOVED TO APPROVE AND SIGN THE WARRANT FOR THE TOWN MEETING ELECTION FOR JUNE 12, 2018. COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 6-0, SIX IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (050118-7) The Kittery Town Council moves to approve the investment policy.

COUNCILOR BEERS MOVED TO APPROVE THE INVESTMENT POLICY, SECONDED BY COUNCILOR PELLETIER.

Chairperson Lemont asked if there was any discussion?

Councilor Dennett said he would note that line 128 says: "FDIC insurance limit of \$250,000 shall be reviewed..." and it should be "must be reviewed". He said line 140 which reads "the treasurer will maintain records" – should be "the treasurer shall maintain records". He asked the Chair if the maker and the second to incorporate into the motion.

Councilor Beers and Councilor Pelletier concurred.

Councilor Dennett said he had a discussion with the Town Manager regarding lines 112-114, following investments that we can make: U.S. Treasury securities, U.S. Government assets, or insured Certificates of Deposit and felt that this is the State of Maine and there is nothing wrong, but if we have an opportunity to invest in General Bonds, we should do so if the Treasurer so desires. He said these are usually well rated in revenue bonds and are guaranteed by the State of Maine. He said the SMPC has given the State a AA rating.

COUNCILOR DENNETT MOVED THAT LINE 114 RE DESIGNATED WITH A LOWER CASE "D" AND A NEW #3 BE ADDED "GENERAL OBLIGATION SECURITIES ISSUED BY THE STATE OF MAINE OR ITS INSTRUMENTALITIES." VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Chairperson Lemont said this with was discussed with the Town Manager, but he will allow the Town Manager to tell the other side.

Town Manager Amaral said she thought it is a wonderful idea to include this language, the government backers are another safe way to invest our idle cash and appreciates Councilor Dennett's addition.

Chairperson Lemont thanked Town Manager Amaral for reworking this and making it more beneficial for the Town of Kittery.

Councilor Brock had a question for the Town Manager.

Chairperson Lemont asked if it had to do with the vote?

Councilor Brock replied that it did. He said he had a concern and thought that Councilor Dennett's proposal would increase risk to the town with respect to certain types of investments and asked her if he was right.

Town Manager Amaral replied the State of Maine allows investments in General Obligation or corporate bonds and Mutual Funds and suggested they do not go with corporate bonds or mutual funds, since they have inherent issues and tend to be risky. She said they could get into problematic issues with companies that are involved in these mutual funds and the government bonds are a good investment.

Councilor Brock asked if there a distinction between the General Obligation bonds as opposed to Municipal Bonds? He said some are better.

Town Manager Amaral replied they will be reviewing the rates and will make investments with those that have a higher rating. She said clearly Kittery has AA+ Bond rating and we will be looking at that. She said the State of Mine is slightly below that, but still a good rating.

Councilor Brock thanked the Town Manager.

Councilor Dennett said he would note that if the motion passes, it does not obligate the treasurer to invest, merely if it is found to be beneficial to the town.

ROLL CALL VOTE WAS TAKEN ON THE AMENDED MOTION, 6-0, SIX IN FAVOR, NONE OPPOSED MOTION CARRIES.

ROLL CALL VOTE WAS TAKEN ON MAIN MOTION, 6-0, SIX IN FAVOR, NONE OPPOSED, MOTION CARRIES.

d. (050118-8) The Kittery Town Council moves to postpone the public hearing on the recodification of the Kittery Town Code to May 14, 2018.

COUNCILOR BEERS MOVED TO RESCHEDULE THE PUBLIC HEARING ON THE RECODIFICATION OF THE TOWN CODE TO MAY 30, 2018, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS:

Vice-Chairperson Denault said that Massachusetts plates are everywhere.

Vice-Chairperson Denault said pay attention to our municipal and school budgets.

Vice-Chairperson Denault said revenue generated from enforcement of out-of-state registrations belongs to you, the taxpayers. He said if you see someone showing up at the dump, or the school with out-of-state plates, they need to be changed when they move to town and should be reported to the Police Dept.

15. COMMITTEE AND OTHER REPORTS: none

16. EXECUTIVE SESSION none

17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 6:27 P.M., SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Scholarship Recipients for 2018

<u>Students</u>	<u>Amount</u>	<u>College and Field of Study</u>
Chelsea Hoyt	\$750	University of New Hampshire - Field of study is Equine Science
Emma Kemp	\$500	Attending Smith College - Field of study is an English major with a Spanish minor
Amy Leung	\$1,000	Attending Kaplan University - Field of study is Business Administration
Emily Jones	\$500	Attending University of New Hampshire - Field of study is Biomedical Sciences
Rachel Potter	\$500	Attending University of New England - Field of study is Nursing
Auden Barbour	\$500	Attending Barnard College - Field of study is Liberal Arts
<u>Other Recipients</u>		
Odyssey of the Minds	\$1,000	
End 68 Hours of Hunger	\$1,250	
Total Scholarships Issued	\$6,000	



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: April 23, 2018
From: Kendra Amaral, Town Manager
Subject: Recodification of Town Ordinances
CC: Town Attorney Duncan McEachern
Councilor Sponsor: Chairperson Kenneth Lemont

EXECUTIVE SUMMARY

In order to conclude the recodification of Town Code began in 2010, the Council needs to adopt the whole Town Code as amended through 2016. This follows the adoption of the recodified charter, which occurred by ballot in November 2017.

BACKGROUND

The recodification project was launched in 2010. Working with former Town Clerk Maryann Place, we were able to complete the administration of the project prior to her retirement.

The Council received a paper copy of the recodified Town Code in March. That version incorporated the detailed editorial review completed with the assistance of Councilor Beers and Councilor Dennett in 2010, as well as ordinance revisions through 2016.

STATEMENT OF NEED

The editorial review of the code focused on consistency, compliance with state laws, duplications, and inaccuracies; it was not focused on effectiveness of the ordinances. A similar review was conducted for the ordinance enactments of 2011 through 2016 with minor revisions recommended (enclosed with Code).

A supplemental section is being finalized for the 2017 enactments, and the Charter amendments adopted in November of 2017. These will be issued following the adoption of the revisions of Code through 2016.

Please note this effort is not focused on substance (i.e. whether the ordinances are effective or in the best interest of the Town).

Once adopted the Code will be made available online using General Code's platform. This platform allows for a more dynamic access to the code, allowing for word and topic searches that span multiple titles, and easy cross-referencing. General Code will also assume responsibility for updating the Code as changes are adopted, both online and in hard copy.

PROPOSED SOLUTION/RECOMMENDATION

Approve as presented.

AN ORDINANCE to revise and codify ordinances of the town of Kittery, Maine.

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

WHEREAS, the Kittery Town Council caused to have a recodification of the Kittery Town Code, conducted by General Code in 2010; and

WHEREAS, the recodification involved a review of Titles 1 through 16 for technical consistency, proper referencing and cross referencing, and grammatical correction; and

WHEREAS, the recodification does not result in changes of intent, effect, or meaning of the Kittery Town Code or any chapter, section or subsection within; and

WHEREAS, members of the Town Council worked with General Code and the Town Clerk to review the recodification documentation to ensure there was no change in intent, effect, or meaning of the Kittery Town Code or any chapter, section, or subsection within;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS THE ADOPTION OF THE KITTERY TOWN CODE, AS PRESENTED.

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

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

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

passed by a vote of _____.

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

Attest: {NAME}, _____ Town Clerk

§ 1.1.1. Legislative intent.

In accordance with 30-A M.R.S. § 3004, the ordinances of the Town of Kittery, as codified by General Code, and consisting of Titles 1 through 16, Chapters 1.1 through 16.11, are known collectively as the "Kittery Town Code," hereafter termed the "Code." Wherever reference is made in any of the ordinances contained in the Kittery Town Code to any other ordinances appearing in said Code, such reference is to be changed to the appropriate title number, chapter number, article number, or section number, appearing in the Code as if such ordinances had been formally amended to so read.

§ 1.1.2. Construal of provisions.

This Code is to be liberally construed so as to give it effect consistent with the ordinary and reasonable meaning of its provisions and with the provisions of any general or special laws then in effect adopted by the State of Maine. No provision of this Code is to be construed to limit the powers and duties of municipal officers, boards, and committees, imposed upon them by applicable provisions of the general or special laws of the State of Maine.

§ 1.1.3. Citation.

This Code is known as the "Kittery Town Code" and it is sufficient to refer to said Code as the "Kittery Town Code" in any prosecution for the violation of any provision thereof; or, in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting, or repealing, all or any part or portion thereof as an addition to, amendment to, correction, or repeal, of the "Kittery Town Code." References may be made to the titles, chapters, sections, and subsections, of the "Kittery Town Code" and such references apply to those titles, chapters, sections, or subsections, as they appear in the Code.

§ 1.1.4. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions date from the **effective** dates of adoption of the prior ordinances. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town of Kittery; and, it is the intention of said Town that each such provision contained within the Code is hereby reaffirmed as it appears in said Code.

§ 1.1.5. Reference to specific ordinances and prior Code.

The provisions of this Code do not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise; and, which are included within the Code, but such reference is construed to apply to the corresponding provisions contained within this Code. References in Town forms, documents, and regulations, to the chapters and sections of the former Town Code are to be construed to apply to the corresponding provisions contained within this Code.

§ 1.1.6. Title, chapter and section headings.

Title, chapter, and section, headings contained herein **are not deemed to do not** govern, limit, modify, or in any manner affect the scope, meaning, or intent, of the provisions of any title, chapter, or section, hereof.

§ 1.1.7. Repealer.

A. All ordinances, or parts of ordinances, inconsistent with the provisions contained in the

Code adopted by this ordinance are hereby repealed; provided, however, that such repeal is only to the extent of such inconsistency, and any valid legislation of the Town of Kittery which is not in conflict with the provisions of the Code ~~is deemed to remain~~ in full force and effect.

B. When any ordinance repealing a former ordinance, clause, or provision, is itself repealed, such repeal may not be construed to revive such former ordinance, clause, or provision, unless it is therein so expressly provided.

§ 1.1.8. Enactments saved from repeal; matters not affected.

The repeal of ordinances provided for in § 1.1.7 of this ordinance does not affect the following classes of ordinances, rights, and obligations, which are hereby expressly saved from repeal:

A. Any right or liability, established, accrued or incurred, under any legislative provision of the Town of Kittery prior to the effective date of this ordinance; or, any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Town of Kittery or any penalty, punishment, or forfeiture, which may result therefrom.

C. Any prosecution, indictment, action, suit, or other proceeding, pending; or, any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Town of Kittery.

D. Any agreement entered into, or any franchise, license, right, easement, or privilege, heretofore granted or conferred by the Town of Kittery.

E. Any ordinance of the Town of Kittery providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, within the Town of Kittery or any portion thereof.

F. Any ordinance of the Town of Kittery appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Kittery or other instruments or evidence of the Town's indebtedness.

G. Ordinances authorizing the purchase, sale, lease, or transfer, of property; or, any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any ordinances relating to salaries.

K. Personnel policies of the Town.

L. Any ordinances adopted subsequent to December 31, 2016.

§ 1.1.9. Severability.

If any clause, sentence, paragraph, section, article, chapter, or part, of this ordinance; or, of any ordinances included in this Code now or through supplementation; is adjudged by any court of competent jurisdiction to be invalid, such judgment does not affect, impair or invalidate the remainder thereof, but is confined in its operation to the clause, sentence, paragraph, section, article, chapter, or part thereof, directly involved in the controversy in which such judgment was rendered.

§ 1.1.10. Amendments to Code.

Any and all additions, deletions, amendments, or supplements, to any of the ordinances known collectively as the "Kittery Town Code"; or, any new ordinances, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof; is ~~deemed to be~~ incorporated into such Code so that reference to the Code is understood and intended to include such additions, deletions, amendments, or supplements. Whenever such additions, deletions, amendments, or supplements, to the Code are enacted or adopted, they must thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this ordinance affects the status of any ordinances contained herein, and such ordinances may be amended, deleted, or changed, from time to time as the Town deems desirable.

§ 1.1.11. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for publication as the Kittery Town Code, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections B and C hereof. Certain grammatical changes and other minor non-substantive changes were made in one or more of said ordinances. It is the intention of the Town that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

B. The following changes are made throughout the Code:

(1) Reference to the General Penalty in the Code (*Title 1, Chapter 1.3.*) has been added or amended in the following sections of the Code: §§ 5.1.3, 5.2.9, 5.3.9, 5.4.12, 5.5.33, 5.6.9, 5.8.10, 5.9.6, 8.3.11, 9.2.5A; 9.3.5; 12.1.8; 12.2.3; 12.3.5; 12.4.17; 12.5.3; 12.7.6; 12.8.3; 13.3.9; 16.8.19.4B.

(2) References to "zoning ordinance" have been revised to refer to "Title 16, Land Use and Development Code."

C. The amendments and/or additions as set forth in Schedule A¹ attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1.1.12. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made Chapter 1.1 of the Kittery Town Code, such ordinance to be titled Chapter 1.1, "Adoption of Code," and the sections of this ordinance numbered §§ 1.1.1 to 1.1.12, inclusive.

§ 1.1.13. When effective.

This ordinance takes effect upon adoption by the Town Council of the Town of Kittery pursuant to the Kittery Town Charter, § 2.14. Ordinances in general.

¹ Editor's Note: Schedule A is on file at the office of the Town Clerk.



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.): Bapashree of New England Inc.
(please print) dba 7-11

Applicant Address: 169 STATE ST KITTERY, MAE 03904
(please print)

Applicant's mailing address if different from above: Same

Date of Birth (Sole Proprietor): 08-01-1960 Applicant's Telephone Number: 248-249-6981

Business Name: 7-Eleven
(please print)

Business Address: 169 STATE RD
(please print)

Business Telephone Number: 207-439-5767

Signature of Applicant: [Signature] DATE: 04/26/2018

Applicant's Name: BHUKHABHAI D. PATEL
(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

OK



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.): Thai & I Corporation
(please print)

Applicant Address: 340 US-1 Kittery, ME 03904
(please print)

Applicant's mailing address if different from above: Same

Date of Birth (Sole Proprietor): _____ Applicant's Telephone Number (508) 241-4979

Business Name: Thai & I Corporation
(please print)

Business Address: 340 US-1 Kittery, ME 03904
(please print)

Business Telephone Number: (207) 703-2366 703-2853

Signature of Applicant: Achana Weyat DATE: 5/7/18

Applicant's Name: Achana Weyat
(please print)

LICENSE FEE: \$ 50⁰⁰

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

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

**Department of Public Safety
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY

License No. Assigned: _____

Class: _____

Deposit Date: _____

Amt. Deposited: _____

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.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ **VINOUS**

INDICATE TYPE OF LICENSE:

☒ **RESTAURANT** (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ 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>Thai & I Corporation</u> DOB: _____		2. Business Name (D/B/A) <u>Thai & I Restaurant</u>	
DOB: _____			
DOB: _____		Location (Street Address) <u>340 US-1</u>	
Address <u>20 Hillside Ave.</u>		City/Town <u>Kittery</u>	State <u>ME</u>
		Zip Code <u>03904</u>	
		Mailing Address <u>Same</u>	
City/Town <u>Boylston</u>	State <u>MA</u>	Zip Code <u>01505</u>	
Telephone Number <u>(508) 241-4979</u>	Fax Number -	Business Telephone Number <u>(207) 703-2366 2853</u>	Fax Number
Federal I.D. # <u>82-4776045</u>		Seller Certificate # <u>1190170</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 \$ _____ LIQUOR \$ _____

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: Acharya Weydt

8. If business is NEW or under new ownership, indicate starting date: ASAP

Requested inspection date: ASAP Business hours: Daily 11AM - 9PM

9. Business records are located at: _____

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
Achara Weydt	12/04/1978	Songkhla, Thailand
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
20 Hillside Ave. Boylston, MA 01505		

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: Spruce Creek Retail Outlet, LLC 322 Reservoir St. Neeham, MA 02494

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 1500 sq. ft. Restaurant with about 36 seats

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? _____ Which of the above is nearest? _____

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: _____

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 on May 7th, 20 18
Town/City, State Date

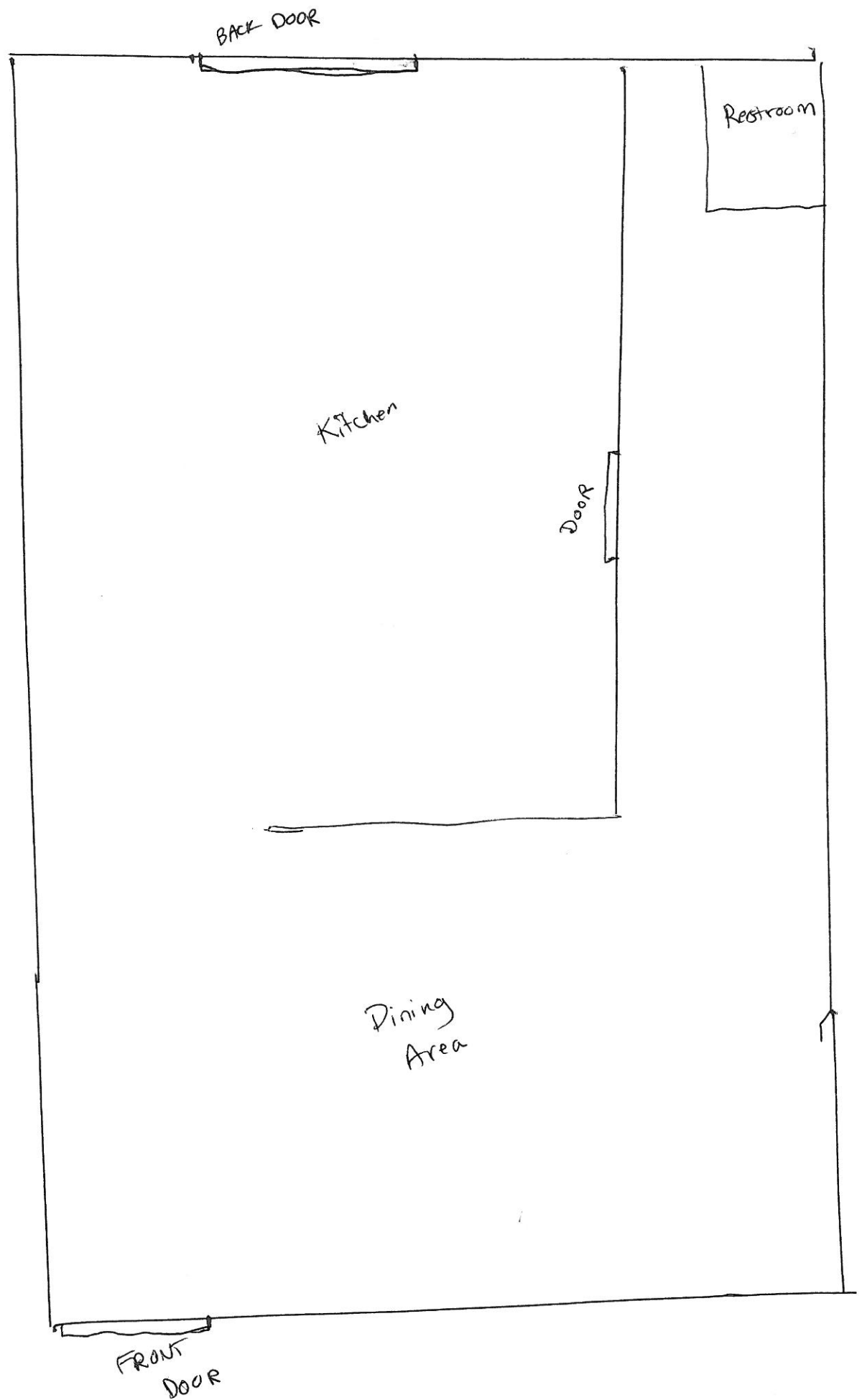
Achara Weydt
Signature of Applicant or Corporate Officer(s)

Achara Weydt
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name





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

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

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

dba "Misto!" cafe, bar, bistro Stannards Village Cafe + Bistro,
436 US Rte 1 Kittery ME 03904 LLC

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

Misto! 436 US Rte 1
Kittery, ME 03904

Mailing address and telephone number of owner of the real estate:

SSG6, LLC
436 US Rte 1 Kittery ME 03904
207-752-4422

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

deck, gardens, bistro

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

occasional Weds-Sun 12noon - 11pm

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

music - single to small bands duos, solos
w/ potential for dancing

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

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

(Over)

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

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

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

owner - SVCB, LLC - Food Biz
member - SSG6, LLC - Property owner

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

DATE OF APPLICATION: 5-16-18

SIGNATURE OF APPLICANT: 

APPLICANT'S NAME: Suzanne Schepis-Gray
(please print)

ADDRESS: 373 Southside Rd York, ME 03910
(please print)

TELEPHONE NUMBER: 207-752-4422

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

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



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

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

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

Maine Ocean Lobster, LLC D/B/A The Pointe
301 US Route 1, PO Box 904, Kittery ME 03904

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

The Pointe, 31 Badgers Island West
P.O. Box 904, Kittery ME 03904

Mailing address and telephone number of owner of the real estate: P.O. Box 904
Kittery ME 03904 207-229-0335

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

On The dock / deck

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

7:00 PM - 10:00 PM Monday - Sunday

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

1-2 Man Acoustic Bands

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

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

(Over)

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

This is a renewal of Permit # 04

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

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

Owner of The Pointe Restaurant

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

DATE OF APPLICATION: 5-9-18

SIGNATURE OF APPLICANT: 

APPLICANT'S NAME: Kevin F Adams

(please print)

ADDRESS: 301 US Route 1, Kittery ME 03904

(please print)

TELEPHONE NUMBER: 207-229-0335

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

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



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

APPLICATION FOR VIEWING BOOTHS LICENSE

Name of applicant: Capital Video Corporation
(please print)

Applicants Address: 44 Bedson Rd Cranston RI 02910 Telephone No.: 401-464-4800
(please print)

Business Name: Amazing.net
(please print)

Business Address: 92 Route 236 Kittery ME 03904 Telephone No.: 207-439-6285
(please print)

Business Mailing Address: 44 Bedson Rd Cranston RI 02910
(please print)

Name of Owner: Capital Video Corp Name of Operator: _____
(please print) (please print)

Number of Viewing Booths to be Licensed: 8

Have you ever had a license to conduct such a business denied or revoked? Yes ____ No ☒

If so, describe the circumstances specifically:

Additional information: _____

\$ 160.00 Annual License Fee: \$20.00 per Viewing Booth

SIGNATURE OF APPLICANT: [Signature] V.P. Finance DATE: 5-14-2018

APPLICANTS NAME: Gary I. Kleir
(please print)

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



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: May 30, 2018
From: Kendra Amaral, Town Manager
Subject: Property Tax Relief and Collection Package
Councilor Sponsor: Chairperson Kenneth Lemont

UPDATED

EXECUTIVE SUMMARY

We are proposing the Council incorporate both 36 MRS §6232 Municipal Property Tax Assistance program and §6271 Tax Deferral for Senior Citizens into our Title 13 under the heading of Taxpayer Relief Programs.

We are also proposing an update to our policy for the collection of unpaid taxes. The purpose of this revision is to bring our policy in line with current state law, create a formal process for establishing payment plans, allow for write-offs of minor amounts owed, and clarify the process for foreclosure.

BACKGROUND

Councilor Lemont requested that the administration look into the Municipal Property Tax Assistance program in 36 MRS §6232. In the process of researching the program, we began reviewing our unpaid taxes from prior years, our policy for deferral and collection of unpaid property taxes, and other tax reduction and deferral options available within MRS.

STATEMENT OF NEED

Total taxes in lien currently exceeds \$330,000. In some cases, tax liens are more than five years old. The value of the liens range from \$0.37 to over \$13,000.

We are proposing a package of amendments to ordinance and policy that address the matter of unpaid property taxes from multiple angles. We believe this package balances options for those in need with the town's obligation to collect on committed taxes in a fair, consistent, and predictable manner for our property taxpayers.

The Municipal Property Tax Assistance program, as proposed, allows for a credit or reduction of property taxes for residents 70 years of age or older with specific income limitations, and a demonstrated 10-year history of Kittery residence. We are proposing the credit be up to \$1,000 annually per household. This is modeled on other communities in Maine that have successfully adopted and implemented the state law. The program is proposed to be funded by exposed undesignated reserve (unencumbered surplus) by ballot vote each year. The Council has approved of a town warrant article for up to \$50,000 for this program in Fiscal Year 2019.

The Tax Deferral for Senior Citizens program allows seniors to defer their property taxes until such time as the property is sold, transferred, or no longer occupied by the qualifying resident. The taxes will accrue with interest and be due when a qualifying event occurs. This does not require funding, as the taxes represent deferred revenue.

We are also proposing an update to our Policy for collection of unpaid taxes. This policy will allow us to write off negligible amounts (example \$0.37). It will also make the process of managing liens more straightforward allowing us to work with taxpayers to address outstanding taxes before they balloon. With an approved policy, we will seek to implement it on an annual basis, so as to establish a consistent and predictable calendar of action each year.

It is understood that LD1629 recently came out of the Taxation Legislative Committee with a vote of "Ought to Pass with Amendment". If passed we will update our policies to reflect the new state law effecting persons over 65 with delinquent taxes.

LD1629 has been carried over to a special session, however it is unclear if the special session will occur or if the Legislature will chose to act on this particular bill in special session.

The amended bill requires a municipality to sell by real estate broker any property foreclosed on if 1) the owner was 65 or older on the date the tax lien was filed, and 2) was declared a homestead, and 3) the owner has an income of less than \$40,000 in the prior year, and 4) the value of liquid assets of the residents is less than \$50,000 for an individual and \$75,000 for two or more individuals in the household.

The proceeds of the sale, less taxes, fees, penalties, interest, and other charges owed to the municipality, would be turned over to the prior owner.

If the municipality cannot engage a real estate agent or the property does not sell by listing through an engaged real estate agent within six months, the municipality may treat the disposal as it would other foreclosed property.

UPDATE

Councilor Dennett requested two changes to the package presented. The first is to address the scenario where a taxpayer may own sufficient assets to meet their property tax obligation yet still qualify based on income. An asset limit has been added to the ordinance to attempt to address this (see highlighted).

The second change is related to the proposed Policy for Collection of Unpaid Property Taxes. Upon reviewing with municipal legal services, it has been noted that the withholding of a building or other administrative permit due to delinquent taxes is not advised through policy. It was noted that some communities, through ordinance, require payment of delinquent taxes prior to issuance of a permit or license. There is presently no known challenge in court to these ordinances. The proposal to withhold administrative permits has been removed from the policy.

We do intend to note with applicants when there are delinquent taxes and seek payment as best possible. I believe it beneficial to advise the Council of delinquent property taxes for property owners seeking license and permit seeking approval from the Council.

PROPOSED SOLUTION/RECOMMENDATION

Approve as presented.

**KITTERY TOWN CODE TITLE 13, PROPOSED AMENDMENT –
TAX RELIEF PROGRAMS**

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

WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 2.07(3) of the Town Charter; 30-A MRS §3001, 36 MRS §6232 and §6271, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, welfare, morals, and safety, and does not intend for this Ordinance to conflict with any existing state or federal laws; and

WHEREAS, the Kittery Town Council seeks to provide access to property tax relief programs where allowed by state law for those residents who qualify; and

WHEREAS, the annual implementation of the programs will be conditioned upon annual funding being appropriated;

NOW THEREFORE, IN ACCORDANCE WITH TITLES 30-A MRS §3001, 36 MRS §6232 and §6271, AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 13 OF THE TOWN CODE, AS PRESENTED.

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

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

Attest: {NAME}, _____ Town Clerk

Chapter 13.4 ~~EMERGENCY BENEFIT VOLUNTEER PROGRAM~~ TAXPAYER RELIEF
PROGRAMS

13.4.1.1 Purpose

The purpose of enacting this Ordinance is to provide a property tax relief to qualified applicants, with homesteads in the Town of Kittery pursuant to Title 36 of the Maine Revised Statutes.

13.4.1.2 Definitions

Homestead: A homestead is the residential dwelling owned by, rented to, or held in trust (including land) for the benefit of the qualifying applicant residing therein and seeking the benefit assistance provided by this Ordinance. The dwelling must be the principal place of residence for the qualifying applicant.

Qualifying Applicant: A qualifying applicant is a person who is determined by the Town Manager, after review of a complete application under this Ordinance, to be eligible for one or more of the taxpayer benefits under the terms of this Ordinance.

Volunteer work position: The volunteer work position is the work designated as a volunteer position by the Town Manager and undertaken by the qualifying applicant. In establishing the volunteer work position, the Town Manager may consider among other factors any relevant provisions set out in Section 5.6 of the Town's General Assistance Ordinance dealing with the Municipal Work Program.

13.4.2 Emergency Benefit Volunteer Program

~~13.4.2.1 Purpose.~~

~~The purpose of enacting this Ordinance is to provide a safety net to qualifying applicants over the age of 60 years who own or rent their occupying residence and are unable to meet their rent payment or pay their real estate taxes and may be threatened with eviction or the loss of their property, but are over income to qualify for the Town's General Assistance Program or an abatement for property owners under 36 M.R.S. § 841(2). Under the program established by this Ordinance, the Town of Kittery will provide to applicants meeting the criteria established in this Ordinance a volunteer work benefit payment up to the amount of \$750 to be applied towards the payment of the qualifying applicant's past due rent or against the oldest past due real estate taxes owed by the qualifying applicant to the Town.~~

~~13.4.2.1 Authority.~~

~~This Ordinance is adopted by the Town under the authority of 30-A M.R.S. § 3001 and 36 M.R.S. § 6231-6232 et seq.~~

~~13.4.1.3 Definitions.~~

~~As used in this Ordinance, the following words or terms are defined as follows:~~

~~Homestead: A homestead is the residential dwelling owned, rented or held in trust for the benefit of the qualifying applicant residing therein and seeking the benefit assistance provided by this Ordinance. The dwelling must be the principal place of residence for the qualifying applicant.~~

~~Qualifying applicant: A qualifying applicant is a person 60 years of age or older who is determined by the Town Manager, after review of a complete application, to be eligible for the benefit payment under the terms of this Ordinance and who meets all the requirements of this Ordinance.~~

~~Volunteer work position: The volunteer work position is the work designated as a volunteer position by the Town Manager and undertaken by the qualifying applicant. In establishing the volunteer work position, the Town Manager may consider among other factors any relevant provisions set out in Section 5.6 of the Town's General Assistance Ordinance dealing with the Municipal Work Program.~~

~~Town Manager: Town Manager includes the manager's designee authorized to assist in carrying out the provisions of this Ordinance.~~

13.4.2.2 Criteria for Participation.

In order to participate in this Emergency Benefit Volunteer Program, an applicant must demonstrate to the Town Manager that the applicant meets all of the following:

- A. The applicant must be 60 years of age or older at the time of application.
- B. The applicant must maintain a homestead in the Town and have done so for at least five years immediately ~~prior to~~ preceding the time of the application.
- C. The applicant must show evidence that the applicant has received a refund for the most recent eligible year under the provisions of 36 M.R.S. § 6201 ~~-et seq.~~
- D. The applicant has completed a Town of Kittery General Assistance Application resulting in an over qualification to receive General Assistance by no more than 15%.

13.4.2.3 Determination of Benefit Amount.

Qualifying applicants eligible to receive up to \$750 benefit against past due rent payments or past due property taxes must have the value of their benefit determined by multiplying the number of hours worked in the designated volunteer position by the prevailing State of Maine minimum wage rate to arrive at the benefit not to exceed \$750.

13.4.2.4 Program Funding.

No volunteer benefit work as provided herein may be undertaken by a qualifying applicant unless the Town Manager first certifies that there exists sufficient available monies to fund the volunteer benefit of the qualifying applicant upon completion of the volunteer work. ~~All eligible and approved payments must be made from the Town's available and designated Overlay Account.~~

13.4.2.5 Application of Benefit to Rent or Tax Payment.

The Town Manager must directly apply the total amount of benefit accrued by the applicant to the applicant's past due rent payment or past due Town real estate taxes, whichever is applicable.

13.4.2.6 Limitations Upon Payments.

Only one qualifying applicant per household is entitled to receive benefits under this Program

each ~~calendar~~-fiscal year. The right to file an application under this Ordinance is personal to the applicant but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact.

13.4.2.7 Manager to Establish Program Procedures.

To facilitate the intent and implementation of the provisions of this ~~Ordinance~~Program, the Town Manager may establish and adopt additional reasonable regulations, procedures, application forms, or other requirements in the implementation of this benefit Program not otherwise inconsistent with any of the express provisions of this Ordinance.

13.4.3 MUNICIPAL PROPERTY TAX ASSISTANCE

13.4.3.1 Authority.

This Ordinance is adopted by the Town under the authority of 30-A M.R.S. § 3001 and 36 M.R.S. § 6232.

13.4.3.2 Criteria for Participation.

In order to participate in this Municipal Property Tax Assistance Program, an applicant must demonstrate to the Town Manager that the applicant meets all of the following:

A. The applicant must be 70 years of age or older at the time of application.

B. The applicant has a household income that does not exceed three hundred percent (300%) of the federal poverty level.

C. The applicant has a homestead in the Town of Kittery.

D. The applicant must have been a resident of the Town of Kittery for at least ten (10) consecutive years immediately preceding the date of application.

E. The applicant has assets, excluding the homestead, of no more than forty thousand dollars (\$40,000) if single or no more than fifty thousand dollars (\$50,000) if married.

13.4.3.3 Determination of Benefit Amount.

Qualifying applicants are eligible to receive a credit on their taxes of up to \$1,000 per household.

13.4.3.4 Program Funding.

Credits under this Program will be conditioned upon the existence of sufficient funds in the fiscal year in which participation is sought. If there are not sufficient funds available to pay all qualifying applicants, credits will be limited to the amount available. In the event a lack of funding results in no credit or less than the full credit to a qualifying applicant, the request will not carry over to the next fiscal year.

13.4.3.5 Application of Benefit to Rent or Tax Payment.

The Town Manager must directly apply the total amount of benefit accrued by the applicant to the applicant's real estate taxes or rent due, whichever is applicable, no later than October 1st of the year in which participation is sought.

13.4.3.6 Limitations Upon Payments.

Only one qualifying applicant per household is entitled to receive benefits under this Program each fiscal year. The right to file an application is personal to the applicant but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If the applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager will be disbursed to another member of the household as determined by the Town Manager. If the applicant is the only member of a household, then no tax credits will be made under this Program.

13.4.3.7 Manager to Establish Program Procedures.

To facilitate the intent and implementation of the provisions of this Program, the Town Manager may establish and adopt additional reasonable regulations, procedures, application forms, or other requirements in the implementation of this benefit Program not otherwise inconsistent with any of the express provisions of this Ordinance.

13.4.4 TAX DEFERRAL FOR SENIOR CITIZENS

13.4.4.1 Authority.

This Ordinance is adopted by the Town under the authority of 30-A M.R.S. § 3001 and 36 M.R.S. § 6271.

13.4.4.2 Criteria for Participation.

In order to participate in this Tax Deferral for Senior Citizens Program, an applicant must demonstrate to the Town Manager that the applicant meets all of the following:

A. The property is an eligible homestead where the taxpayer is residing.

B. The applicant is an owner of the eligible homestead.

C. The applicant must be 70 years of age or older on April 1st of the year of application.

D. The applicant has a household income that does not exceed three hundred percent (300%) of the federal poverty level.

E. The applicant must have been a resident of the Town of Kittery for at least ten (10) consecutive years immediately preceding the date of application.

13.4.4.3 Property Tax Deferral Benefit.

A qualifying applicant will be allowed to defer property taxes until an event requiring payment of deferred taxes and accrued interest has occurred. Interest on deferred taxes accrues at a rate of one-half percentage points (0.5%) above the otherwise applicable rate for delinquent taxes.

13.4.4.4 Property Tax Deferral Lien.

If property taxes are deferred under the program, the lien established on the eligible homestead continues for the purpose of protecting the Town of Kittery's interest in the tax-deferred property. In order to preserve the right to enforce the lien, Town Manager will record in the county registry of deeds a list of tax deferred properties listed in the municipal valuation with the name of the taxpayer listed on the valuation. The recording of tax-deferred

properties is notice that the Town of Kittery claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county registry of deeds in connection with the recording. For a property deleted from the list, the recording serves as notice of release or satisfaction of the lien.

When it is determined that one of the events requiring payment of deferred taxes and interest occurs, and the property is no longer eligible for the Program, the Town Manager will send notice by certified mail to the taxpayer, or the taxpayer's heirs or devisee's, listing the total amount of deferred property taxes, including accrued interest and costs for all the years and establish a due and payable date. For events A, B, and C of Section 13.4.4.5, the payment is due within forty-five (45) days. For event D, the payment is due five (5) days prior to the date of removal of the property from the State. If the deferred tax liability has not been satisfied by the date established, the Town will enforce the lien according to the procedures of M.R.S. Chapter 105. Partial payments accepted during the 18-month redemption period provided for in Chapter 105 may not interrupt or extend the redemption period or in any way affect foreclosure procedures.

13.4.4.5 Notice to Property Owner

The Town Manager will provide a copy of the State Tax Assessor's one-page notice of the effect of deferral of property taxes to each taxpayer applying to the program at the time of application and will also annually provide to each taxpayer in the program, in lieu of a property tax bill, together with an accounting of taxes deferred and interest accrued.

13.4.4.6 Events Requiring the Payment of Deferred Taxes and Interest

All deferred taxes and accrued interest must be paid when:

A. The taxpayer dies.

B. Some person other than the taxpayer becomes the owner of the property.

C. The tax-deferred property is no longer occupied by the taxpayer as a principal residence, except if the taxpayer is required to be absent from the eligible homestead for health reasons.

D. The tax-deferred property is a mobile home and it is moved out of the State of Maine and Town of Kittery.

If one of the events listed occurs and the ownership of the eligible homestead is transferred to another member of the same household, the transferee may apply for continuation of the deferral of taxes if the transferee meets the eligibility requirements of the Program.

13.4.4.7 Manager to Establish Program Procedures.

To facilitate the intent and implementation of the provisions of this Program, the Town Manager may establish and adopt additional reasonable regulations, procedures, application forms, or other requirements in the implementation of this Program not otherwise inconsistent with any of the express provisions of this Ordinance.

POLICY FOR COLLECTION OF UNPAID PROPERTY TAXES

This policy replaces the Town of Kittery's Policy for the Disposition of Tax-Acquired Property

The Town of Kittery seeks to establish a fair, consistent, and balanced approach to pursuing and collecting unpaid property taxes. This policy is designed to be consistent with state law and local ordinance.

1. Tax Relief for Property Owners

Property owners will have the opportunity to seek relief for property taxes committed by the Town of Kittery. Qualifications, restrictions, and requirements will be adhered to for each option in accordance with its applicable state or local law. Options for property owners include but are not limited to:

- Maine Resident Homestead Property Tax Exemption –36 MRS §683
- Emergency Benefit Volunteer Program –Town Code Title 13.4.2
- Municipal Property Tax Assistance – Town Code Title 13.4.3
- Municipal Property Tax Deferral for Senior Citizens–Town Code Title 13.4.4
- Abatements – 36 MRS §841

2. Delinquent Property Taxes

- A. Delinquent property taxes are those that have not been paid by the final due date imposed by Town Council (typically May 31st).
- B. The Town Manager will advise the Town Council of delinquent property tax status of properties for which the Town Council is considering issuing local permits and licenses.

3. Payment Plans for Delinquent Property Taxes

The Tax Collector may enter into a payment plan for delinquent property taxes with the owner of the property. The payment plan must be established in writing and executed by the owner of record and the Town Manager. Failure to remain current with the payment plan may result in foreclosure by the town in accordance with 36 MRS §943.

4. Liens and Foreclosure of Property for Non-Payment of Taxes

- A. Delinquent taxes of twenty dollars (\$20) or less will be written off in the current year and not pursued for collection.
- B. The Tax Collector may assign another tax collector in accordance with 36 MRS §899 to complete the collection of taxes.
- C. No less than eight (8) months and no more than twelve (12) months from the date the Town Council commits said taxes, the Tax Collector will issue a Demand for Payment of Taxes for any taxes owed in the current year. The town will issue a Demand Notice to the owner of record identified in the town's property records. The Demand Notice will be sent via registered mail, return receipt requested, and first-class mail to the owners' last known address. The owner will have thirty (30) days from the date of the notice to respond to the demand and make payment in full for delinquent property taxes, interest, and fees or enter into a payment plan with the Tax Collector.
- D. If the owner of record does not make payment in full or enter into an approved payment plan, the town will record a tax lien against the property at the county registry of deeds.

- E. If the owner of record does not make payment in full or enter into an approved payment plan within eighteen (18) months of the recording of the tax lien, a Notice of Foreclosure will be issued via registered mail, return receipt requested, and first-class mail to the owner's last known address. The owner will have sixty (60) days from date of the Notice of Foreclosure to pay all delinquent property taxes, interest and fees. The Tax Collector may grant a thirty (30) day extension upon request.
- F. If the owner of record does not make payment in full in accordance with the Notice of Foreclosure, the town will foreclose on the property in accordance with 36 MRS §943.

5. Disposition of Foreclosed Property for Non-Payment of Taxes

- A. The Town Manager will seek Town Council approval to dispose of property acquired through foreclosure. Generally, the Town Manager will dispose of the property through a sealed bid sale or public auction. With approval of the Town Council, the Town Manager may dispose of the property through a request for proposal or other alternative method and may establish bid minimums for the sale.
- B. The Town Manager will notify the former owner of record no less than seven (7) days prior to the disposition of the property. The notice will be sent to the last known address on record with the town via registered mail, return receipt requested, and first class mail. Nothing will prohibit the former owner from participating in a bid, auction, or alternative disposal method.
- C. Proceeds from the sale of foreclosed property will be credited to the general revenue of the current fiscal year, unless the Town Council authorizes the proceeds to be credited to another fund.

**Department of Public Safety
Liquor Licensing & Inspection
Division**



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.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 8-17-17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ 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>Shianne's Village cafe + bistro, LLC, dba</u>			2. Business Name (D/B/A) <u>Misto! cafe-bar-bistro</u>		
DOB:			DOB:		
Address			Location (Street Address) <u>436 US Rte 1</u>		
City/Town			City/Town <u>Kittery</u> State <u>ME</u> Zip Code <u>03904</u>		
State			State		
Zip Code			Zip Code		
Telephone Number			Business Telephone Number		
<u>207-752-4422 - personal cell</u>			<u>207-703-0606</u>		
Fax Number			Fax Number		
<u>46-274211</u>			<u>NA</u>		
Federal I.D. #			Seller Certificate #		
<u>46-274211</u>			<u>1168474</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 175K LIQUOR \$ 50K

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: Oliver A. Gray, Marcus P Gray

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 436 US Rte 1 Kittery, ME 03904

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

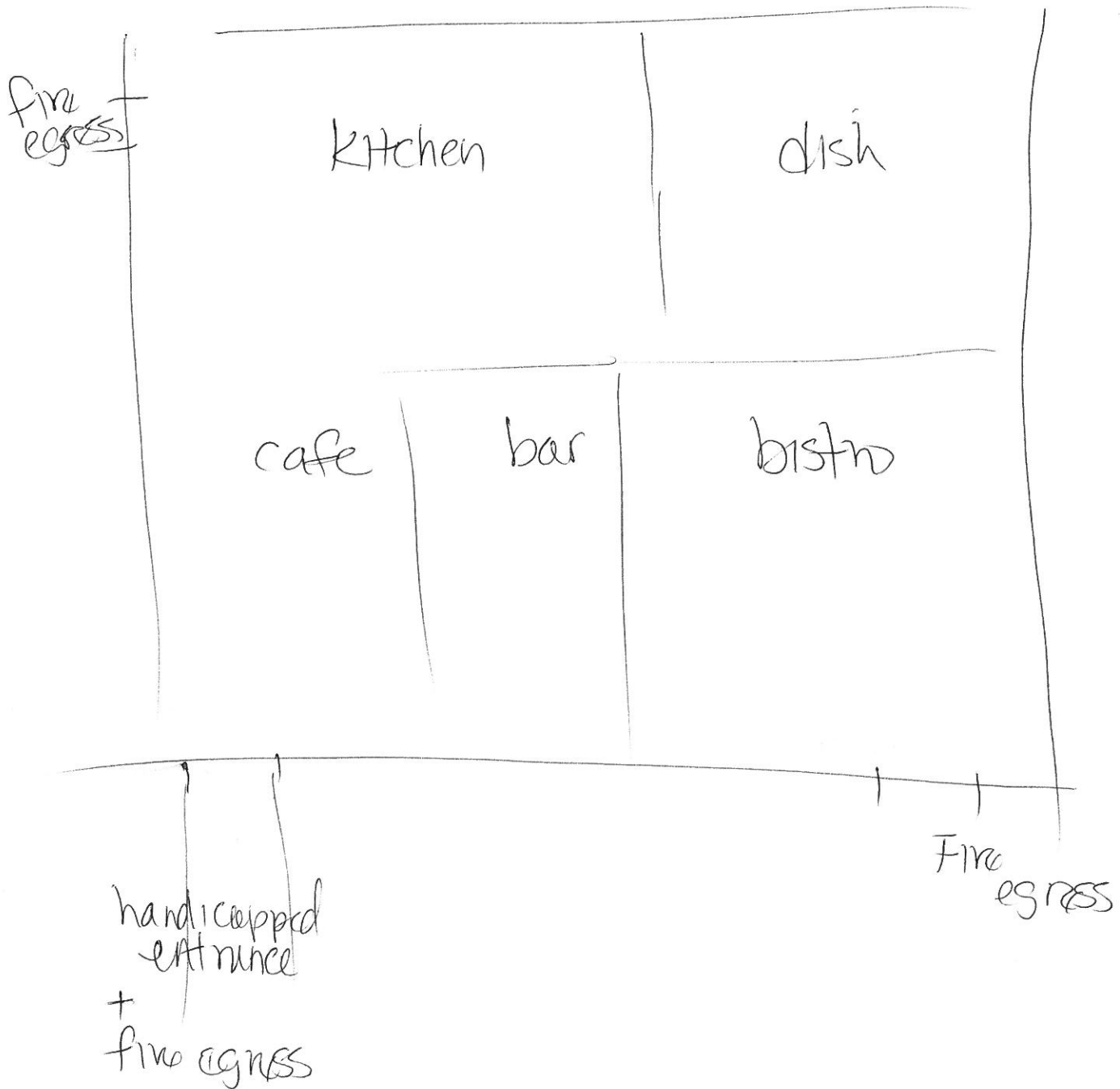
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

164 State House Station Augusta Me 04333-0164

Tel: 207-624-7220 Fax: 207-287-3424

OnPremiseApp.doc / 2003

Supplemental on premise diagram



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
Suzanne Schepis-Gray / owner	9-28-60	Boston
Oliver Gray / manager	8-17-92	BIT, CA
Marqus Gray / manager	6-14-89	BIT, CA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
York, ME - 353 Southside Rd		
S Benwick, ME		

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: Suzanne Schepis-Gray Date of Conviction: 2014
Offense: driving to endanger Location: York
Disposition: settled

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: _____

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

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? 1.25 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 Bank

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 on May 16, 20 18
Town/City, State Date

Suzanne Schepis-Gray
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Suzanne Schepis-Gray
Print Name

Print Name

2018 VICTUALER'S LICENSE RENEWAL LIST

<u>INSPECTION</u>	<u>BUSINESS</u>	<u>APPLICANT</u>
<u>NEW</u>	7 Eleven 32530 B 169 State Road 439-5767	Bapashree of NewEngland Inc. 169 State Road Kittery, ME
<u>Passed</u>	AJ's Wood Grilled Pizza 68 Wallingford Square 439-9700	The Ares LLC 68 Wallingford Square Kittery ME 03904
<u>Passed</u>	Amato's 103 US Route 1 Bypass 439-2168	Mac's Convenience Stores LLC P.O. Box 347 Columbus IN 47202
<u>Passed</u>	Anju 7 Wallingford Square #102 207-703-4298	Sonmat, Inc. 7 Wallingford Square #102 Kittery ME 03904
<u>Passed</u>	Anneke Jans 60 Wallingford Square 439-0001	Kittery Foreside LLC 60 Wallingford Square Kittery ME 03904
<u>Passed</u>	Badger's Island Pizza 3 Island Ave 439-5996	Badger's Island Pizza LLC 30 Remicks Lane Kittery ME 03904
<u>Passed</u>	Bagel Caboose 176 State Road 439-5099	Café Lemai, LLC P.O. Box 163 Kittery ME 03904
<u>Passed</u>	Beach Pea Baking Company 53 State Road 439-3555	Beach Pea Baking Company LLC 53 State Road Kittery ME 03904
<u>Passed</u>	Bedrock Lobster Pound 510 U.S. Route 1 439-9423	Betty Crawford 510 U.S. Route 1 Kittery ME 03904

<u>Passed</u>	Bob's Clam Hut 315 U.S. Route 1 439-4233	Michael Landgarten 578 Haley Road Kittery Point ME 03905
<u>Passed</u>	Burger King 336 U.S. Route 1 439-5516 1-781-893-0990	Mastoran Restaurants, Inc. 2 nd Floor 822 Lexington Street Waltham MA 02452
<u>Passed</u>	Carl's Meat Market 25 State Road 439-1557	Carl's Meat Market, LLC 25 State Road Kittery ME 03904
<u>Passed</u>	Chauncey Creek Lobster Pier 16 Chauncey Creek Road 439-1030	Ronald Spinney 25 Goodwin Road Kittery Point ME 03905
<u>Passed</u>	Chun Ping Lau 435 U.S. Route 1, #4 439-6055	Amy Leung 435 U.S. Route 1, #4 Kittery ME 03904
<u>Passed</u>	Circle K #7065 103 US Route 1 Bypass 439-2591	Mac's Convenience Stores LLC P.O. Box 347 Columbus IN 47202
<u>Passed</u>	Circle Subs 167 State Road 439-7655	Paula Reed 167 State Road Kittery ME 03904
<u>Passed</u>	Dunkin Donuts 400 US Route 1 438-0296	Kittery Donuts LLC 369 Lafayette Road Hampton NH 03842
<u>Passed</u>	Enchanted Nights B & B 29 Wentworth Street 439-1489	Nancy Bogenberger 29 Wentworth Street Kittery ME 03904
<u>Passed</u>	Golden Harvest 47 State Road 439-2113	Golden Harvest, Inc. 47 State Road Kittery ME 03904
<u>Passed</u>	Henry VIII Carvery 447 US Route 1 451-9882	Gage F. Olcutt 48 Pocahontas Road Kittery Point ME 03905

<u>Passed</u>	Island Marina Svc at Badger's Island Marina 27 Badger's Island West 439-3810	Darren LaPierre 32 Route 236 Kittery ME 03904
<u>Passed</u>	Kates Bakery 1 Badgers Island W Kittery, ME 03904	Kates Bakery and Cafe 1 Badgers Island W. Kittery, ME 03904
<u>Passed</u>	Kittery Dairy Queen 174 State Road 439-4949	Laurence Salomon P.O. Box 277 Kittery Point ME 03905
<u>Passed</u>	Kittery Food Mart 2 Shapleigh Road 439-0666	Shri Ganeash Inc 2 Shapleigh Rd. Kittery, ME 03904
<u>Passed</u>	Lil's 7 Wallingford Square #106 703-2800	Lil's LLC 7 Wallingford Square #106 Kittery, ME 03904
<u>Passed</u>	Loco Coco's Tacos 36 Walker Street 438-9322	Loco Coco's Tacos Corp. 36 Walker Street Kittery ME 03904
<u>Passed</u>	Loyal Order of Moose 444 76 US Rt 1 Bypass Kittery, ME 03904	Loyal Order of Moose 444 PO Box 968 Portsmouth, NH 03802
<u>Passed</u>	Maine Meat 7 Wallingford Square #104 703-0219	Jarrold Spangler 7 Wallingford Square #104 Kittery, ME 03904
<u>Passed</u>	Maine Squeeze Juice Café 7 Wallingford Square #204 603-591-5947	Alex Vandermark 125 Aviation Ave Ste. 202 Portsmouth, NH 03801
<u>Passed</u>	McDonald's 335 U. S. Route 1 439-03904	Peter S. Napoli Colley McCoy ME Co. - PO Box 6300 Amherst NH 03031

<u>Passed</u>	Misto! 436 US Route 1 703-0606	Suzanne's Village Café & Bistro LLC 373 Southside Road York ME 03909
<u>Passed</u>	Mrs & Me Ice Cream 400 U.S. Route 1 439-1141	Richard D. Johnson 37 Route 236, Suite 105 Kittery ME 03904
<u>Passed</u>	Navy Yard Bar & Billiard 182 State Road 508-331-1259	Delta Amusement, Inc. 182 State Road Kittery ME 03904
<u>Passed</u>	Pine Tree Country Store 435 U.S. Route 1 439-2212	Lemont & Sons, Inc. P.O. Box 58 Kittery ME 03904
<u>Passed</u>	Portsmouth Harbor Inn & Spa 6 Water Street 439-4040	Astrea, Inc. 6 Water Street Kittery ME 03904
<u>Passed</u>	Ramada 2 Gorges Road 439-5555	Kittery Hotels, Inc. 2 Gorges Road Kittery ME 03904
<u>Passed</u>	Robert's Maine Grill & Market 326 U.S. Route 1 439-3339	Robert's Maine Grill LLC 578 Haley Road Kittery Point ME 03905
<u>Passed</u>	Rudders Public House 70 Wallingford Square 603-767-5691	JK Restaurants LLC 5 Melanie's Court Kittery ME 03904
<u>Passed</u>	Starbucks Coffee 306 U.S. Route 1 451-9701	Attn: Dani Starbucks Coffee #7907 P.O. Box 34442 Tax-2 Seattle WA 98124
<u>Passed</u>	Starry Nights Bed & Breakfast 27 Wentworth Street 439-1489	Peter Lamandia 27 Wentworth Street Kittery ME 03904
<u>Passed</u>	Subway 290 U.S. Route 1 439-8511	Maine Subs, Inc. 352 Warren Ave, #7 Portland ME 04103

<u>Passed</u>	Sue's Seafood 33 Old Post Road 439-5608	Susan G. Allen 33 Old Post Road Kittery ME 03904
<u>Passed</u>	Sunrise Grill 182 State Road 439-5748	Sunrise Grill, Inc. 182 State Road Kittery ME 03904
<u>Passed</u>	Tasty Thai 182 State Road 439-9988	Allen Pechner Jr. 14 Stonecroft, Apt 6 Portsmouth NH 03801
<u>Passed</u>	Tommy's Lunch Box 99 State Rd	Thomas Lynch 11 Commercial St. Kittery, ME 03904
<u>Passed</u>	The Black Birch 2 Government Street 603-320-0149	Black Birch, Inc. 2 Government Street Kittery ME 03904
<u>Passed</u>	The Corner Pub 4 Wallingford Square 439-8822	John K. Reed 139 Cass Street Portsmouth NH 03801
<u>Passed</u>	The Farm Bar & Grille 57 State Road 475-0000	BNKittery LLC 74 State Road, Suite 205 Kittery ME 03904
<u>Passed</u>	The Fire Fly Diner 435 US Route 1 207-752-1120	Elizabeth J. Cavanagh 2 Cedar Dr. Kittery ME 03904
<u>Passed</u>	Town Pizza Restaurant 15 Wentworth Street 439-1265	Chios Pizza, Inc. 15 Wentworth Street Kittery ME 03904
<u>Passed</u>	Tributary Brewing Company 10 Shapleigh Road, Suite A 703-0093	Tributary Brewing Co., LLC. 5 Winding Brook Lane South Berwick ME 03908

<u>Passed</u>	Tulsi 20 Walker Street 451-9511	Divine Cuisines, LLC 20 Walker Street Kittery ME 03904
<u>Passed</u>	Warren's Lobster House 11 Water Street 439-1630	Attn: Brad Cunningham Warren's Lobster House 149 Mendums Landing Rd Kittery ME 03904
<u>Passed</u>	Weathervane Seafoods 306 U.S. Route 1 439-0335	Attn: Marcia Weathervane Seafoods 31 Badger's Island West Kittery ME 03904
<u>Passed</u>	When Pigs Fly Pizzeria 460 US Route 1 438-7036	Rolling in the Mud, LLC 460 US Route 1 Kittery ME 03904
<u>Passed</u>	The Lobster Pot 301 US Route 1 229-0335	Attn: Maryann Gauthier KTP Shops LLC PO Box 904 Kittery ME 03904
<u>Passed</u>	The Pointe 31 Badgers Island West	Maine Ocean Lobster PO Box 904 Kittery, ME 03904
<u>Passed</u>	Woodland Farms Brewery 306 US Rte 1 Suite C 603-866-1938	Woodland Farms Brewery LLC 306 US Rte 1 Suite C Kittery, ME 03904
<u>Passed</u>	Festina Lente 1 Government St 617-777-7103	Festina Lente LLC 1 Government St. Kittery, ME 03904
<u>Passed</u>	The View 88 Pepperrell Rd. Kittery Pt. 603-988-7332	The View at Pepperrell Cove LLC 88 Pepperrell Rd. Kittery Pt., ME 03905
<u>Passed</u>	Ornell's BBQ 2 Badger's Island West 207-752-6908	State line Restaurant LLC 1 Middle St. Suite 1 Portsmouth, NH 03801

<u>Passed</u>	La Casita 181 State Rd 941-585-1899	La Casita LLC 58A Bradstreet Ln Eliot, ME 03903
<u>Passed</u>	Blue Mermaid 10 Shapleigh Rd 603-781-7121	Bedrock Restaurant Enterprises Inc. 10 Shapleigh Rd Kittery, ME 03904
<u>Passed</u>	Domino's 450 US Rte 1 617-908-4413	Boston Pie, Inc. 12 Tarbox Ln N. Reading, MA 01864
<u>Passed</u>	El Rodeo 375 US Rte 1 Premium Outlet Mall #4 804-243-8058	El Rode LLC 2064 Woodbury Ave Newington, NH 03801
<u>Passed</u>	Coachman Inn 380 US Rte 1 617-770-0045	Giri Kittery, Inc. 225 W. Squantum St. #200 Quincy, MA 02171
<u>Passed</u>	Morrison's Lobster's 11 Badgers Island West 603-781-3691	Morrison's Lobsters, LLC 11 Badgers Island West Kittery, ME 03904
<u>Passed</u>	Loyal Order of the Moose 76 US Rt 1 Bypass Kittery, ME 207-703-0899	Bryan Gilman po Box 968 Portsmouth, NH 03802 207-233-3101
<u>Passed</u>	Vida Cantina 242 Shapleigh Rd Kittery, ME	Vida Cantina LLC 2456 Lafayette Rd Portsmouth, NH 03801

2018 AMUSEMENT DEVICE LICENSE RENEWAL LIST

BUSINESS

Kittery Premium Outlets
375 US Route 1
439-7993

Navy Yard Bar & Billiard
182 State Road
439-7137

The Corner Pub
4 Wallingford Square
439-8822

APPLICANT

Kittery Premium Outlets
375 US Route 1, Suite 220
Kittery ME 03904

Delta Amusement, Inc.
182 State Road
Kittery ME 03904

John K. Reed
139 Cass Street
Portsmouth NH 03801

Hello from the Shapleigh Middle School Odyssey of the Mind Team!

What is Odyssey of the Mind?

“Odyssey of the Mind is an international creative problem-solving program that engages students in their learning by allowing their knowledge and ideas to come to life in an exciting, productive environment. Participants build self-confidence, develop life skills, create new friendships, and are able to recognize and explore their true potential. OotM proves that students can have fun while they learn.”

Kittery has had a long tradition of participating in Odyssey of the Mind and have been fortunate enough to have teams be invited to the World Finals many times previously.

This year, the Shapleigh Middle School 6th grade team, working on the problem "Emoji: Speak for Yourself", was fortunate to place second in Regional competition, and again at State competition. This earned them an invitation to the World Finals being held the last week of May at the University of Iowa. The ability to attend will provide them the opportunity to network with over 800 teams, coming from all over the country and the world.

This team has worked hard and gone through many hurdles to make it to this point but have persevered and are ready to take on the next challenge at Worlds!

The hurdles now as we head into the final weeks before Worlds, is continuing to fine tune their problem performance, but also to raise funds to cover the costs of travel and lodging in order to attend the Finals. For this reason, the Shapleigh 6th grade Odyssey of the Mind team would like to request the ability to collect donations at the Kittery Resource Recovery Center on June 9th from 9am to 2 pm.

Please let us know if this is a potential, or if another date is possible.

Again, thank you for considering supporting the Shapleigh School 6th grade Odyssey of the Mind team!

Respectfully,

Charlotte Masse
Cheyene Grow
Lilly-Anne Swasey
Caroline Todd
Emilio Jakubek
Tammy Masse – Coach
Tjmasse86@gmail.com



120 Rogers Road, Kittery, ME 03904
207-439-3800 • Fax: 207-439-1780

Recreation Director/GM Janice Grady
Assistant Director Jeremy Paul

To: Kendra Amaral, Town Manager
 Kittery Town Council Chairman Ken Lemont
 Kittery Town Councilors
From: Jeremy Paul, Assistant Director/Assistant GM
Re: Kittery Block Party Sign Permit Requests
Date: May 7, 2018

The 2017 Kittery Block Party is scheduled for Saturday, June 16th.

The Kittery Block Party Committee is requesting authorization from Council to place banners at the following locations to help publicize the event. All locations will place the banner at their respective establishments. All establishments are playing major roles in the sponsorship of this Community Event. We'd like to have the banners up from June 1-June 18.

The locations are:

- Rice Public Library-each building location
- Bob's Clam Hut
- York Hospital Kittery
- Kittery Trading Post
- Kennebunk Savings
- Lil's Café

In addition, the Kittery Block Party Committee is requesting authorization from Council to post directional signs/arrows in the traffic circle and other spots around town. These stake signs would be posted Friday night/Saturday morning and be picked up immediately at the conclusion of the Block Party.

The Kittery Block Party is a celebration of local art, culture and food that fosters lasting relationships and strengthens community in a fun neighborhood atmosphere enjoyable to all ages. The Kittery Block Party will feature artisans, artists, non-profits, area farmers, and restaurants – with an emphasis on “local” – as well as other community involvement. There will be a children's area, live entertainment throughout the day, demonstrations and educational exhibits. This event is sure to entice, educate, and entertain all ages. KBP is a rain or shine event, and there is no admission fee. This year's event also includes a 5K Road Race to begin at 5:00pm.

Vendor booths will be set up in well-known downtown Kittery. This easily navigable neighborhood will host booths and entertainment from Government Street through Wallingford Square and up Walker and Wentworth Streets. The Block Party's main venue is compact and walkable, making everything easily accessible from the centrally located main stage area on the corner of Walker Street and Government Street.



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

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

PLEASE CHECK APPROPRIATE SQUARE:

X APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**

☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Michael Downs

RESIDENCE: 7 Colonial Rd

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: downs003@comcast.net

TELEPHONE NUMBERS: (HOME) 207-439-3347 (WORK) 207-712-5806

PRESENT POSITION: Kittery Community Center Board of Directors

PLEASE CHECK APPROPRIATE SQUARE:

- | | | |
|--|--|---|
| <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 Comm. |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Education Scholarship Committee | <input checked="" type="checkbox"/> Other Kittery Community Center | |

COMMENTS: _____

Please read the back of this application before signing.

Michael Downs
SIGNATURE OF APPLICANT

5/20/18
DATE



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: May 30, 2018
From: Kendra Amaral, Town Manager
Subject: Sewer Rate Changes
Councilor Sponsor: Chairperson Kenneth Lemont

EXECUTIVE SUMMARY

Following a thorough review of the Sewer Enterprise Fund it has been confirmed that sewer rates must be adjusted to address a growing structural deficit in the fund.

Current analysis shows the Sewer Operating Fund has a deficit owed to the Town General Fund of approximately \$880,000 at the end of FY2017 (adjusted). The deficit to the General Fund has been growing over time and is related to a number of factors including expenses outpacing revenue, use of one-time funds for regular and annual capital expenditures (excluding contractual offsets with Eliot and the Portsmouth Navy Shipyard), and debt service from the expansion and renovation project. It is critical to note, the deficit began and has been growing prior to the implementation of the expansion debt service; and therefore is not solely the result of that project.

The proposed rate increases will bring the fixed rate for up to 1,000 cubic feet (10 HCF) from \$75.00 to \$100.00 per quarter and for each one hundred cubic feet in excess of 1,000 from \$5.00 to \$7.46.

It is believed these rate adjustments will address the growing deficit and provide for a sufficient unencumbered reserve fund balance to properly manage and protect the Sewer Enterprise Fund.

BACKGROUND

The town auditors have been noting since the conclusion of the 2016 audit, that the Sewer Fund is generating a fund deficit, which is only being exacerbated by the new debt service. With the arrival of the new Finance Director and the completion of the 2017 audit the deficit was confirmed at \$1.2M. Following additional evaluation and application of adjusting journal entries, the deficit was reduced to \$880,000. This is offset by encumbered reserves.

The administration engaged Woodard and Curran to conduct an operational and financial analysis and produce a rate model. The operational analysis confirmed the Sewer department is operating as efficiently as possible to meet its operational and regulatory obligations.

The Town Council held two workshops with the Town Manager, Finance Director, Sewer Superintendent, and Woodard and Curran to review information and consider scenarios and options for addressing the deficits. The workshops occurred on April 9, 2018 and May 21, 2018. Video archives of the workshops are available on the town website www.kitteryme.gov.

STATEMENT OF NEED

The Sewer Enterprise Fund should be wholly self-supporting, and not require cash from the General Fund for its operating and capital expenses. Rates must sufficiently provide for the operating costs, the maintenance and capital costs, and for a sufficient fund balance to protect the fund from catastrophic events such as infrastructure damage or failure, or revenue loss from reduced customer activity in a given a year.

The administration proposes increasing both fixed charges for up to 1,000 cubic feet of flow and the flow rate for each 100 cubic feet thereafter. The proposed mix provides a conservative approach to meeting the operations expenses, capital needs, and rebuilding a sufficient reserve that could also be used to smooth future rate increases..

The Council further requested as part of their consideration of the matter, that a reserve policy or target be incorporated into Title 13 to provide a necessary gauge and guide for the future setting of rates. The fund balances will be reviewed no less than every three years going forward to assess the financial health of the fund and determine whether rate adjustments are warranted.

PROPOSED SOLUTION/RECOMMENDATION

Adopt the amendments to Title 13 and Appendix A as proposed.

**KITTERY TOWN CODE TITLE 13, PROPOSED AMENDMENT –
SEWER RATES AND CHARGES**

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

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

WHEREAS, Title 13 contains the factors associated with the establishment and adjustment of sewer rates including the maintenance, operation, repair and improvements to the system; and

WHEREAS, the Kittery Town Council seeks to recognize a fund reserve or unencumbered fund surplus as an additional and critical factor associated with the establishment and adjustment of sewer rates;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §300 AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 13 OF THE TOWN CODE, AS PRESENTED.

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

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

Attest: {NAME}, _____ Town Clerk

Title 13 PUBLIC SERVICES

Chapter 13.1 SEWER SERVICE SYSTEM

13.1.1.7 Rates and Charges.

A. The Town Council shall establish such rates as they deem necessary for the maintenance, operation, repair and improvements to the system, and establish and maintain an unencumbered fund reserve (unencumbered surplus) of an amount equal to the equivalent of twenty-two percent (22%) of the current year operating budget. Such rates may be changed from time to time as they deem necessary. The user charge and appropriate cost recovery system as set out in Appendix A is to be established in accordance with appropriate federal and state laws, rules and regulations.

B. Sewer charges levied pursuant to this chapter not paid by July 1st of the following year are to be certified to the Treasurer of the Town who is to place the same on the real estate property tax bill for that year with interest and penalties allowed by law and ~~are~~ collected as other ~~t~~Town taxes are collected.

Additional charge for any unusual circumstances	\$15.00
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SCHEDULE 12. STREETS, SIDEWALKS and PUBLIC PLACES

Chapter 12.1 EXCAVATIONS,

Excavation Permit Fees (per square yard)

Surface Condition	First 25 square yards	Over 25 square yards
Asphalt pavement	\$10.00	\$8.00
Portland concrete	\$12.00	\$10.00
Gravel	\$1.00	\$0.80
Lawn grass	\$3.00	\$2.75
Field grass slopes	\$1.00	\$0.80
Unimproved areas	\$0.50	\$0.35

Chapter 12.6 SHELLFISH, Shellfish License Fees

Resident recreational	\$15.00
Residents 70 and over (limited to 15 licenses)	Free
Nonresident recreational	\$30.00

SCHEDULE 13. PUBLIC SERVICES

Chapter 13.1 SEWER SERVICE SYSTEM

Article I. In General

Rates and charges: Quarterly Usage and Capital Charge

1. First 1,000 cubic feet or fraction thereof	\$75.00 <u>100.00</u>
2. Per one hundred cubic feet in excess of 1,000 feet	\$5.00 <u>7.46</u>

Article III. Building Sewers and Connections

Building sewer permit fees:

1. Residential or commercial	\$15.00
2. Industrial	\$15.00

Article V. Private Sewage Disposal

Private sewage disposal system permit and inspection fee	\$10.00
Private sewage treatment facility after-hours labor charge (three-hour minimum labor charge)	\$25.00 per hour
Septic tank contents discharge rate	\$0.10 per gallon
Holding tank contents discharge rate	\$0.015 per gallon

Article VI. New Sewer Service Connection Fees

Sewer Impact Fee (per unit charge)	\$3,000.00
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Sewer impact fees payable by the property owner must be paid prior to the connection of any sewer line to the municipal sewage collection system; or upon the issuance of any plumbing permit for additional plumbing fixtures; or change in use of any property already connected to the municipal sewage collection system. (See §13.1.6.5).