



# TOWN OF KITTERY

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

November 14, 2018

Council Chambers

**WORKSHOP**  
**York River Study**  
**5:30 p.m.**

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Oath of Office to Newly Elected Officials
5. Roll Call
6. The Kittery Town Council moves to elect a Chairperson for the ensuing year.
7. The Kittery Town Council moves to elect a Vice-Chairperson for the ensuing year.
8. Agenda Amendment and Adoption
9. Town Manager's Report
10. Acceptance of Previous Minutes – September 24, 2018
11. Interviews for the Board of Appeals and Planning Board- None
12. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
13. PUBLIC HEARINGS
14. 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
15. UNFINISHED BUSINESS

16. NEW BUSINESS

- a. Donations/gifts received for Council disposition. -None
- b. (110118-1) The Kittery Town Council moves to approve the disbursement warrants.
- c. (110118-2) The Kittery Town Council moves to discuss Council Rules for the ensuing year.
- d. (110118-3) The Kittery Town Council moves to discuss appointment of Council members to on-going Council Committees.
- e. (110118-4) The Kittery Town Council moves to approve a request from Burrito Betty's and The Blue Mermaid to park their Mobile Units at the Kittery Premium Outlets #4 on Friday, November 23, 2018.
- f. (110118-5) The Kittery Town Council moves to authorize the Town Manager to close departments with the exception of essential personnel, the day after Thanksgiving, November 23, 2018, with the understanding that employees will use their personal accumulated time.
- g. (110118-6) the Kittery Town Council moves to schedule a public hearing on Title 16 Land Use and Development- Shoreland and Resource Protection Overlay Zone amendments on December 10, 2018.
- h. (110118-7) The Kittery Town Council moves to authorize the Town Manager to make application for financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for development of Phase 2 of Emery Field Improvements and authorizes the Town Manager to enter into an agreement between the Town of Kittery and the State of Maine upon federal approval of the above identified project.
- i. (110118-8) The Kittery Town Council moves to authorize the release of funds in the amount of \$1,000 from unassigned funds (unencumbered surplus) as approved by the voters at the June 12, 2018 Town Meeting, and to deposit said funds into account #101740-68427 Expense Self-Insurance Claims, to cover the cost of the deductible for an insurance claim.

17. COUNCIL COMMENTS / ISSUES

18. COMMITTEE AND OTHER REPORTS

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

19. EXECUTIVE SESSION

20. ADJOURNMENT

Posted: November 08, 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

November 14, 2018

1. **Election** – I want to thank and congratulate our Town Clerk Nicole Maurice and her election team for their great work this election. The voter turnout for this election was significant. The diligent efforts of the Clerk's Office staff in the weeks leading up to the election, and of the entire team during Election Day was evident. Improvements in the process this election made it possible for Ms. Maurice to release unofficial results earlier in the evening, allowing local candidates and ballot-question-watchers to get results and get to sleep before midnight. I also want to thank the KCC staff for their support throughout Election Day and Kittery Police for their assistance with traffic and safety. Everyone did a wonderful job managing the heavy turnout even on a rainy, muddy day.
2. **Boards, Commissions and Committees** – A large number of our appointed boards, commissions, and committees have empty or near empty candidate pools. The Council will be interviewing candidates for appointment and reappointment to the Board of Appeals and Planning Board in the coming weeks. Volunteering to be on a board, commission or committee is a great way to learn more about the town and get involved in the community. Residents interested in applying to be on a board, commission or committee can click on the "Get Involved" button on our website for more information or contact Town Clerk Nicole Maurice.
3. **2018 Q3 Goals Report** - Please see attached report.
4. **Fiscal Year 2019 Q1 Financial Report** - Please see attached report.
5. **FEMA FIRM Maps** –The Town's appeal for the 5 transects was filed with FEMA on October 26th. It will take some time for FEMA to review the material and respond. It is unclear when we can expect a response to our appeal and whether the appeal will result in changes to the proposed revised FIRMs.
6. **Legion Pond** – Councilors Denault and Thomson requested we look into additional measures to address the condition of the pond. I am working with our Resource Protection Officer, the Conservation Commission, and the Kittery Land Trust (which owns an adjacent wetland that is receiving the algae impacted water flow from Legion Pond). We are developing a plan to test and analyze the water conditions in order to develop a management strategy that will have the most impact and lasting improvement. Testing will begin in the spring.

### Upcoming Dates:

- Kittery Holiday Parade and Tree Lighting – December 1, 3PM

Respectfully Submitted,

Kendra Amaral  
Town Manager

## TOWN COUNCIL GOALS

2018

### 3RD QUARTER REPORT

1. Work together respectfully toward consensus, capitalizing on our experiences and diversity.
2. Continue to work on sharing services with neighboring towns.
3. Address proposals for Charter, Ordinance, and policy changes for improving efficiency and effectiveness of Town operations, including:
  - Title 2 – Personnel – **Complete**
  - Title 4 – Boards and Commissions – **In process**
  - Title 5 – Business Licenses and Regulations
  - Title 6 – Animals
  - Title 13 – Public Services – **Complete**
  - Proposed – Title 15 – Ethics – **Withdrawn**
  - Title 16 – Land Use – **In process**
4. Support the Town Manager to achieve greater economy & effectiveness in the delivery of services. – **On going**
5. Adopt a budget that is progressive, responsible, and visionary – moving the community forward.  
– **Complete**
6. Conduct quarterly review of Council and Manager progress on annual goals. – **On going**
7. Give attention to Councilor expressed items, including:
  - Impacts of Shipyard and MaineDOT on local traffic – **In process**
  - Senior Property Tax Circuit Breaker Program - **Complete**
  - Energy Efficiency Efforts – **In Process**
  - Rice Public Library as a Town Department – **In process**
  - Rice Public Library facility project - **In process**
  - Comp Plan adoption on the November 2018 ballot - **Complete**
  - Foreside Study and action plan completion, and progress on action plan - **In process**





# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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## REPORT TO TOWN COUNCIL

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Meeting Date: November 14, 2018  
From: Kendra Amaral, Town Manager  
Subject: Fiscal Year 2019 Financial Update – Quarter 1  
Councilor Sponsor: N/A

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This is to provide the Council with an update on the Fiscal Year 2019 (FY19) finances at the close of Quarter 1 (Q1) of the fiscal year.

### Revenue

Revenue projections are difficult to make this early in the fiscal year. Therefore, at this stage we focus on watching revenue activity, and identifying any unanticipated variations.

As with the prior year, we find the Homestead Exemption revenue noteworthy; coming in \$63,750 above projection. The prior year it was \$27,660 over projections. The revenue is generated as a percentage of the prior year's exemptions granted and reflects the state's change in reimbursement formula. Our assessment rate is an important factor in how the state calculates reimbursement for the Homestead Exemption. Our assessment rate is currently at 85%, meaning we assess all property at an average of 85% of current market rate. This has been going down for the past few years, and indicates a revaluation of real estate will be necessary in the near future.

We are ahead over the prior year Q1 for Auto Excise collections by approximately \$35,000. Code Enforcement fees are coming in as expected. We adjusted the FY19 revenue projection to reflect the activity we saw in FY18. It appears to be on track with projections.

Sewer collections are on track. Billing timing impacts how the revenue collection performs over same-period prior years. The increase in "new sewer", reflecting revenue from direct customers is up over prior year as a result of the recent rate adjustment. Our goal is for the Sewer Fund revenues to be sufficient to cover the annual operating costs inclusive of the bond payments.

### Expenditures

We have already begun making year-end expenditure projections. This is particularly important as we respond to and absorb unanticipated costs that arise throughout the year. As a general note, projected spending is developed using spending cycle calculations, anticipated costs, and other methods as appropriate. Projections are estimates only and may change as additional information becomes available or spending fluctuations occur over the course of the fiscal year.

Based on projections, we are on track for spending and budget controls so far this year with few exceptions.

I am currently projecting the Police Department will come in on budget, however I expect this positive projection to be short-lived. Due to recent retirements, we have three new Patrolmen, all requiring academy training. The training process is expensive, as we cover both the salaries of the new employees and the overtime to cover the shifts until the new employees are certified and trained. There are offsetting savings, as the new employees come into the organization at a slightly lower rate than those retiring. We will be keeping a close eye on the progress of this budget.

The FY19 DPW projections include an anticipated \$220,000 overage in snow and ice operations. We cannot effectively predict how the winter will go, however we find year after year, we are having to freeze budgets at the end of Q3 and Q4 to address spending associated with snow and ice storms. This approach front loads the projected overages, allowing us adjust in a more reasonable manner to cover the overage. If the winter is mild, the projection can be reduced, releasing pressure on the other budgets.

**Sewer**

Due to the timing of quarterly bill releases, we are showing revenue is off from the same period the prior year. The significant variance will be eliminated with the Q2 revenue, and should show the revenues ahead of the prior year overall.

Starting this fiscal year, we are expensing the debt payments directly to the operating budget, rather than utilizing a year end audit adjustment. As a result, the spending year to date FY19 is up approximately \$226,000 over the same period the prior year. The difference is entirely driven by the reflection of the expensed debt payment of \$454,606.

**Attachments**

Report through Q1:

- General Fund
- Sewer Fund
- Other Funds

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TOWN OF KITTEY - LIVE  
GENERAL FUND

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FOR 2019 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101110 ADMINISTRATION							
101110 64011 MANAGER SALARY	92,910	0	92,910	21,950.19	.00	70,959.81	23.6%
101110 64014 TOWN CLERK SALARY	62,753	0	62,753	15,311.57	.00	47,441.43	24.4%
101110 64017 CLERKS SALARIES	305,082	0	305,082	72,482.85	.00	232,599.15	23.8%
101110 64018 HUMAN RESOURCES MANAG	54,233	0	54,233	13,627.20	.00	40,605.80	25.1%
101110 64026 FINANCE DIRECTOR SALA	99,088	0	99,088	24,897.72	.00	74,190.28	25.1%
101110 64027 CUSTODIAN WAGES	7,593	0	7,593	1,797.76	.00	5,795.24	23.7%
101110 64030 OVERTIME	2,000	0	2,000	1,335.29	.00	664.71	66.8%
101110 64031 SALARY & POSITION ADJ	50,000	0	50,000	.00	.00	50,000.00	.0%
101110 65010 POSTAGE	12,000	0	12,000	177.67	.00	11,822.33	1.5%
101110 65020 TELEPHONE & INTERNET	8,000	0	8,000	1,165.47	.00	6,834.53	14.6%
101110 65030 TRANSPORTATION	1,500	0	1,500	400.35	.00	1,099.65	26.7%
101110 65040 EDUCATIONAL/MEETING E	5,000	0	5,000	861.42	.00	4,138.58	17.2%
101110 65060 PRINTING	5,000	0	5,000	897.82	.00	4,102.18	18.0%
101110 65080 LEGAL NOTICES/OTHER A	3,000	0	3,000	288.37	.00	2,711.63	9.6%
101110 65200 ELECTRICITY	16,000	0	16,000	2,014.53	.00	13,985.47	12.6%
101110 65220 WATER	335	0	335	.00	.00	335.00	.0%
101110 65230 FUEL OIL	4,200	0	4,200	319.25	.00	3,880.75	7.6%
101110 65240 DUMPSTERS	600	0	600	149.61	.00	450.39	24.9%
101110 65250 SEWER	180	0	180	67.50	.00	112.50	37.5%
101110 65300 MACHINE & EQUIPMENT M	30,000	0	30,000	21,548.56	.00	8,451.44	71.8%
101110 65400 LEGAL SERVICES	60,000	0	60,000	20,906.29	.00	39,093.71	34.8%
101110 65410 COMPUTER SERVICES	43,332	0	43,332	20,482.91	.00	22,849.09	47.3%
101110 65415 WEB PAGE	3,500	0	3,500	3,275.00	.00	225.00	93.6%
101110 65430 AUDIT SERVICES	16,500	0	16,500	12,500.00	.00	4,000.00	75.8%
101110 65480 OTHER PROFESSIONAL SE	40,000	10,000	50,000	529.99	.00	49,470.01	1.1%
101110 65500 MAINTENANCE OF BLDG/G	16,500	0	16,500	1,431.80	.00	15,068.20	8.7%
101110 66010 OFFICE SUPPLIES	8,000	0	8,000	2,482.52	.00	5,517.48	31.0%
101110 66020 BOOKS/SUBSCRIPTIONS	1,000	0	1,000	387.00	.00	613.00	38.7%
101110 66025 MAINE MUNICIPAL ASSOC	12,550	0	12,550	.00	.00	12,550.00	.0%
101110 66030 OTHER SUPPLIES	0	0	0	248.00	.00	-248.00	100.0%*
101110 66035 ABSTRACTS & LIENS	9,500	0	9,500	4,154.00	.00	5,346.00	43.7%
101110 66040 JANITORIAL SUPPLIES &	700	0	700	106.37	.00	593.63	15.2%
101110 67510 OFFICE FURNITURE & EQ	1,000	0	1,000	178.04	.00	821.96	17.8%
TOTAL ADMINISTRATION	972,056	10,000	982,056	245,975.05	.00	736,080.95	25.0%
101115 TOWN COUNCIL							
101115 64001 COUNCIL STIPEND	4,000	0	4,000	.00	.00	4,000.00	.0%

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TOWN OF KITTEERY - LIVE  
GENERAL FUND

9.30.18

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FOR 2019 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101115 65480 OTHER PROF SERV/COUNC</a>	3,000	0	3,000	126.89	.00	2,873.11	4.2%
<a href="#">101115 66037 COUNCIL EXPENSES</a>	5,350	0	5,350	.00	.00	5,350.00	.0%
TOTAL TOWN COUNCIL	12,350	0	12,350	126.89	.00	12,223.11	1.0%
101130 ELECTIONS							
<a href="#">101130 64020 PART TIME SALARIES/VO</a>	2,500	0	2,500	.00	.00	2,500.00	.0%
<a href="#">101130 65010 POSTAGE</a>	600	0	600	24.30	.00	575.70	4.1%
<a href="#">101130 65060 PRINTING</a>	4,500	0	4,500	.00	.00	4,500.00	.0%
<a href="#">101130 65480 OTHER PROFESSIONAL SE</a>	4,050	0	4,050	.00	.00	4,050.00	.0%
<a href="#">101130 66010 OFFICE SUPPLIES</a>	150	0	150	.00	.00	150.00	.0%
TOTAL ELECTIONS	11,800	0	11,800	24.30	.00	11,775.70	.2%
101150 COUNTY TAX							
<a href="#">101150 65480 OTHER PROF SERVICES -</a>	869,853	0	869,853	.00	.00	869,853.00	.0%
TOTAL COUNTY TAX	869,853	0	869,853	.00	.00	869,853.00	.0%
101155 TAX INCREMENT FINANCING							
<a href="#">101155 65000 TIF FINANCING PLAN AM</a>	125,000	0	125,000	125,000.00	.00	.00	100.0%
TOTAL TAX INCREMENT FINANCING	125,000	0	125,000	125,000.00	.00	.00	100.0%
101160 OVERLAY							
<a href="#">101160 65480 OTHER PROF SERV - OVE</a>	0	113,564	113,564	.00	.00	113,564.00	.0%
TOTAL OVERLAY	0	113,564	113,564	.00	.00	113,564.00	.0%
101210 ASSESSING							
<a href="#">101210 64010 DEVELOPMENT STAFF CLE</a>	14,522	0	14,522	3,624.41	.00	10,897.59	25.0%

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TOWN OF KITTELY - LIVE  
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FOR 2019 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101210 65010 POSTAGE</a>	400	0	400	6.70	.00	393.30	1.7%
<a href="#">101210 65030 TRANSPORTATION</a>	250	0	250	166.23	.00	83.77	66.5%
<a href="#">101210 65040 EDUCATIONAL/MEETING E</a>	500	0	500	229.00	.00	271.00	45.8%
<a href="#">101210 65060 PRINTING</a>	300	0	300	.00	.00	300.00	.0%
<a href="#">101210 65070 MAPS</a>	5,500	0	5,500	.00	.00	5,500.00	.0%
<a href="#">101210 65410 COMPUTER SERVICES</a>	8,500	0	8,500	6,380.00	.00	2,120.00	75.1%
<a href="#">101210 65411 BOARD OF ASSESSMENT R</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101210 65423 PERSONAL PROPERTY EVA</a>	10,000	0	10,000	10,000.00	.00	.00	100.0%
<a href="#">101210 65425 VISION INTERNET</a>	2,750	0	2,750	2,250.00	.00	500.00	81.8%
<a href="#">101210 65480 OTHER PROFESSIONAL SE</a>	100,000	0	100,000	24,660.01	.00	75,339.99	24.7%
<a href="#">101210 66010 OFFICE SUPPLIES</a>	100	0	100	.00	.00	100.00	.0%
<a href="#">101210 66020 BOOKS/SUBSCRIPTIONS</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101210 66035 ABSTRACTS &amp; LIENS TRA</a>	800	0	800	147.00	.00	653.00	18.4%
TOTAL ASSESSING	144,022	0	144,022	47,463.35	.00	96,558.65	33.0%
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101230 DEBT & INTEREST							
<a href="#">101230 68057 RUSTLEWOOD FARM - PRI</a>	6,199	0	6,199	6,199.04	.00	-.04	100.0%*
<a href="#">101230 68065 2006 FIRE STATION BON</a>	115,000	0	115,000	.00	.00	115,000.00	.0%
<a href="#">101230 68066 2010 PW SALT SHED GO</a>	35,000	0	35,000	35,000.00	.00	.00	100.0%
<a href="#">101230 68067 2012 KCC BOND PRINC</a>	275,000	0	275,000	.00	.00	275,000.00	.0%
<a href="#">101230 68068 2015 CIP BOND PRINCIP</a>	225,000	0	225,000	.00	.00	225,000.00	.0%
<a href="#">101230 68069 KLT BRAVE BOAT HEADWA</a>	11,463	0	11,463	11,462.88	.00	.12	100.0%
<a href="#">101230 68257 RUSTLEWOOD FARM INTER</a>	4,116	0	4,116	2,078.44	.00	2,037.56	50.5%
<a href="#">101230 68265 2006 FIRE STATION BON</a>	19,700	0	19,700	.00	.00	19,700.00	.0%
<a href="#">101230 68268 2015 CIP BONDS INTERE</a>	33,750	0	33,750	.00	.00	33,750.00	.0%
<a href="#">101230 68269 KLT BRAVE BOAT HEADWA</a>	6,627	0	6,627	3,343.19	.00	3,283.81	50.4%
<a href="#">101230 68295 PWD BLDG/SALT SHED BO</a>	15,231	0	15,231	7,812.50	.00	7,418.50	51.3%
<a href="#">101230 68297 2012 KCC BOND INT</a>	93,775	0	93,775	46,887.50	.00	46,887.50	50.0%
TOTAL DEBT & INTEREST	840,861	0	840,861	112,783.55	.00	728,077.45	13.4%
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101310 POLICE							
<a href="#">101310 64002 POLICE CHIEF FT SALA</a>	99,811	0	99,811	10,252.20	.00	89,558.80	10.3%
<a href="#">101310 64012 SERGEANTS SALARIES</a>	310,236	0	310,236	64,216.10	.00	246,019.90	20.7%
<a href="#">101310 64013 SCHOOL RESOURCE OFFIC</a>	64,196	0	64,196	15,153.20	.00	49,042.80	23.6%
<a href="#">101310 64014 DETECTIVES SALARIES</a>	140,188	0	140,188	32,845.20	.00	107,342.80	23.4%
<a href="#">101310 64015 PATROLMEN SALARIES</a>	689,100	0	689,100	161,415.16	.00	527,684.84	23.4%

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GENERAL FUND

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FOR 2019 03

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101310 64016 DISPATCHER SALARIES</a>	323,183	0	323,183	77,810.29	.00	245,372.71	24.1%
<a href="#">101310 64017 ADMINISTRATIVE ASSIST</a>	46,197	0	46,197	11,606.43	.00	34,590.57	25.1%
<a href="#">101310 64022 ANIMAL CONTROL OFFICE</a>	31,668	0	31,668	7,923.38	.00	23,744.62	25.0%
<a href="#">101310 64023 LIEUTENANT SALARY</a>	75,608	0	75,608	18,343.81	.00	57,264.19	24.3%
<a href="#">101310 64024 NIGHT DIFFERENTIAL</a>	17,537	0	17,537	3,688.76	.00	13,848.24	21.0%
<a href="#">101310 64027 CUSTODIAN WAGES</a>	14,504	0	14,504	3,368.25	.00	11,135.75	23.2%
<a href="#">101310 64030 OVERTIME</a>	175,000	0	175,000	53,096.28	.00	121,903.72	30.3%
<a href="#">101310 64032 DEA OVERTIME</a>	5,703	0	5,703	6,759.28	.00	-1,056.28	118.5%*
<a href="#">101310 64033 SICK TIME BUY BACK</a>	3,015	0	3,015	.00	.00	3,015.00	.0%
<a href="#">101310 64034 PHYSICAL FITNESS STIP</a>	5,400	0	5,400	2,100.00	.00	3,300.00	38.9%
<a href="#">101310 64035 OUTSIDE DETAIL</a>	3,736	0	3,736	.00	.00	3,736.00	.0%
<a href="#">101310 64047 OTHER COMPENSATION</a>	0	0	0	56,919.44	.00	-56,919.44	100.0%*
<a href="#">101310 65010 POSTAGE</a>	530	0	530	9.85	.00	520.15	1.9%
<a href="#">101310 65020 TELEPHONE &amp; INTERNET</a>	21,025	0	21,025	4,571.15	.00	16,453.85	21.7%
<a href="#">101310 65030 TRANSPORTATION</a>	1,800	0	1,800	1,987.04	.00	-187.04	110.4%*
<a href="#">101310 65040 EDUCATIONAL/MEETING E</a>	15,000	0	15,000	3,517.34	.00	11,482.66	23.4%
<a href="#">101310 65060 PRINTING</a>	800	0	800	382.40	.00	417.60	47.8%
<a href="#">101310 65080 LEGAL NOTICES/OTHER A</a>	690	0	690	.00	.00	690.00	.0%
<a href="#">101310 65200 ELECTRICITY</a>	15,000	0	15,000	2,686.02	.00	12,313.98	17.9%
<a href="#">101310 65220 WATER</a>	545	0	545	.00	.00	545.00	.0%
<a href="#">101310 65230 FUEL OIL</a>	5,400	0	5,400	425.61	.00	4,974.39	7.9%
<a href="#">101310 65240 DUMPSTERS</a>	750	0	750	199.50	.00	550.50	26.6%
<a href="#">101310 65250 SEWER</a>	250	0	250	90.00	.00	160.00	36.0%
<a href="#">101310 65300 MACHINE &amp; EQUIPMENT M</a>	39,068	0	39,068	26,137.04	.00	12,930.96	66.9%
<a href="#">101310 65310 VEHICLE MAINTENANCE</a>	31,450	0	31,450	4,813.04	.00	26,636.96	15.3%
<a href="#">101310 65311 GAS, GREASE, &amp; OIL</a>	41,926	0	41,926	6,339.70	.00	35,586.30	15.1%
<a href="#">101310 65470 DOG EXPENSE</a>	750	0	750	.00	.00	750.00	.0%
<a href="#">101310 65480 OTHER PROFESSIONAL SE</a>	1,425	0	1,425	.00	.00	1,425.00	.0%
<a href="#">101310 65500 MAINTENANCE OF BLDG/G</a>	4,900	0	4,900	732.00	.00	4,168.00	14.9%
<a href="#">101310 65521 UNIFORMS</a>	18,820	0	18,820	4,611.41	.00	14,208.59	24.5%
<a href="#">101310 66010 OFFICE SUPPLIES</a>	4,000	0	4,000	904.49	.00	3,095.51	22.6%
<a href="#">101310 66020 BOOKS/SUBSCRIPTIONS</a>	2,500	0	2,500	100.00	.00	2,400.00	4.0%
<a href="#">101310 66030 OTHER SUPPLIES</a>	3,200	0	3,200	644.00	.00	2,556.00	20.1%
<a href="#">101310 66032 ARMORY SUPPLIES</a>	8,500	0	8,500	3,720.00	.00	4,780.00	43.8%
<a href="#">101310 66040 JANITORIAL SUPPLIES &amp;</a>	1,700	0	1,700	527.25	.00	1,172.75	31.0%
<a href="#">101310 67510 OFFICE FURNITURE &amp; EQ</a>	1,000	0	1,000	549.00	.00	451.00	54.9%
<a href="#">101310 67517 BULLET PROOF VESTS</a>	5,300	0	5,300	.00	.00	5,300.00	.0%
TOTAL POLICE	2,231,411	0	2,231,411	588,444.62	.00	1,642,966.38	26.4%
101320 FIRE							
<a href="#">101320 64003 FIRE CHIEF SALARY</a>	55,459	0	55,459	13,966.65	.00	41,492.35	25.2%

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TOWN OF KITTERY - LIVE  
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ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101320 64020	PART TIME SALARIES	135,296	0	135,296	86.40	.00	135,209.60	.1%
101320 64043	ON-CALL FIREFIGHTER S	18,144	0	18,144	12,919.98	.00	5,224.02	71.2%
101320 64095	ACCIDENT & HEALTH	1,938	0	1,938	2,072.00	.00	-134.00	106.9%*
101320 65020	TELEPHONE & INTERNET	8,340	0	8,340	1,895.47	.00	6,444.53	22.7%
101320 65040	EDUCATIONAL/MEETING E	2,034	0	2,034	.00	.00	2,034.00	.0%
101320 65045	TRAINING	5,000	0	5,000	17.00	.00	4,983.00	.3%
101320 65046	HEALTH/PHYSICAL	2,778	0	2,778	1,200.00	.00	1,578.00	43.2%
101320 65080	LEGAL NOTICES/OTHER A	0	0	0	102.57	.00	-102.57	100.0%*
101320 65200	ELECTRICITY	10,100	0	10,100	1,317.23	.00	8,782.77	13.0%
101320 65220	WATER	302	0	302	73.30	.00	228.70	24.3%
101320 65230	FUEL OIL	17,000	0	17,000	1,900.99	.00	15,099.01	11.2%
101320 65250	SEWER	300	0	300	100.00	.00	200.00	33.3%
101320 65300	MACHINE & EQUIPMENT M	29,029	0	29,029	1,934.44	.00	27,094.56	6.7%
101320 65302	PROTECTIVE & SAFETY E	3,120	0	3,120	1,391.00	.00	1,729.00	44.6%
101320 65311	GAS, GREASE, & OIL	7,250	0	7,250	1,035.99	.00	6,214.01	14.3%
101320 65312	TIRES & TUBES	2,600	0	2,600	.00	.00	2,600.00	.0%
101320 65330	RADIO MAINTENANCE	4,657	0	4,657	.00	.00	4,657.00	.0%
101320 65480	OTHER PROFESSIONAL SE	7,056	0	7,056	6,073.28	.00	982.72	86.1%
101320 65500	MAINTENANCE OF BLDG/G	15,335	0	15,335	7,875.52	.00	7,459.48	51.4%
101320 66010	OFFICE SUPPLIES	672	0	672	.00	.00	672.00	.0%
101320 66020	BOOKS/SUBSCRIPTIONS/D	200	0	200	.00	.00	200.00	.0%
101320 66040	JANITORIAL SUPPLIES &	600	0	600	167.38	.00	432.62	27.9%
101320 67505	EXTINGUISHER MAINTENA	500	0	500	.00	.00	500.00	.0%
101320 67515	LANTERNS & BATTERIES	200	0	200	120.00	.00	80.00	60.0%
101320 67520	OPERATING EQUIPMENT	4,000	0	4,000	2,124.00	.00	1,876.00	53.1%
TOTAL FIRE		331,910	0	331,910	56,373.20	.00	275,536.80	17.0%
101330 STREETLIGHTS								
101330 65200	ELECTRICITY - STREETL	110,000	0	110,000	18,665.50	.00	91,334.50	17.0%
101330 65300	MACHINE & EQUIPMENT M	10,000	0	10,000	9,337.00	.00	663.00	93.4%
TOTAL STREETLIGHTS		120,000	0	120,000	28,002.50	.00	91,997.50	23.3%
101340 HYDRANT RENTALS								
101340 65300	HYDRANT RENT MACHINE	261,804	0	261,804	.00	.00	261,804.00	.0%
TOTAL HYDRANT RENTALS		261,804	0	261,804	.00	.00	261,804.00	.0%
101350 CIVIL EMERGENCY PREPARDNESS								

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101350 65020 TELEPHONE & INTERNET	300	0	300	.00	.00	300.00	.0%
101350 65060 PRINTING	300	0	300	.00	.00	300.00	.0%
101350 66010 OFFICE SUPPLIES	100	0	100	.00	.00	100.00	.0%
TOTAL CIVIL EMERGENCY PREPARDNESS	700	0	700	.00	.00	700.00	.0%
101410 HIGHWAY							
101410 64004 HIGHWAY 35% COMM SALA	27,961	0	27,961	8,005.14	.00	19,955.86	28.6%
101410 64010 FULL TIME SALARIES	441,844	0	441,844	100,473.19	.00	341,370.81	22.7%
101410 64015 ADMINISTRATIVE ASSIST	48,682	0	48,682	12,229.21	.00	36,452.79	25.1%
101410 64020 PART TIME WAGES	51,841	0	51,841	7,260.61	.00	44,580.39	14.0%
101410 64029 OVERTIME - SNOW & STO	75,000	0	75,000	.00	.00	75,000.00	.0%
101410 64030 OVERTIME	6,500	0	6,500	3,866.77	.00	2,633.23	59.5%
101410 65010 POSTAGE	500	0	500	.00	.00	500.00	.0%
101410 65020 TELEPHONE & INTERNET	4,200	0	4,200	981.03	.00	3,218.97	23.4%
101410 65030 TRANSPORTATION	750	0	750	250.00	.00	500.00	33.3%
101410 65040 EDUCATIONAL/MEETING E	4,000	0	4,000	1,827.46	.00	2,172.54	45.7%
101410 65060 PRINTING	600	0	600	67.96	.00	532.04	11.3%
101410 65080 LEGAL NOTICES/OTHER A	1,000	0	1,000	.00	.00	1,000.00	.0%
101410 65200 ELECTRICITY	4,000	0	4,000	669.66	.00	3,330.34	16.7%
101410 65220 WATER	2,300	0	2,300	.00	.00	2,300.00	.0%
101410 65230 FUEL OIL	7,000	0	7,000	.00	.00	7,000.00	.0%
101410 65250 SEWER	350	0	350	75.00	.00	275.00	21.4%
101410 65300 MACHINE & EQUIPMENT M	18,000	0	18,000	4,494.98	.00	13,505.02	25.0%
101410 65302 PROTECTIVE & SAFETY E	3,000	0	3,000	120.60	.00	2,879.40	4.0%
101410 65303 FACILITY SAFETY INSPE	1,250	0	1,250	1,300.00	.00	-50.00	104.0%*
101410 65310 VEHICLE MAINTENANCE	16,000	0	16,000	9,896.00	.00	6,104.00	61.9%
101410 65311 GAS, GREASE, & OIL	48,600	0	48,600	9,782.12	.00	38,817.88	20.1%
101410 65312 TIRES & TUBES	8,000	0	8,000	658.58	.00	7,341.42	8.2%
101410 65450 TARRING & PATCHING	10,000	0	10,000	5,593.78	.00	4,406.22	55.9%
101410 65452 SALT	140,000	0	140,000	34,639.14	.00	105,360.86	24.7%
101410 65454 SAND	2,100	0	2,100	.00	.00	2,100.00	.0%
101410 65456 GRAVEL & FILL	3,000	0	3,000	.00	.00	3,000.00	.0%
101410 65458 DRAINAGE SUPPLIES	5,000	0	5,000	3,217.20	.00	1,782.80	64.3%
101410 65460 SIGNS	10,000	0	10,000	401.66	.00	9,598.34	4.0%
101410 65462 STRIPING	32,000	0	32,000	285.76	.00	31,714.24	.9%
101410 65466 SNOW REMOVAL EQUIP/PA	18,300	0	18,300	2,741.15	.00	15,558.85	15.0%
101410 65480 OTHER PROFESSIONAL SE	25,000	0	25,000	4,500.00	.00	20,500.00	18.0%
101410 65500 MAINTENANCE OF BLDG/G	6,500	0	6,500	1,491.79	.00	5,008.21	23.0%
101410 65521 UNIFORMS	4,400	0	4,400	3,200.00	.00	1,200.00	72.7%



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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101410 65522 C.D.L PROGRAMS</a>	850	0	850	83.19	.00	766.81	9.8%
<a href="#">101410 66009 SHOP SUPPLIES</a>	15,000	0	15,000	8,649.86	.00	6,350.14	57.7%
<a href="#">101410 66010 OFFICE SUPPLIES</a>	800	0	800	91.71	.00	708.29	11.5%
<a href="#">101410 66011 HAND TOOLS</a>	600	0	600	.00	.00	600.00	.0%
<a href="#">101410 66020 BOOKS/SUBSCRIPTIONS</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101410 66030 OTHER SUPPLIES</a>	400	0	400	.00	.00	400.00	.0%
<a href="#">101410 66040 JANITORIAL SUPPLIES &amp;</a>	6,500	0	6,500	1,939.91	.00	4,560.09	29.8%
<a href="#">101410 67514 PLANT EQUIPMENT</a>	1,500	0	1,500	.00	.00	1,500.00	.0%
<a href="#">101410 67518 RENTAL EQUIPMENT</a>	3,000	0	3,000	.00	.00	3,000.00	.0%
<a href="#">101410 67520 OPERATING EQUIPMENT</a>	2,000	0	2,000	.00	.00	2,000.00	.0%
<a href="#">101410 67540 IMPROVEMENTS TO BLDGS</a>	2,000	0	2,000	928.74	.00	1,071.26	46.4%
TOTAL HIGHWAY	1,061,328	0	1,061,328	229,722.20	.00	831,605.80	21.6%
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101520 GENERAL ASSISTANCE							
<a href="#">101520 65480 OTHER PROF SERVICES-W</a>	50,000	0	50,000	9,312.21	.00	40,687.79	18.6%
TOTAL GENERAL ASSISTANCE	50,000	0	50,000	9,312.21	.00	40,687.79	18.6%
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101530 PUBLIC HEALTH SERVICE							
<a href="#">101530 64020 PART TIME SALARIES</a>	520	0	520	130.00	.00	390.00	25.0%
TOTAL PUBLIC HEALTH SERVICE	520	0	520	130.00	.00	390.00	25.0%
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101540 COMMUNITY AGENCIES							
<a href="#">101540 65479 FAIR TIDE</a>	1,600	0	1,600	1,600.00	.00	.00	100.0%
<a href="#">101540 65482 AIDS RESPONSE SEACOAS</a>	965	0	965	.00	.00	965.00	.0%
<a href="#">101540 65492 YORK COUNTY COMMUNITY</a>	2,500	0	2,500	2,500.00	.00	.00	100.0%
<a href="#">101540 65496 YORK COUNTY SHELTERS</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101540 65497 SO MAINE AREA AGENCY</a>	1,300	0	1,300	1,300.00	.00	.00	100.0%
<a href="#">101540 65499 CROSSROADS HOUSE, INC</a>	2,000	0	2,000	2,000.00	.00	.00	100.0%
<a href="#">101540 65526 GARDEN CLUB</a>	300	0	300	.00	.00	300.00	.0%
TOTAL COMMUNITY AGENCIES	9,165	0	9,165	7,400.00	.00	1,765.00	80.7%
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101720 PLANNING BOARD & BOA							
<a href="#">101720 65010 POSTAGE</a>	500	0	500	.00	.00	500.00	.0%

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101720 65040 EDUCATIONAL/MEETING E</a>	1,750	0	1,750	.00	.00	1,750.00	.0%
<a href="#">101720 65060 PRINTING</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101720 65080 LEGAL NOTICES &amp; OTHER</a>	1,500	0	1,500	.00	.00	1,500.00	.0%
<a href="#">101720 65480 OTHER PROFESSIONAL SE</a>	5,000	0	5,000	703.24	.00	4,296.76	14.1%
<a href="#">101720 66010 OFFICE SUPPLIES</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101720 66026 SMRPC MEMBERSHIP</a>	4,699	0	4,699	5,018.00	.00	-319.00	106.8%*
TOTAL PLANNING BOARD & BOA	14,149	0	14,149	5,721.24	.00	8,427.76	40.4%

101721 PLANNING / CODE

<a href="#">101721 64005 CODE ENFORCEMENT SALA</a>	65,806	0	65,806	17,791.92	.00	48,014.08	27.0%
<a href="#">101721 64006 PLANNER SALARY</a>	55,000	0	55,000	42,049.96	.00	12,950.04	76.5%
<a href="#">101721 64010 DEVELOPMENT STAFF CLE</a>	24,727	0	24,727	6,171.20	.00	18,555.80	25.0%
<a href="#">101721 64018 ASST CODE ENFORCEMENT</a>	51,879	0	51,879	12,770.40	.00	39,108.60	24.6%
<a href="#">101721 64020 SHORELAND RESOURCE OF</a>	19,307	0	19,307	4,840.42	.00	14,466.58	25.1%
<a href="#">101721 64030 OVERTIME</a>	0	0	0	1,118.66	.00	-1,118.66	100.0%*
<a href="#">101721 64042 DIRECTOR OF PLANNING</a>	97,138	0	97,138	.00	.00	97,138.00	.0%
<a href="#">101721 65010 POSTAGE</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101721 65020 TELEPHONE &amp; INTERNET</a>	1,350	0	1,350	186.66	.00	1,163.34	13.8%
<a href="#">101721 65030 TRANSPORTATION</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101721 65040 EDUCATIONAL/MEETING E</a>	2,500	0	2,500	180.00	.00	2,320.00	7.2%
<a href="#">101721 65060 PRINTING</a>	600	0	600	.00	.00	600.00	.0%
<a href="#">101721 65300 MACHINE &amp; EQUIPMENT M</a>	4,000	0	4,000	3,686.21	.00	313.79	92.2%
<a href="#">101721 65310 VEHICLE MAINTENANCE</a>	250	0	250	.00	.00	250.00	.0%
<a href="#">101721 65311 GAS, GREASE, &amp; OIL</a>	500	0	500	120.12	.00	379.88	24.0%
<a href="#">101721 65400 LEGAL SERVICES</a>	10,000	0	10,000	2,845.00	.00	7,155.00	28.5%
<a href="#">101721 65480 OTHER PROFESSIONAL SE</a>	5,000	0	5,000	.00	.00	5,000.00	.0%
<a href="#">101721 65521 UNIFORMS</a>	450	0	450	.00	.00	450.00	.0%
<a href="#">101721 66010 OFFICE SUPPLIES</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101721 66020 BOOKS/SUBSCRIPTIONS/D</a>	750	0	750	70.00	.00	680.00	9.3%
<a href="#">101721 66030 OTHER SUPPLIES</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101721 67510 OFFICE FURNITURE &amp; EQ</a>	500	0	500	.00	.00	500.00	.0%
TOTAL PLANNING / CODE	342,457	0	342,457	91,830.55	.00	250,626.45	26.8%

101730 IN TOWN PARKS

<a href="#">101730 64007 PARKS 10% COMM SALARY</a>	7,989	0	7,989	2,287.20	.00	5,701.80	28.6%
<a href="#">101730 64010 FULL TIME SALARIES</a>	46,874	0	46,874	11,557.50	.00	35,316.50	24.7%

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101730 64020 PART TIME SALARIES	28,600	0	28,600	7,811.06	.00	20,788.94	27.3%
101730 64030 OVERTIME	1,330	0	1,330	99.00	.00	1,231.00	7.4%
101730 65040 EDUCATIONAL/MEETING E	100	0	100	.00	.00	100.00	.0%
101730 65060 PRINTING	100	0	100	.00	.00	100.00	.0%
101730 65080 LEGAL NOTICES/OTHER A	150	0	150	.00	.00	150.00	.0%
101730 65200 ELECTRICITY	1,500	0	1,500	238.43	.00	1,261.57	15.9%
101730 65220 WATER	7,200	0	7,200	1,551.17	.00	5,648.83	21.5%
101730 65300 MACHINE & EQUIPMENT M	2,000	0	2,000	299.30	.00	1,700.70	15.0%
101730 65302 PROTECTIVE & SAFETY E	350	0	350	156.32	.00	193.68	44.7%
101730 65303 FACILITY SAFETY INSPE	625	0	625	.00	.00	625.00	.0%
101730 65310 VEHICLE MAINTENANCE	1,000	0	1,000	.00	.00	1,000.00	.0%
101730 65311 GAS, GREASE, & OIL	4,000	0	4,000	1,008.80	.00	2,991.20	25.2%
101730 65312 TIRES & TUBES	1,000	0	1,000	620.52	.00	379.48	62.1%
101730 65457 LOAM & SOD	3,000	0	3,000	.00	.00	3,000.00	.0%
101730 65480 OTHER PROFESSIONAL SE	25,000	0	25,000	6,398.00	.00	18,602.00	25.6%
101730 65500 MAINTENANCE OF BLDG/G	1,000	0	1,000	130.10	.00	869.90	13.0%
101730 65521 UNIFORMS	400	0	400	400.00	.00	.00	100.0%
101730 66011 HAND TOOLS	150	0	150	75.51	.00	74.49	50.3%
101730 66030 OTHER SUPPLIES	150	0	150	.00	.00	150.00	.0%
101730 66040 JANITORIAL SUPPLIES &	100	0	100	.00	.00	100.00	.0%
101730 67520 OPERATING EQUIPMENT	1,000	0	1,000	.00	.00	1,000.00	.0%
TOTAL IN TOWN PARKS	133,618	0	133,618	32,632.91	.00	100,985.09	24.4%

101735 FT FOSTER SEAPOINT & CRESCENT

101735 64007 PARKS 15% COMM SALARY	11,983	0	11,983	3,430.86	.00	8,552.14	28.6%
101735 64010 FULL TIME SALARIES	50,498	0	50,498	12,578.82	.00	37,919.18	24.9%
101735 64020 PART TIME SALARIES	54,965	0	54,965	33,567.46	.00	21,397.54	61.1%
101735 64030 OVERTIME	6,765	0	6,765	1,755.59	.00	5,009.41	26.0%
101735 64060 FICA EMPLOYER SHARE	0	0	0	-41.31	.00	41.31	100.0%
101735 65020 TELEPHONE & INTERNET	1,400	0	1,400	331.38	.00	1,068.62	23.7%
101735 65040 EDUCATIONAL/MEETING E	100	0	100	.00	.00	100.00	.0%
101735 65060 PRINTING	3,500	0	3,500	1,042.70	.00	2,457.30	29.8%
101735 65080 LEGAL NOTICES/OTHER A	200	0	200	.00	.00	200.00	.0%
101735 65200 ELECTRICITY	500	0	500	50.55	.00	449.45	10.1%
101735 65220 WATER	600	0	600	.00	.00	600.00	.0%
101735 65300 MACHINE & EQUIPMENT M	1,500	0	1,500	266.74	.00	1,233.26	17.8%
101735 65302 PROTECTIVE & SAFETY E	600	0	600	73.80	.00	526.20	12.3%
101735 65303 FACILITY SAFETY INSPE	625	0	625	.00	.00	625.00	.0%
101735 65310 VEHICLE MAINTENANCE	1,000	0	1,000	.00	.00	1,000.00	.0%
101735 65311 GAS, GREASE, & OIL	4,000	0	4,000	249.08	.00	3,750.92	6.2%

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101735 65312 TIRES &amp; TUBES</a>	700	0	700	.00	.00	700.00	.0%
<a href="#">101735 65480 OTHER PROFESSIONAL SE</a>	4,000	0	4,000	.00	.00	4,000.00	.0%
<a href="#">101735 65500 MAINTENANCE OF BLDG/G</a>	4,500	0	4,500	30.48	.00	4,469.52	.7%
<a href="#">101735 65510 PAINTING</a>	400	0	400	217.19	.00	182.81	54.3%
<a href="#">101735 65521 UNIFORMS</a>	700	0	700	391.20	.00	308.80	55.9%
<a href="#">101735 66011 HAND TOOLS</a>	150	0	150	5.39	.00	144.61	3.6%
<a href="#">101735 66030 OTHER SUPPLIES</a>	900	0	900	35.16	.00	864.84	3.9%
<a href="#">101735 66040 JANITORIAL SUPPLIES &amp;</a>	4,500	0	4,500	4,660.35	.00	-160.35	103.6%*
<a href="#">101735 67520 OPERATING EQUIPMENT</a>	1,200	0	1,200	.00	.00	1,200.00	.0%
<a href="#">101735 67575 SEAPOINT BEACH</a>	200	0	200	200.00	.00	.00	100.0%
TOTAL FT FOSTER SEAPOINT & CRESCENT	155,486	0	155,486	58,845.44	.00	96,640.56	37.8%
101740 MISCELLANEOUS ACCOUNTS							
<a href="#">101740 65023 EPA STORMWATER 4 PROG</a>	19,600	0	19,600	3,164.80	.00	16,435.20	16.1%
<a href="#">101740 65025 COMPUTER REPAIR/REPLA</a>	42,000	0	42,000	3,699.73	.00	38,300.27	8.8%
<a href="#">101740 65455 MEMORIAL DAY ACTIVITI</a>	700	0	700	.00	.00	700.00	.0%
<a href="#">101740 65951 SHELLFISH CONSERVATIO</a>	3,560	0	3,560	850.00	.00	2,710.00	23.9%
<a href="#">101740 66036 CONSERVATION COMMISSI</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101740 68525 MOSQUITO/TICK CONTROL</a>	35,000	0	35,000	12,000.00	.00	23,000.00	34.3%
<a href="#">101740 68532 GIS WEB ACCOUNT</a>	3,600	0	3,600	.00	.00	3,600.00	.0%
<a href="#">101740 69200 PSAP PAID TO YORK PD</a>	28,000	0	28,000	.00	.00	28,000.00	.0%
TOTAL MISCELLANEOUS ACCOUNTS	132,960	0	132,960	19,714.53	.00	113,245.47	14.8%
101750 STATE/BANK FEES							
<a href="#">101750 65952 OVERAGE/SHORTAGE</a>	0	0	0	1.00	.00	-1.00	100.0%*
<a href="#">101750 65954 BANK FEES/CHARGES</a>	600	0	600	.00	.00	600.00	.0%
TOTAL STATE/BANK FEES	600	0	600	1.00	.00	599.00	.2%
101760 CAPITAL IMPROVEMENT PLAN							
<a href="#">101760 68720 CODIF/TELE/HARBOR/LOA</a>	0	0	0	5,382.94	.00	-5,382.94	100.0%*
<a href="#">101760 68750 CIP HOLDING DEDICATED</a>	650,900	0	650,900	650,900.00	.00	.00	100.0%
<a href="#">101760 68751 CIP DEPT CAPITAL RESE</a>	882,717	0	882,717	882,717.00	.00	.00	100.0%

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101760 68752 CIP CAP FUNDING REQUE</a>	169,664	0	169,664	169,663.58	.00	.42	100.0%
TOTAL CAPITAL IMPROVEMENT PLAN	1,703,281	0	1,703,281	1,708,663.52	.00	-5,382.52	100.3%
<hr/> 101810 LIBRARY <hr/>							
<a href="#">101810 65480 OTHER PROF SERV - RIC</a>	478,901	0	478,901	159,633.67	.00	319,267.33	33.3%
TOTAL LIBRARY	478,901	0	478,901	159,633.67	.00	319,267.33	33.3%
<hr/> 101830 RECREATION <hr/>							
<a href="#">101830 64008 RECREATION DIRECTOR S</a>	78,758	0	78,758	19,513.99	.00	59,244.01	24.8%
<a href="#">101830 64009 ASST DIRECTOR/GEN MGR</a>	58,417	0	58,417	14,508.16	.00	43,908.84	24.8%
<a href="#">101830 64010 EARLY CHILDHOOD SUPER</a>	43,595	0	43,595	10,848.02	.00	32,746.98	24.9%
<a href="#">101830 64012 RECREATION SUPERVISOR</a>	46,833	0	46,833	2,403.15	.00	44,429.85	5.1%
<a href="#">101830 64013 ASST EARLY CHILDCARE</a>	35,219	0	35,219	8,788.81	.00	26,430.19	25.0%
<a href="#">101830 64014 LEAD TEACHERS</a>	59,908	0	59,908	15,470.53	.00	44,437.47	25.8%
<a href="#">101830 64015 SPORTS COORDINATOR</a>	36,640	0	36,640	9,146.82	.00	27,493.18	25.0%
<a href="#">101830 64016 RECEPTIONISTS</a>	50,261	0	50,261	11,628.41	.00	38,632.59	23.1%
<a href="#">101830 64017 BOOKKEEPER/SECRETARY</a>	21,628	0	21,628	5,247.08	.00	16,380.92	24.3%
<a href="#">101830 64020 PT SAFE SCHOOL YEAR S</a>	21,000	0	21,000	2,084.60	.00	18,915.40	9.9%
<a href="#">101830 64021 SAFE SUMMER SALARIES</a>	33,822	0	33,822	30,448.08	.00	3,373.92	90.0%
<a href="#">101830 64023 ADVENTURE SUMMER STAF</a>	15,354	0	15,354	13,940.50	.00	1,413.50	90.8%
<a href="#">101830 64024 FT CUSTODIANS</a>	36,640	0	36,640	8,965.23	.00	27,674.77	24.5%
<a href="#">101830 64025 PRE-SCHOOL STAFF SALA</a>	125,000	0	125,000	30,758.47	.00	94,241.53	24.6%
<a href="#">101830 64026 INSTRUCTORS STIPENDS</a>	21,500	0	21,500	1,848.50	.00	19,651.50	8.6%
<a href="#">101830 64027 CUSTODIAN WAGES</a>	32,190	0	32,190	7,514.05	.00	24,675.95	23.3%
<a href="#">101830 64028 THEATRE TECHNICIANS</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101830 64030 OVERTIME</a>	8,000	0	8,000	560.28	.00	7,439.72	7.0%
<a href="#">101830 64041 FACILITIES MAINT SUPE</a>	51,067	0	51,067	12,744.41	.00	38,322.59	25.0%
<a href="#">101830 64060 FICA EMPLOYER SHARE</a>	0	0	0	24.50	.00	-24.50	100.0%*
<a href="#">101830 65010 POSTAGE</a>	1,500	0	1,500	380.85	.00	1,119.15	25.4%
<a href="#">101830 65020 TELEPHONE &amp; INTERNET</a>	5,000	0	5,000	825.25	.00	4,174.75	16.5%
<a href="#">101830 65030 TRANSPORTATION</a>	3,500	0	3,500	1,011.33	.00	2,488.67	28.9%
<a href="#">101830 65060 PRINTING</a>	7,800	0	7,800	5,536.80	.00	2,263.20	71.0%
<a href="#">101830 65200 ELECTRICITY / UTILITI</a>	44,000	0	44,000	7,401.11	.00	36,598.89	16.8%
<a href="#">101830 65220 WATER</a>	3,342	0	3,342	587.97	.00	2,754.03	17.6%
<a href="#">101830 65230 NATURAL GAS</a>	35,000	0	35,000	1,144.20	.00	33,855.80	3.3%
<a href="#">101830 65250 SEWER</a>	2,300	0	2,300	625.00	.00	1,675.00	27.2%

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<a href="#">101830 65300 MACHINE &amp; EQUIPMENT M</a>	6,000	0	6,000	2,818.88	.00	3,181.12	47.0%
<a href="#">101830 65310 VEHICLE MAINTENANCE</a>	1,000	0	1,000	12.50	.00	987.50	1.3%
<a href="#">101830 65478 PROGRAM SERVICES</a>	4,000	0	4,000	615.62	.00	3,384.38	15.4%
<a href="#">101830 65480 OTHER PROFESSIONAL SE</a>	2,500	0	2,500	.00	.00	2,500.00	.0%
<a href="#">101830 65500 MAINTENANCE OF BLDG/G</a>	13,000	0	13,000	6,218.28	.00	6,781.72	47.8%
<a href="#">101830 65521 UNIFORMS</a>	0	0	0	148.70	.00	-148.70	100.0%*
<a href="#">101830 65610 SAFE SCHCOOL YEAR PRO</a>	3,500	0	3,500	.00	.00	3,500.00	.0%
<a href="#">101830 65615 SAFE SUMMER PROGRAM E</a>	19,000	0	19,000	20,886.93	.00	-1,886.93	109.9%*
<a href="#">101830 65620 ADVENTURE ADOLESCENT</a>	19,000	0	19,000	13,032.49	.00	5,967.51	68.6%
<a href="#">101830 65630 INSTRUCTORS-CONTRACTE</a>	2,800	0	2,800	.00	.00	2,800.00	.0%
<a href="#">101830 65640 SPECIAL EVENTS</a>	9,500	0	9,500	1,303.85	.00	8,196.15	13.7%
<a href="#">101830 65650 SENIOR PROGRAMS</a>	7,000	0	7,000	.00	.00	7,000.00	.0%
<a href="#">101830 65670 TEAM EXPENSE</a>	7,000	0	7,000	1,794.25	.00	5,205.75	25.6%
<a href="#">101830 65680 PRESCHOOL PROGRAM EXP</a>	8,500	0	8,500	3,377.70	.00	5,122.30	39.7%
<a href="#">101830 65801 CONTRACTED SERVICES</a>	39,800	0	39,800	14,581.58	.00	25,218.42	36.6%
<a href="#">101830 65802 ANNEX UTILITIES</a>	4,000	0	4,000	4,967.00	.00	-967.00	124.2%*
<a href="#">101830 65803 MISCELLANEOUS</a>	9,000	0	9,000	1,033.37	.00	7,966.63	11.5%
<a href="#">101830 66010 OFFICE SUPPLIES</a>	3,000	0	3,000	769.08	.00	2,230.92	25.6%
<a href="#">101830 66030 OTHER SUPPLIES</a>	4,000	0	4,000	1,337.53	.00	2,662.47	33.4%
<a href="#">101830 66031 THEATRE SUPPLIES</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101830 66040 JANITORIAL SUPPLIES &amp;</a>	12,500	0	12,500	4,964.09	.00	7,535.91	39.7%
TOTAL RECREATION	1,054,874	0	1,054,874	301,817.95	.00	753,056.05	28.6%

101840 PORT AUTHORITY

<a href="#">101840 64010 HARBOR MASTER FULL TI</a>	52,000	0	52,000	14,040.00	.00	37,960.00	27.0%
<a href="#">101840 64020 PART TIME SALARIES</a>	14,000	0	14,000	6,855.28	.00	7,144.72	49.0%
<a href="#">101840 65010 POSTAGE</a>	100	0	100	.00	.00	100.00	.0%
<a href="#">101840 65020 TELEPHONE &amp; INTERNET</a>	1,100	0	1,100	276.36	.00	823.64	25.1%
<a href="#">101840 65030 TRANSPORTATION</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101840 65200 ELECTRICITY</a>	1,500	0	1,500	306.31	.00	1,193.69	20.4%
<a href="#">101840 65220 WATER</a>	600	0	600	77.05	.00	522.95	12.8%
<a href="#">101840 65240 DUMPSTERS/TRASH REMOV</a>	1,300	0	1,300	513.00	.00	787.00	39.5%
<a href="#">101840 65305 BOAT EQUIPMENT MAINT</a>	750	0	750	659.69	.00	90.31	88.0%
<a href="#">101840 65311 GAS, GREASE, &amp; OIL</a>	750	0	750	175.38	.00	574.62	23.4%
<a href="#">101840 65452 SAFETY</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101840 65460 SIGNS</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">101840 65462 RIGGING</a>	9,600	0	9,600	1,680.24	.00	7,919.76	17.5%
<a href="#">101840 65463 SANITATION</a>	3,900	0	3,900	625.00	.00	3,275.00	16.0%
<a href="#">101840 65470 PROFESSIONAL DEVELOP</a>	550	0	550	.00	.00	550.00	.0%
<a href="#">101840 65480 OTHER PROFESSIONAL/CO</a>	2,500	0	2,500	143.87	.00	2,356.13	5.8%

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<a href="#">101840 65500 MAIN BLDG/GROUNDS WHA</a>	3,000	0	3,000	843.64	.00	2,156.36	28.1%
<a href="#">101840 65521 UNIFORMS</a>	500	0	500	24.00	.00	476.00	4.8%
<a href="#">101840 66010 OFFICE SUPPLIES</a>	500	0	500	135.23	.00	364.77	27.0%
<a href="#">101840 66040 JANITORIAL SUPPLIES &amp;</a>	300	0	300	6.30	.00	293.70	2.1%
<a href="#">101840 67540 IMPROVEMENTS TO BLDGS</a>	0	0	0	78.00	.00	-78.00	100.0%*
TOTAL PORT AUTHORITY	94,950	0	94,950	26,439.35	.00	68,510.65	27.8%
101930 RESOURCE RECOVERY FACILITY							
<a href="#">101930 64009 SOLID WASTE 40% COMM</a>	31,956	0	31,956	9,148.80	.00	22,807.20	28.6%
<a href="#">101930 64010 FULL TIME SALARIES</a>	171,051	0	171,051	39,156.05	.00	131,894.95	22.9%
<a href="#">101930 64020 PART TIME SALARIES</a>	0	0	0	1,512.00	.00	-1,512.00	100.0%*
<a href="#">101930 64030 OVERTIME</a>	7,000	0	7,000	757.64	.00	6,242.36	10.8%
<a href="#">101930 65020 TELEPHONE &amp; INTERNET</a>	2,000	0	2,000	189.70	.00	1,810.30	9.5%
<a href="#">101930 65030 TRANSPORTATION</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101930 65040 EDUCATIONAL/MEETING E</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101930 65060 PRINTING</a>	1,500	0	1,500	.00	.00	1,500.00	.0%
<a href="#">101930 65090 ZERO WASTE PROGRAM EX</a>	2,500	0	2,500	.00	.00	2,500.00	.0%
<a href="#">101930 65200 ELECTRICITY</a>	11,000	0	11,000	2,254.02	.00	8,745.98	20.5%
<a href="#">101930 65220 WATER</a>	950	0	950	213.30	.00	736.70	22.5%
<a href="#">101930 65230 FUEL OIL</a>	1,230	0	1,230	.00	.00	1,230.00	.0%
<a href="#">101930 65300 MACHINE &amp; EQUIPMENT M</a>	3,500	0	3,500	1,233.83	.00	2,266.17	35.3%
<a href="#">101930 65302 PROTECTIVE &amp; SAFETY E</a>	1,000	0	1,000	96.20	.00	903.80	9.6%
<a href="#">101930 65303 FACILITY SAFETY INSPE</a>	1,250	0	1,250	.00	.00	1,250.00	.0%
<a href="#">101930 65311 GAS, GREASE, &amp; OIL</a>	10,000	0	10,000	2,039.27	.00	7,960.73	20.4%
<a href="#">101930 65312 TIRES &amp; TUBES</a>	3,000	0	3,000	.00	.00	3,000.00	.0%
<a href="#">101930 65480 OTHER PROFESSIONAL SE</a>	250,000	0	250,000	43,188.85	.00	206,811.15	17.3%
<a href="#">101930 65500 MAINTENANCE OF BLDG/G</a>	8,000	0	8,000	.00	.00	8,000.00	.0%
<a href="#">101930 65521 UNIFORMS</a>	2,000	0	2,000	2,000.00	.00	.00	100.0%
<a href="#">101930 66009 SHOP SUPPLIES</a>	6,000	0	6,000	2,738.80	.00	3,261.20	45.6%
<a href="#">101930 66010 OFFICE SUPPLIES</a>	250	0	250	.00	.00	250.00	.0%
<a href="#">101930 66011 HAND TOOLS</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101930 66030 OTHER SUPPLIES</a>	250	0	250	.00	.00	250.00	.0%
<a href="#">101930 66040 JANITORIAL SUPPLIES &amp;</a>	1,400	0	1,400	298.90	.00	1,101.10	21.4%
<a href="#">101930 67516 PLANT EQUIPMENT MAINT</a>	10,500	0	10,500	.00	.00	10,500.00	.0%
<a href="#">101930 67553 ASPHALT SURFACE MAINT</a>	7,500	0	7,500	.00	.00	7,500.00	.0%
TOTAL RESOURCE RECOVERY FACILITY	535,237	0	535,237	104,827.36	.00	430,409.64	19.6%
103000 SHARED EXPENSES - OTHER INSURA							
<a href="#">103000 64060 FICA EMPLOYER SHARE</a>	388,905	0	388,905	94,644.98	.00	294,260.02	24.3%

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<a href="#">103000 64070 WORKERS' COMP INSURAN</a>	186,587	0	186,587	24,054.33	.00	162,532.67	12.9%
<a href="#">103000 64090 RETIRED EMP MEDICAL/D</a>	212,306	0	212,306	63,719.73	.00	148,586.27	30.0%
<a href="#">103000 64092 DISABILITY INSURANCE</a>	28,756	0	28,756	9,008.72	.00	19,747.28	31.3%
<a href="#">103000 65101 MMA RISK POOL</a>	170,949	0	170,949	85,797.00	.00	85,152.00	50.2%
<a href="#">103000 65150 MISCELLANEOUS INSURAN</a>	4,600	0	4,600	1,411.80	.00	3,188.20	30.7%
<a href="#">103000 65210 UNION CENTRAL LIFE IN</a>	2,600	0	2,600	611.42	.00	1,988.58	23.5%
TOTAL SHARED EXPENSES - OTHER INSURA	994,703	0	994,703	279,247.98	.00	715,455.02	28.1%
103001 SHARED EXPENSE - HEALTH/DENTAL							
<a href="#">103001 64090 MAJOR MEDICAL INSURAN</a>	1,134,533	0	1,134,533	332,930.31	.00	801,602.69	29.3%
<a href="#">103001 64091 DENTAL INSURANCE</a>	13,845	0	13,845	3,904.78	.00	9,940.22	28.2%
TOTAL SHARED EXPENSE - HEALTH/DENTAL	1,148,378	0	1,148,378	336,835.09	.00	811,542.91	29.3%
103002 RETIREMENT							
<a href="#">103002 64050 MAINE STATE RETIREMEN</a>	479,268	0	479,268	107,521.70	.00	371,746.30	22.4%
<a href="#">103002 64051 ICMA EMPLOYER SHARE</a>	28,426	0	28,426	5,618.92	.00	22,807.08	19.8%
TOTAL RETIREMENT	507,694	0	507,694	113,140.62	.00	394,553.38	22.3%
108000 ADULT ED							
<a href="#">108000 69480 ADULT EDUCATION FUND-</a>	86,765	0	86,765	86,765.00	.00	.00	100.0%
TOTAL ADULT ED	86,765	0	86,765	86,765.00	.00	.00	100.0%
1111 TOWN REVENUE							
<a href="#">1111 43001 PROPERTY TAX REVENUE</a>	-9,240,217	-113,564	-9,353,781	-9,232,093.83	.00	-121,687.17	98.7%*
<a href="#">1111 43003 PROPERTY TAX ABATEMENTS</a>	0	0	0	40,000.00	.00	-40,000.00	100.0%*
<a href="#">1111 43004 PAYMENT IN LIEU OF TAXE</a>	-7,000	0	-7,000	-3,286.00	.00	-3,714.00	46.9%*
<a href="#">1111 43006 HOMESTEAD EXEMPT STATE</a>	-180,000	0	-180,000	-243,750.00	.00	63,750.00	135.4%
<a href="#">1111 43007 TREE GROWTH REVENUE</a>	-2,758	0	-2,758	.00	.00	-2,758.00	.0%*



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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">1111 43031 EXCISE TAX AUTOMOBILE</a>	-1,750,000	0	-1,750,000	-519,220.53	.00	-1,230,779.47	29.7%*
<a href="#">1111 43032 EXCISE TAX BOAT</a>	-27,500	0	-27,500	-2,400.10	.00	-25,099.90	8.7%*
<a href="#">1111 43109 SIGN PERMITS</a>	-3,000	0	-3,000	-600.00	.00	-2,400.00	20.0%*
<a href="#">1111 43110 CODE ENFORCEMENT FEES</a>	-280,000	0	-280,000	-71,126.70	.00	-208,873.30	25.4%*
<a href="#">1111 43113 BOARD OF ASSESSMENT REV</a>	-200	0	-200	.00	.00	-200.00	.0%*
<a href="#">1111 43114 ADDITIONAL LAND USE FEE</a>	-4,400	0	-4,400	-1,250.00	.00	-3,150.00	28.4%*
<a href="#">1111 43115 PLANNING FEES (SUBDIVIS</a>	-16,000	0	-16,000	-1,868.00	.00	-14,132.00	11.7%*
<a href="#">1111 43120 TOWN CLERK FEES</a>	-22,000	0	-22,000	-8,644.40	.00	-13,355.60	39.3%*
<a href="#">1111 43121 WILDLIFE AGENT FEE</a>	-1,200	0	-1,200	-227.00	.00	-973.00	18.9%*
<a href="#">1111 43122 ANIMAL WELFARE AGENT FE</a>	-1,600	0	-1,600	-31.00	.00	-1,569.00	1.9%*
<a href="#">1111 43130 TOWN REGISTRATION FEES</a>	-27,000	0	-27,000	-7,552.00	.00	-19,448.00	28.0%*
<a href="#">1111 43135 HWY PERMITS &amp; FEES</a>	-1,000	0	-1,000	.00	.00	-1,000.00	.0%*
<a href="#">1111 43140 SOLID WASTE PERMITS &amp; F</a>	-55,000	0	-55,000	-29,871.00	.00	-25,129.00	54.3%*
<a href="#">1111 43145 SOLID WASTE RECYCLING</a>	-125,000	0	-125,000	-22,254.27	.00	-102,745.73	17.8%*
<a href="#">1111 43147 DINGHY FEES</a>	-12,740	0	-12,740	-430.00	.00	-12,310.00	3.4%*
<a href="#">1111 43148 TRANSIENT SLIP RENTAL</a>	-3,000	0	-3,000	-3,700.00	.00	700.00	123.3%*
<a href="#">1111 43149 KPA APPLICATION FEES</a>	-1,000	0	-1,000	.00	.00	-1,000.00	.0%*
<a href="#">1111 43150 MOORING FEES</a>	-84,500	0	-84,500	-3,317.00	.00	-81,183.00	3.9%*
<a href="#">1111 43151 LAUNCH FEE</a>	-15,500	0	-15,500	-9,211.75	.00	-6,288.25	59.4%*
<a href="#">1111 43152 TRANSIENT MOORING</a>	-5,200	0	-5,200	-4,985.00	.00	-215.00	95.9%*
<a href="#">1111 43153 WAIT LIST FEE</a>	-1,450	0	-1,450	-250.00	.00	-1,200.00	17.2%*
<a href="#">1111 43154 HARBOR &amp; WATER USAGE FE</a>	-11,000	0	-11,000	-208.00	.00	-10,792.00	1.9%*
<a href="#">1111 43156 PIER USAGE FEE</a>	-750	0	-750	-150.00	.00	-600.00	20.0%*
<a href="#">1111 43157 MOORING LATE FEE</a>	0	0	0	-350.00	.00	350.00	100.0%*
<a href="#">1111 43160 FORT FOSTER FEES</a>	-195,000	0	-195,000	-125,370.75	.00	-69,629.25	64.3%*
<a href="#">1111 43165 SPRINKLER PERMITS</a>	-250	0	-250	-100.00	.00	-150.00	40.0%*
<a href="#">1111 43210 LIEN FEES</a>	-15,000	0	-15,000	-5,627.68	.00	-9,372.32	37.5%*
<a href="#">1111 43220 PENALTY INTEREST</a>	-35,000	0	-35,000	-17,879.79	.00	-17,120.21	51.1%*
<a href="#">1111 43320 RECREATION FEES</a>	-987,000	0	-987,000	-210,543.66	.00	-776,456.34	21.3%*
<a href="#">1111 43330 ANIMAL CONTROL</a>	-6,500	0	-6,500	-121.00	.00	-6,379.00	1.9%*
<a href="#">1111 43336 PHOTO COPIES</a>	-350	0	-350	-55.50	.00	-294.50	15.9%*
<a href="#">1111 43349 DEA OVERTIME REIMBURSEM</a>	-5,000	0	-5,000	.00	.00	-5,000.00	.0%*
<a href="#">1111 43351 ACCIDENT REPORTS</a>	-3,000	0	-3,000	-570.00	.00	-2,430.00	19.0%*
<a href="#">1111 43352 PARKING TICKETS</a>	-15,000	0	-15,000	-7,525.00	.00	-7,475.00	50.2%*
<a href="#">1111 43353 GUN PERMITS</a>	-2,000	0	-2,000	-110.00	.00	-1,890.00	5.5%*
<a href="#">1111 43354 ELIOT DISPATCHING SERVI</a>	-93,360	0	-93,360	.00	.00	-93,360.00	.0%*
<a href="#">1111 43355 ORDINANCE FINES</a>	-100	0	-100	.00	.00	-100.00	.0%*
<a href="#">1111 43356 WITNESS FEES</a>	-500	0	-500	-30.00	.00	-470.00	6.0%*
<a href="#">1111 43358 FALSE ALARMS</a>	-1,100	0	-1,100	-380.00	.00	-720.00	34.5%*
<a href="#">1111 43359 AMBULANCE DISPTACH FEES</a>	-16,000	0	-16,000	.00	.00	-16,000.00	.0%*
<a href="#">1111 43410 MDOT HWY MAINTENANCE RE</a>	-11,500	0	-11,500	.00	.00	-11,500.00	.0%*
<a href="#">1111 43420 STATE REVENUE SHARING</a>	-414,000	0	-414,000	-116,160.08	.00	-297,839.92	28.1%*
<a href="#">1111 43421 STATE PARK FEE REV SHAR</a>	-275	0	-275	.00	.00	-275.00	.0%*
<a href="#">1111 43443 RESTITUTION INCOME/UNAP</a>	-3,000	0	-3,000	-673.14	.00	-2,326.86	22.4%*

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GENERAL FUND

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ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">1111 43470 STATE OF MAINE GENERAL</a>	-45,000	0	-45,000	-3,788.40	.00	-41,211.60	8.4%*
<a href="#">1111 43480 MARY SAFFORD WILDES TRU</a>	-30,000	0	-30,000	.00	.00	-30,000.00	.0%*
<a href="#">1111 43510 INTEREST ON INVESTMENTS</a>	-50,000	0	-50,000	-5,132.57	.00	-44,867.43	10.3%*
<a href="#">1111 43530 MISCELLANEOUS REVENUE/U</a>	-20,000	0	-20,000	-3,292.41	.00	-16,707.59	16.5%*
<a href="#">1111 43540 SEWER DEPT RENT</a>	-22,900	0	-22,900	-5,725.00	.00	-17,175.00	25.0%*
<a href="#">1111 43555 SNOWMOBILE/HANDICAP/ELD</a>	-655	0	-655	.00	.00	-655.00	.0%*
<a href="#">1111 43560 GMH HOUSING</a>	-275,000	0	-275,000	-66,712.26	.00	-208,287.74	24.3%*
<a href="#">1111 43576 TRANSFER IN FROM OTHER</a>	-243,978	0	-243,978	-243,978.00	.00	.00	100.0%
<a href="#">1111 43580 USE OF CARRY FORWARDS</a>	0	-10,000	-10,000	.00	.00	-10,000.00	.0%*
<a href="#">1111 45007 INTEREST REVENUE</a>	-1,000	0	-1,000	.00	.00	-1,000.00	.0%*
<a href="#">1111 45020 MMA W/C DIVIDEND</a>	-9,000	0	-9,000	-15,843.00	.00	6,843.00	176.0%
<a href="#">1111 45025 SCHOOL RESOURCE OFFICER</a>	-46,350	0	-46,350	.00	.00	-46,350.00	.0%*
TOTAL TOWN REVENUE	-14,426,833	-123,564	-14,550,397	-10,956,394.82	.00	-3,594,002.18	75.3%
TOTAL TOWN GENERAL FUND	0	0	0	-6,179,520.74	.00	6,179,520.74	100.0%
TOTAL REVENUES	-14,426,833	-123,564	-14,550,397	-10,956,394.82	.00	-3,594,002.18	
TOTAL EXPENSES	14,426,833	123,564	14,550,397	4,776,874.08	.00	9,773,522.92	

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 TOWN OF KITTEERY - LIVE  
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	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	0	0	0	-6,179,520.74	.00	6,179,520.74	100.0%

\*\* END OF REPORT - Generated by PATRICIA MOORE \*\*

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6000 SEWER FUND							
6000 43003 SEWER ADJUSTMENTS	0	0	0	.82	.00	-.82	100.0%*
6000 43220 PENALTY INTEREST	0	0	0	-2,880.51	.00	2,880.51	100.0%
6000 45001 REVENUE US NAVY	-580,695	0	-580,695	.00	.00	-580,695.00	.0%*
6000 45002 REVENUE US NAVY HOUSING	-93,590	0	-93,590	-29,034.82	.00	-64,555.18	31.0%*
6000 45003 REVENUE OTHER	-25,000	0	-25,000	-13,251.18	.00	-11,748.82	53.0%*
6000 45004 REVENUE TOWN OF ELIOT	-177,138	0	-177,138	.00	.00	-177,138.00	.0%*
6000 45005 REVENUE NEW SEWER	-1,187,079	0	-1,187,079	-200,547.63	.00	-986,531.37	16.9%*
6000 45006 EXPANSION ASSESSMENT RE	-77,000	0	-77,000	-7,575.30	.00	-69,424.70	9.8%*
6000 45007 SEWER INTEREST REVENUE	0	0	0	-4,275.43	.00	4,275.43	100.0%
TOTAL SEWER FUND	-2,140,502	0	-2,140,502	-257,564.05	.00	-1,882,937.95	12.0%
602702 SEWER LINES							
602702 64010 SEWER LINES LABOR	18,189	0	18,189	2,420.02	.00	15,768.98	13.3%
602702 65480 OTHER PROF SERV/CONTR	28,350	0	28,350	8,268.50	.00	20,081.50	29.2%
602702 66300 SUPPLIES - SEWER LINE	10,000	0	10,000	132.09	.00	9,867.91	1.3%
TOTAL SEWER LINES	56,539	0	56,539	10,820.61	.00	45,718.39	19.1%
602710 PUMP STATION # 1							
602710 64010 PUMP STATION # 1 LABO	2,728	0	2,728	433.69	.00	2,294.31	15.9%
602710 65200 PUMP STATION # 1 ELEC	5,000	0	5,000	77.72	.00	4,922.28	1.6%
602710 65480 PUMP STATION # 1 CONT	1,000	0	1,000	78.67	.00	921.33	7.9%
602710 65930 PUMP STATION # 1 ALAR	260	0	260	66.82	.00	193.18	25.7%
602710 66300 PUMP STATION # 1 SUPP	50	0	50	.00	.00	50.00	.0%
602710 66320 PUMP STATION # 1 PART	450	0	450	27.05	.00	422.95	6.0%
TOTAL PUMP STATION # 1	9,488	0	9,488	683.95	.00	8,804.05	7.2%
602711 PUMP STATION # 2							
602711 64010 PUMP STATION # 2 LABO	3,547	0	3,547	437.11	.00	3,109.89	12.3%

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602711 65200 PUMP STATION # 2 ELEC	3,800	0	3,800	411.41	.00	3,388.59	10.8%
602711 65480 PUMP STATION # 2 CONT	900	0	900	78.72	.00	821.28	8.7%
602711 65930 PUMP STATION # 2 ALAR	300	0	300	66.82	.00	233.18	22.3%
602711 66300 PUMP STATION # 2 SUPP	100	0	100	.00	.00	100.00	.0%
602711 66320 PUMP STATION # 2 PART	500	0	500	27.07	.00	472.93	5.4%
TOTAL PUMP STATION # 2	9,147	0	9,147	1,021.13	.00	8,125.87	11.2%
602712 PUMP STATION # 3							
602712 64010 PUMP STATION # 3 LABO	4,365	0	4,365	493.97	.00	3,871.03	11.3%
602712 65200 PUMP STATION # 3 ELEC	2,000	0	2,000	181.31	.00	1,818.69	9.1%
602712 65480 PUMP STATION # 3 CONT	6,000	0	6,000	292.72	.00	5,707.28	4.9%
602712 65930 PUMP STATION # 3 ALAR	260	0	260	66.82	.00	193.18	25.7%
602712 66300 PUMP STATION # 3 SUPP	50	0	50	.00	.00	50.00	.0%
602712 66320 PUMP STATION # 3 PART	650	0	650	27.07	.00	622.93	4.2%
TOTAL PUMP STATION # 3	13,325	0	13,325	1,061.89	.00	12,263.11	8.0%
602713 PUMP STATION # 4							
602713 64010 PUMP STATION # 4 LABO	3,274	0	3,274	418.96	.00	2,855.04	12.8%
602713 65200 PUMP STATION # 4 ELEC	1,450	0	1,450	159.55	.00	1,290.45	11.0%
602713 65480 PUMP STATION # 4 CONT	1,500	0	1,500	78.72	.00	1,421.28	5.2%
602713 65930 PUMP STATION # 4 ALAR	300	0	300	66.82	.00	233.18	22.3%
602713 66300 PUMP STATION # 4 SUPP	25	0	25	.00	.00	25.00	.0%
602713 66320 PUMP STATION # 4 PART	650	0	650	27.07	.00	622.93	4.2%
TOTAL PUMP STATION # 4	7,199	0	7,199	751.12	.00	6,447.88	10.4%
602714 PUMP STATION # 5							
602714 64010 PUMP STATION # 5 LABO	3,274	0	3,274	409.35	.00	2,864.65	12.5%
602714 65200 PUMP STATION # 5 ELEC	1,400	0	1,400	81.78	.00	1,318.22	5.8%
602714 65480 PUMP STATION # 5 CONT	1,100	0	1,100	78.72	.00	1,021.28	7.2%
602714 65930 PUMP STATION # 5 ALAR	300	0	300	66.83	.00	233.17	22.3%
602714 66300 PUMP STATION # 5 SUPP	50	0	50	.00	.00	50.00	.0%
602714 66320 PUMP STATION # 5 PART	450	0	450	27.07	.00	422.93	6.0%

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL PUMP STATION # 5	6,574	0	6,574	663.75	.00	5,910.25	10.1%
602715 PUMP STATION # 6							
602715 64010 PUMP STATION # 6 LABOR	21,827	0	21,827	6,066.26	.00	15,760.74	27.8%
602715 65200 PUMP STATION # 6 ELEC	16,000	0	16,000	1,702.47	.00	14,297.53	10.6%
602715 65220 PUMP STATION # 6 WATE	1,000	0	1,000	.00	.00	1,000.00	.0%
602715 65315 PUMP STATION GENERATO	800	0	800	.00	.00	800.00	.0%
602715 65480 PUMP STATION # 6 CONT	4,725	0	4,725	835.00	.00	3,890.00	17.7%
602715 65930 PUMP STATION # 6 ALAR	300	0	300	66.83	.00	233.17	22.3%
602715 66300 PUMP STATION # 6 SUPP	1,000	0	1,000	75.13	.00	924.87	7.5%
602715 66320 PUMP STATION # 6 PART	3,050	0	3,050	889.14	.00	2,160.86	29.2%
TOTAL PUMP STATION # 6	48,702	0	48,702	9,634.83	.00	39,067.17	19.8%
602716 PUMP STATION # 7 (ELIOT)							
602716 64010 PUMP STATION # 7 LABO	18,553	0	18,553	3,618.71	.00	14,934.29	19.5%
602716 65200 PUMP STATION # 7 ELEC	4,860	0	4,860	658.36	.00	4,201.64	13.5%
602716 65220 PUMP STATION # 7 WATE	230	0	230	58.97	.00	171.03	25.6%
602716 65315 PUMP STATION GENERATO	425	0	425	.00	.00	425.00	.0%
602716 65480 PUMP STATION # 7 CONT	4,784	0	4,784	417.47	.00	4,366.53	8.7%
602716 65930 PUMP STATION # 7 ALAR	300	0	300	66.83	.00	233.17	22.3%
602716 66300 PUMP STATION # 7 SUPP	50	0	50	.00	.00	50.00	.0%
602716 66320 PUMP STATION # 7 PART	1,550	0	1,550	.00	.00	1,550.00	.0%
TOTAL PUMP STATION # 7 (ELIOT)	30,752	0	30,752	4,820.34	.00	25,931.66	15.7%
602717 PUMP STATION # 8							
602717 64010 PUMP STATION # 8 LABO	7,639	0	7,639	996.36	.00	6,642.64	13.0%
602717 65200 PUMP STATION # 8 ELEC	10,000	0	10,000	2,053.50	.00	7,946.50	20.5%
602717 65220 PUMP STATION # 8 WATE	1,000	0	1,000	.00	.00	1,000.00	.0%
602717 65315 PUMP STATION GENERATO	350	0	350	.00	.00	350.00	.0%
602717 65480 PUMP STATION # 8 CONT	8,850	0	8,850	803.00	.00	8,047.00	9.1%
602717 65930 PUMP STATION # 8 ALAR	280	0	280	66.83	.00	213.17	23.9%
602717 66300 PUMP STATION # 8 SUPP	500	0	500	.00	.00	500.00	.0%

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">602717 66320 PUMP STATION # 8 PART</a>	2,050	0	2,050	5,331.59	.00	-3,281.59	260.1%*
TOTAL PUMP STATION # 8	30,669	0	30,669	9,251.28	.00	21,417.72	30.2%
602718 PUMP STATION # 9							
<a href="#">602718 64010 PUMP STATION # 9 LABO</a>	3,820	0	3,820	482.78	.00	3,337.22	12.6%
<a href="#">602718 65020 PUMP STATION #9 TELEP</a>	600	0	600	104.56	.00	495.44	17.4%
<a href="#">602718 65200 PUMP STATION # 9 ELEC</a>	10,000	0	10,000	1,083.84	.00	8,916.16	10.8%
<a href="#">602718 65220 PUMP STATION # 9 WATE</a>	225	0	225	.00	.00	225.00	.0%
<a href="#">602718 65315 PUMP STATION GENERATO</a>	500	0	500	.00	.00	500.00	.0%
<a href="#">602718 65480 PUMP STATION # 9 CONT</a>	6,060	0	6,060	535.00	.00	5,525.00	8.8%
<a href="#">602718 65930 PUMP STATION # 9 ALAR</a>	300	0	300	66.83	.00	233.17	22.3%
<a href="#">602718 66300 PUMP STATION # 9 SUPP</a>	120	0	120	58.60	.00	61.40	48.8%
<a href="#">602718 66320 PUMP STATION # 9 PART</a>	850	0	850	.00	.00	850.00	.0%
TOTAL PUMP STATION # 9	22,475	0	22,475	2,331.61	.00	20,143.39	10.4%
602719 PUMP STATION #10							
<a href="#">602719 64010 PUMP STATION #10 LABO</a>	3,820	0	3,820	705.07	.00	3,114.93	18.5%
<a href="#">602719 65200 PUMP STATION #10 ELEC</a>	600	0	600	168.93	.00	431.07	28.2%
<a href="#">602719 65480 PUMP STATION #10 CONT</a>	2,000	0	2,000	78.72	.00	1,921.28	3.9%
<a href="#">602719 65930 PUMP STATION #10 ALAR</a>	260	0	260	66.83	.00	193.17	25.7%
<a href="#">602719 66300 PUMP STATION #10 SUPP</a>	50	0	50	.00	.00	50.00	.0%
<a href="#">602719 66320 PUMP STATION #10 PART</a>	1,000	0	1,000	40.00	.00	960.00	4.0%
TOTAL PUMP STATION #10	7,730	0	7,730	1,059.55	.00	6,670.45	13.7%
602720 PUMP STATION #11							
<a href="#">602720 64010 PUMP STATION #11 LABO</a>	3,001	0	3,001	450.13	.00	2,550.87	15.0%
<a href="#">602720 65200 PUMP STATION #11 ELEC</a>	1,000	0	1,000	106.05	.00	893.95	10.6%
<a href="#">602720 65480 PUMP STATION #11 CONT</a>	1,000	0	1,000	78.72	.00	921.28	7.9%
<a href="#">602720 65930 PUMP STATION #11 ALAR</a>	300	0	300	66.83	.00	233.17	22.3%
<a href="#">602720 66300 PUMP STATION #11 SUPP</a>	25	0	25	.00	.00	25.00	.0%
<a href="#">602720 66320 PUMP STATION #11 PART</a>	550	0	550	27.07	.00	522.93	4.9%
TOTAL PUMP STATION #11	5,876	0	5,876	728.80	.00	5,147.20	12.4%

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 ACCOUNTS FOR:  
 6000 SEWER FUND

ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
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602721 PUMP STATION #12

602721 64010 PUMP STATION #12 LABO	3,274	0	3,274	924.69	.00	2,349.31	28.2%
602721 65200 PUMP STATION #12 ELEC	700	0	700	91.26	.00	608.74	13.0%
602721 65480 PUMP STATION #12 CONT	1,000	0	1,000	78.72	.00	921.28	7.9%
602721 65930 PUMP STATION #12 ALAR	350	0	350	66.83	.00	283.17	19.1%
602721 66300 PUMP STATION #12 SUPP	25	0	25	.00	.00	25.00	.0%
602721 66320 PUMP STATION #12 PART	400	0	400	27.07	.00	372.93	6.8%
<b>TOTAL PUMP STATION #12</b>	<b>5,749</b>	<b>0</b>	<b>5,749</b>	<b>1,188.57</b>	<b>.00</b>	<b>4,560.43</b>	<b>20.7%</b>

602722 PUMP STATION #13

602722 64010 PUMP STATION #13 LABO	4,365	0	4,365	2,115.92	.00	2,249.08	48.5%
602722 65200 PUMP STATION #13 ELEC	5,700	0	5,700	666.72	.00	5,033.28	11.7%
602722 65480 PUMP STATION #13 CONT	2,000	0	2,000	1,409.22	.00	590.78	70.5%
602722 65930 PUMP STATION #13 ALAR	300	0	300	623.83	.00	-323.83	207.9%*
602722 66300 PUMP STATION #13 SUPP	50	0	50	.00	.00	50.00	.0%
602722 66320 PUMP STATION #13 PART	750	0	750	1,218.82	.00	-468.82	162.5%*
<b>TOTAL PUMP STATION #13</b>	<b>13,165</b>	<b>0</b>	<b>13,165</b>	<b>6,034.51</b>	<b>.00</b>	<b>7,130.49</b>	<b>45.8%</b>

602723 PUMP STATION #14

602723 64010 PUMP STATION #14 LABO	3,001	0	3,001	450.13	.00	2,550.87	15.0%
602723 65200 PUMP STATION #14 ELEC	750	0	750	69.26	.00	680.74	9.2%
602723 65480 PUMP STATION #14 CONT	1,000	0	1,000	78.72	.00	921.28	7.9%
602723 65930 PUMP STATION #14 ALAR	300	0	300	66.83	.00	233.17	22.3%
602723 66300 PUMP STATION #14 SUPP	25	0	25	.00	.00	25.00	.0%
602723 66320 PUMP STATION #14 PART	400	0	400	27.07	.00	372.93	6.8%
<b>TOTAL PUMP STATION #14</b>	<b>5,476</b>	<b>0</b>	<b>5,476</b>	<b>692.01</b>	<b>.00</b>	<b>4,783.99</b>	<b>12.6%</b>

602724 PUMP STATION #15

602724 64010 PUMP STATION #15 LABO	2,183	0	2,183	334.74	.00	1,848.26	15.3%
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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602724 65200 PUMP STATION #15 ELEC	600	0	600	52.77	.00	547.23	8.8%
602724 65480 PUMP STATION #15 CONT	1,000	0	1,000	78.72	.00	921.28	7.9%
602724 65930 PUMP STATION #15 ALAR	300	0	300	66.83	.00	233.17	22.3%
602724 66300 PUMP STATION #15 SUPP	25	0	25	.00	.00	25.00	.0%
602724 66320 PUMP STATION #15 PART	500	0	500	27.07	.00	472.93	5.4%
TOTAL PUMP STATION #15	4,608	0	4,608	560.13	.00	4,047.87	12.2%
602725 PUMP STATION #16							
602725 64010 PUMP STATION #16 LABO	2,728	0	2,728	226.16	.00	2,501.84	8.3%
602725 65200 PUMP STATION #16 ELEC	700	0	700	76.49	.00	623.51	10.9%
602725 65480 PUMP STATION #16 CONT	700	0	700	78.72	.00	621.28	11.2%
602725 65930 PUMP STATION #16 ALAR	300	0	300	66.83	.00	233.17	22.3%
602725 66300 PUMP STATION #16 SUPP	25	0	25	.00	.00	25.00	.0%
602725 66320 PUMP STATION #16 PART	475	0	475	27.07	.00	447.93	5.7%
TOTAL PUMP STATION #16	4,928	0	4,928	475.27	.00	4,452.73	9.6%
602726 PUMP STATION #17							
602726 64010 PUMP STATION #17 LABO	2,456	0	2,456	434.69	.00	2,021.31	17.7%
602726 65200 PUMP STATION #17 ELEC	800	0	800	67.62	.00	732.38	8.5%
602726 65480 PUMP STATION #17 CONT	700	0	700	78.72	.00	621.28	11.2%
602726 65930 PUMP STATION #17 ALAR	300	0	300	66.83	.00	233.17	22.3%
602726 66300 PUMP STATION #17 SUPP	25	0	25	.00	.00	25.00	.0%
602726 66320 PUMP STATION #17 PART	525	0	525	27.07	.00	497.93	5.2%
TOTAL PUMP STATION #17	4,806	0	4,806	674.93	.00	4,131.07	14.0%
602727 PUMP STATION #18							
602727 64010 PUMP STATION #18 LABO	2,183	0	2,183	254.25	.00	1,928.75	11.6%
602727 65200 PUMP STATION #18 ELEC	700	0	700	75.61	.00	624.39	10.8%
602727 65480 PUMP STATION #18 CONT	1,368	0	1,368	78.72	.00	1,289.28	5.8%
602727 65930 PUMP STATION #18 ALAR	300	0	300	66.83	.00	233.17	22.3%
602727 66300 PUMP STATION #18 SUPP	25	0	25	.00	.00	25.00	.0%
602727 66320 PUMP STATION #18 PART	650	0	650	27.07	.00	622.93	4.2%

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL PUMP STATION #18	5,226	0	5,226	502.48	.00	4,723.52	9.6%
602728 PUMP STATION #19							
602728 64010 PUMP STATION #19 LABO	2,183	0	2,183	569.63	.00	1,613.37	26.1%
602728 65200 PUMP STATION #19 ELEC	415	0	415	47.36	.00	367.64	11.4%
602728 65480 PUMP STATION #19 CONT	1,000	0	1,000	78.72	.00	921.28	7.9%
602728 65930 PUMP STATION #19 ALAR	300	0	300	66.83	.00	233.17	22.3%
602728 66300 PUMP STATION #19 SUPP	25	0	25	.00	.00	25.00	.0%
602728 66320 PUMP STATION #19 PART	450	0	450	27.07	.00	422.93	6.0%
TOTAL PUMP STATION #19	4,373	0	4,373	789.61	.00	3,583.39	18.1%
602729 PUMP STATION #20							
602729 64010 PUMP STATION #20 LABO	1,910	0	1,910	229.88	.00	1,680.12	12.0%
602729 65200 PUMP STATION #20 ELEC	0	0	0	22.92	.00	-22.92	100.0%*
602729 65480 PUMP STATION #20 CONT	1,000	0	1,000	78.72	.00	921.28	7.9%
602729 65930 PUMP STATION #20 ALAR	300	0	300	66.83	.00	233.17	22.3%
602729 66300 PUMP STATION #20 SUPP	25	0	25	.00	.00	25.00	.0%
602729 66320 PUMP STATION #20 PART	250	0	250	27.07	.00	222.93	10.8%
TOTAL PUMP STATION #20	3,485	0	3,485	425.42	.00	3,059.58	12.2%
602730 PUMP STATION #21							
602730 64010 PUMP STATION #21 LABO	3,274	0	3,274	732.10	.00	2,541.90	22.4%
602730 65200 PUMP STATION #21 ELEC	2,400	0	2,400	318.16	.00	2,081.84	13.3%
602730 65315 PUMP STATION GENERATO	200	0	200	.00	.00	200.00	.0%
602730 65480 PUMP STATION #21 CONT	1,300	0	1,300	315.00	.00	985.00	24.2%
602730 65930 PUMP STATION #21 ALAR	300	0	300	66.83	.00	233.17	22.3%
602730 66300 PUMP STATION #21 SUPP	25	0	25	.00	.00	25.00	.0%
602730 66320 PUMP STATION #21 PART	450	0	450	232.93	.00	217.07	51.8%
TOTAL PUMP STATION #21	7,949	0	7,949	1,665.02	.00	6,283.98	20.9%
602731 PUMP STATION #22							
602731 64010 PUMP STATION # 22 LAB	1,910	0	1,910	248.11	.00	1,661.89	13.0%

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602731 65200 PUMP STATION # 22 ELE	1,200	0	1,200	129.17	.00	1,070.83	10.8%
602731 65480 PUMP STATION # 22 CON	600	0	600	315.00	.00	285.00	52.5%
602731 65930 PUMP STATION # 22 ALA	300	0	300	66.83	.00	233.17	22.3%
602731 66300 PUMP STATION # 22 SUP	25	0	25	.00	.00	25.00	.0%
602731 66320 PUMP STATION # 22 PAR	500	0	500	107.99	.00	392.01	21.6%
TOTAL PUMP STATION #22	4,535	0	4,535	867.10	.00	3,667.90	19.1%
602732 PUMP STATION #23							
602732 64010 PUMP STATION # 23 LAB	1,910	0	1,910	2,246.71	.00	-336.71	117.6%*
602732 65200 PUMP STATION # 23 ELE	1,000	0	1,000	106.28	.00	893.72	10.6%
602732 65480 PUMP STATION # 23 CON	550	0	550	575.00	.00	-25.00	104.5%*
602732 65930 PUMP STATION #23 ALA	300	0	300	66.83	.00	233.17	22.3%
602732 66300 PUMP STATION #23 SUPP	25	0	25	.00	.00	25.00	.0%
602732 66320 PUMP STATION # 23 PAR	450	0	450	136.17	.00	313.83	30.3%
TOTAL PUMP STATION #23	4,235	0	4,235	3,130.99	.00	1,104.01	73.9%
602733 PUMP STATION #24							
602733 64010 PUMP STATION # 24 LAB	1,910	0	1,910	343.58	.00	1,566.42	18.0%
602733 65200 PUMP STATION # 24 ELE	600	0	600	82.53	.00	517.47	13.8%
602733 65480 PUMP STATION # 24 CON	550	0	550	35.00	.00	515.00	6.4%
602733 65930 PUMP STATION # 24 ALA	300	0	300	66.83	.00	233.17	22.3%
602733 66300 PUMP STATION # 24 SUP	25	0	25	.00	.00	25.00	.0%
602733 66320 PUMP STATION # 24 PAR	600	0	600	107.99	.00	492.01	18.0%
TOTAL PUMP STATION #24	3,985	0	3,985	635.93	.00	3,349.07	16.0%
602750 TREATMENT PLANT							
602750 64010 TREATMENT PLANT LABOR	171,982	0	171,982	39,219.11	.00	132,762.89	22.8%
602750 64019 PLANT MAINT LABOR	56,322	0	56,322	18,362.10	.00	37,959.90	32.6%
602750 64030 OVERTIME	50,000	0	50,000	8,446.81	.00	41,553.19	16.9%
602750 64050 MAINE STATE RETIREMEN	33,675	0	33,675	9,207.13	.00	24,467.87	27.3%
602750 64051 ICMA EMPLOYER SHARE	2,324	0	2,324	.00	.00	2,324.00	.0%
602750 64060 FICA EMPLOYER SHARE	19,676	0	19,676	6,724.75	.00	12,951.25	34.2%

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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602750 65020 TREATMENT PLANT TELEP	3,400	0	3,400	749.09	.00	2,650.91	22.0%
602750 65040 TREATMENT PLANT EDUCA	5,200	0	5,200	1,319.55	.00	3,880.45	25.4%
602750 65200 TREATMENT PLANT ELECT	105,000	0	105,000	15,144.04	.00	89,855.96	14.4%
602750 65220 TREATMENT PLANT WATER	4,172	0	4,172	1,666.13	.00	2,505.87	39.9%
602750 65230 TREATMENT PLANT FUEL	15,000	0	15,000	.00	.00	15,000.00	.0%
602750 65310 TREATMENT PLANT MOTOR	48,743	0	48,743	13,712.08	.00	35,030.92	28.1%
602750 65316 TREATMENT PLANT GENER	2,240	0	2,240	483.98	.00	1,756.02	21.6%
602750 65410 TREATMENT PLANT COMPU	7,998	0	7,998	1,467.85	.00	6,530.15	18.4%
602750 65480 TREATMENT PLANT OTHER	55,076	0	55,076	21,898.54	.00	33,177.46	39.8%
602750 65500 TREATMENT PLANT BLDG	2,000	0	2,000	113.41	.00	1,886.59	5.7%
602750 65700 TREATMENT PLANT EXPEN	2,000	0	2,000	12.67	.00	1,987.33	.6%
602750 65930 ALARMS	2,000	0	2,000	191.82	.00	1,808.18	9.6%
602750 65955 TREATMENT PLANT SLUDG	130,000	0	130,000	16,006.74	.00	113,993.26	12.3%
602750 66010 TREATMENT PLANT OFFIC	24,670	0	24,670	6,431.06	.00	18,238.94	26.1%
602750 66300 TREATMENT PLANT SUPPL	3,000	0	3,000	568.38	.00	2,431.62	18.9%
602750 66340 LABORATORY CHEMICALS/	11,945	0	11,945	3,300.64	.00	8,644.36	27.6%
602750 66400 TREATMENT PLANT REPAI	1,000	0	1,000	.00	.00	1,000.00	.0%
602750 66410 TREATMENT PLANT REPAI	21,000	0	21,000	1,782.98	.00	19,217.02	8.5%
602750 66420 TREATMENT PLANT TOOL/E	26,000	0	26,000	12,695.42	.00	13,304.58	48.8%
602750 66450 TREATMENT PLANT CHEMI	106,000	0	106,000	36,748.07	.00	69,251.93	34.7%
602750 66520 TREATMENT PLANT SAFET	12,450	0	12,450	3,085.78	.00	9,364.22	24.8%
TOTAL TREATMENT PLANT	922,873	0	922,873	219,338.13	.00	703,534.87	23.8%

602760 SEWER GENERAL OPERATING

602760 64011 TOWN MANAGER SALARY	30,970	0	30,970	7,316.73	.00	23,653.27	23.6%
602760 64012 SUPERINTENDENT SALARY	88,557	0	88,557	21,963.84	.00	66,593.16	24.8%
602760 64013 OFFICE CLERK SALARY	26,032	0	26,032	6,305.20	.00	19,726.80	24.2%
602760 64031 SALARY & POSITION ADJ	5,000	0	5,000	.00	.00	5,000.00	.0%
602760 64050 MAINE STATE RETIREMEN	8,856	0	8,856	2,196.36	.00	6,659.64	24.8%
602760 64051 ICMA EMPLOYER SHARE	1,858	0	1,858	435.37	.00	1,422.63	23.4%
602760 64060 FICA EMPLOYER SHARE	11,518	0	11,518	2,198.42	.00	9,319.58	19.1%
602760 64070 WORKERS COMPENSATION	20,237	0	20,237	2,836.96	.00	17,400.04	14.0%
602760 64090 MAJOR MEDICAL INSURAN	124,345	0	124,345	43,072.10	.00	81,272.90	34.6%
602760 64091 DENTAL INSURANCE	1,495	0	1,495	416.44	.00	1,078.56	27.9%
602760 64092 DISABILTY INSURANCE	4,200	0	4,200	.00	.00	4,200.00	.0%
602760 65101 MMA RISK POOL	26,740	0	26,740	14,077.50	.00	12,662.50	52.6%
602760 65350 SWEET END RENT	22,900	0	22,900	5,725.00	.00	17,175.00	25.0%
602760 65430 AUDIT SERVICES	3,900	0	3,900	1,900.00	.00	2,000.00	48.7%
602760 68060 SEWER BOND INTEREST	153,665	0	153,665	83,664.04	.00	70,000.96	54.4%
602760 68062 SEWER BOND PRINCIPAL	615,359	0	615,359	454,606.81	.00	160,752.19	73.9%

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ACCOUNTS FOR: 6000	SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">602760</a>	<a href="#">68749</a>	<a href="#">CAPITAL - SEWER FUND</a>						
		200,000	0	200,000	50,000.00	.00	150,000.00	25.0%
	TOTAL SEWER GENERAL OPERATING	1,345,632	0	1,345,632	696,714.77	.00	648,917.23	51.8%
	TOTAL SEWER FUND	448,999	0	448,999	718,959.68	.00	-269,960.68	160.1%
	TOTAL REVENUES	-2,140,502	0	-2,140,502	-257,564.05	.00	-1,882,937.95	
	TOTAL EXPENSES	2,589,501	0	2,589,501	976,523.73	.00	1,612,977.27	

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	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	448,999	0	448,999	718,959.68	.00	-269,960.68	160.1%

\*\* END OF REPORT - Generated by PATRICIA MOORE \*\*

Town of Kittery

Fund Balances - Capital Projects and Special Revenues

For the month ending September 30, 2018

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2018	Transfers YE FY18	Transfers FY19	CIP Appropriation 7/1/2018	YTD Expense	YTD Revenue	Ending Fund Balance
<b>Special Revenues (Grants, Designated Accounts, etc)</b>									
SR	2006	Additional Snow and Ice Expenses	-						-
SR	2012	Fire Hazmat Spill Recovery Fees	3,185.67						3,185.67
SR	2013	GMH Fire/Police Protection	-						-
SR	2014	Police Grants	(3,293.75)						(3,293.75)
SR	2028	Ballot Machines	6,078.00						6,078.00
SR	2032	ASA Applicant Code	36,272.87				(6,742.54)	3,050.00	32,580.33
SR	2038	Kittery Block Party	23,756.59				(22,591.80)	1,100.00	2,264.79
SR	2056	Concerts in the Park	(753.09)				(1,450.00)	2,400.00	196.91
SR	2059	Conservation Comm	972.02						972.02
SR	2060	Wetland mitigation	37,620.00				(3,705.00)		33,915.00
SR	2063	Kittery Community Center (KCC) Donations	32,001.07				(12,542.99)	4,700.00	24,158.08
SR	2066	Police Forfeiture	58,773.33					3,752.58	62,525.91
SR	2068	Fort Foster Bench Donations	10,877.02				(199.63)	275.00	10,952.39
SR	2069	Boating Infrastructure Grant (BIG)	1,583.71						1,583.71
SR	2071	D.A.R.E	216.03						216.03
SR	2074-67500	TIF District #1	-	7,324.63	12,096.53				19,421.16
SR	2074-67503	TIF District #3	59,561.98	9,337.86	14,372.35				83,272.19
SR	2074-67502	TIF District #2	215,235.38	90,421.51	98,531.12				404,188.01
SR	2076	Wave Mitigation - Pepperrell Cove	-						-
SR	2077	Brownfields Grant	-						-
SR	2079	Spruce Creek 319 PH4 Grant	2,352.08						2,352.08
SR	2086	Spruce Creek PH 5 Grant	(1,699.35)				(2,514.55)		(4,213.90)
SR	2081	Channel 22 (PEG) Capital Funding	486,413.76		(243,978.00)		(7,324.16)	26,209.74	261,321.34
SR	2082	KCC Playgrounds	64,718.36						64,718.36
SR	2091/67500	FEMA Flood Maps Ins Rate Appeal	(11,240.00)				(200.00)		(11,440.00)
SR	2091/43600	FEMA Flood Maps Ins Rate Appeal - Phase 2	8,187.00					100.00	8,287.00
SR	2092	Dispatch Center	-						-
SR	4001-67500/43600	State Aid to Roads General	476,724.76		(50,000.00)				426,724.76
SR	4001-67502/43602	Whipple Road Improvements	302,170.51						302,170.51
SR	4001-67503/43603	Memorial Circle Improvements	44,219.98				(62,745.68)		(18,525.70)
SR	4001-67508/43608	Walker/Wentworth	91,305.40						91,305.40
SR	4001-67509/43605	Government Street	-		50,000.00				50,000.00
SR	4030	Public Safety Impact Fees	85,630.51				(4,720.00)	14,343.00	95,253.51
SR	2093	LWCF Grant - Emery Field Phase 1	(36,814.61)				(30,685.50)		(67,500.11)
SR	2094	LWCF Grant - Emery Field Phase 2	-				(4,405.00)		(4,405.00)
SR	2210	Ogden KCC Grant	23,200.00				(4,800.00)	20,000.00	38,400.00
SR	2301	Billable Police Details	4,582.84				(3,890.51)	3,000.00	3,692.33
SR	2303	Grant Supported Police Details	(13,063.02)				(12,429.45)	11,208.51	(14,283.96)
SR	2087	Joint Land Use OEA PH1	-				(451.93)		(451.93)
<b>Total Special Revenue</b>			<b>2,008,775.05</b>	<b>107,084.00</b>	<b>(118,978.00)</b>	<b>-</b>	<b>(181,398.74)</b>	<b>90,138.83</b>	<b>1,905,621.14</b>

CIP Bonds

CP	2036	Kittery Community Center Bonds	373.48						373.48
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Town of Kittery

Fund Balances - Capital Projects and Special Revenues

For the month ending September 30, 2018

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2018	Transfers YE FY18	Transfers FY19	CIP Appropriation 7/1/2018	YTD Expense	YTD Revenue	Ending Fund Balance
CP	2085	2016 Municipal Projects	25,925.66					38.94	25,964.60
<b>CIP Programs</b>									
SR	2022	Compensated Absences	96,730.50	31,108.00					127,838.50
CP	2033	Property Revaluation	-						-
CP	2053	Pier Construction	(33,663.58)			33,663.58			-
CP	2057	Open space	59,047.00						59,047.00
CP	2078	Athletic Fields Master Plan (Design)	62,142.34			25,000.00			87,142.34
CP	2080	Comprehensive Plan Update	-						-
CP	4000	KCC Annex & Econ Dev	-						-
CP	4002	Right of Way Reserve	184,691.58			400,000.00	(274,815.28)		309,876.30
CP	4011	KCC Vehicle Reserve	20,700.00			8,650.00	(28,949.00)	28,660.00	29,061.00
CP	4012	Public Works Vehicles/Equipment	102,679.51			400,000.00			502,679.51
CP	4013	Fire Apparatus Reserve	293,165.19			175,900.00	(281,519.00)		187,546.19
CP	4017	MS4 Compliance Reserve	107,447.20			10,000.00	(17,589.39)		99,857.81
CP	4018	KPA Boat Reserve	17,098.02			5,000.00			22,098.02
CP	4019	KCC Equipment Reserve	5,056.73			8,400.00			13,456.73
CP	4020	Municipal Technology Reserve	13,742.74			50,000.00	(22,347.11)		41,395.63
CP	4022	Police Vehicle/Equipment	9,207.75			116,000.00	(28,478.00)		96,729.75
CP	4026	Records Preservation	10.13			10,000.00			10,010.13
CP	4027	Municipal Facility Reserve	200,374.96			50,000.00	(15,750.00)		234,624.96
CP	4031	Public Safety Base Station Radio Replace	20,845.45						20,845.45
CP	4037	Fire Dept SCBAs	-						-
CP	4043	Parks Building & Grounds	3,770.64			20,000.00	(2,332.06)		21,438.58
CP	4051	KCC Facility Reserve	28,826.83			25,000.00			53,826.83
CP	4053	Pepperrell Cove Paving/Utilities	21,461.88			36,000.00			57,461.88
CP	4055	Port Authority Equipment Reserve	28,391.00	17,691.00		13,000.00		1,000.00	60,082.00
CP	4056	Fire Dept Equipment Reserve	128,957.72			57,667.00	1,880.00		188,504.72
CP	4057	Rt 1 Bypass & Rt 1 Two Way Plan	-						-
CP	4100	Fire Dept Facility Reserve (was Boiler Replacements)	(25,758.00)	25,758.00		19,000.00			19,000.00
CP	4110	PW Sign Shed	20.00						20.00
CP	4115	KPA Pepperrell Cove Railings & Lights	1,057.00						1,057.00
CP	4116	KPA Facility Reserve (was Gov Pier)	53,964.50						53,964.50
CP	4122	Zoning Recodification and GIS Upgrade	70,000.00						70,000.00
CP	4120	Rice and Taylor Lighting	10,000.00						10,000.00
CP	4121	Rice Beam Replacement	6,740.00						6,740.00
CP	4060	Rice Rehab/Expansion	-			100,000.00			100,000.00
<b>Total Capital Projects</b>			<b>1,513,006.23</b>	<b>74,557.00</b>	<b>-</b>	<b>1,563,280.58</b>	<b>(669,899.84)</b>	<b>29,698.94</b>	<b>2,510,642.91</b>

**School Capital Projects**

SCH	1001	School Facility Reserve	86,628.25			50,000.00	(13,194.00)		123,434.25
SCH	1002	School Equipment Reserve	96,504.01			40,000.00	-		136,504.01
SCH	1003	School Technology Reserve	36,197.87			40,000.00	-		76,197.87
SCH	1004	School Vehicle Reserve	17,719.07			10,000.00	-		27,719.07



Town of Kittery  
Fund Balances - Capital Projects and Special Revenues  
For the month ending September 30, 2018

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2018	Transfers YE FY18	Transfers FY19	CIP Appropriation 7/1/2018	YTD Expense	YTD Revenue	Ending Fund Balance
<b>Total School Capital Projects</b>			<b>237,049.20</b>	<b>-</b>	<b>-</b>	<b>140,000.00</b>	<b>(13,194.00)</b>	<b>-</b>	<b>363,855.20</b>
<b>TOTAL GENERAL OPERATIONS</b>			<b>3,758,830.48</b>	<b>181,641.00</b>	<b>(118,978.00)</b>	<b>1,703,280.58</b>	<b>(864,492.58)</b>	<b>119,837.77</b>	<b>4,780,119.25</b>
<b>Permanent Funds (Scholarship Funds/Trust Funds)</b>			<b>-</b>						
PF	5001	Connie Samuels Beautification Fund	58,600.93						58,600.93
PF	5002	Public Health	27,275.44						27,275.44
PF	5003	York Hospital Scholarship	18,321.65					9,250.00	27,571.65
PF	5005	Lester Raynes Fund	9,228.16						9,228.16
PF	5007	Thresher Memorial Fund	1,089.07				(771.87)		317.20
PF	5010	Kittery Education Scholarship Fund	6,629.46					1,509.20	8,138.66
PF	5021	Cemetery	(15,327.65)				(6,900.00)		(22,227.65)
<b>Total Permanent Funds</b>			<b>105,817.06</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(7,671.87)</b>	<b>10,759.20</b>	<b>108,904.39</b>
<b>Enterprise Fund (Sewer)</b>			<b>-</b>						
ER	2900	Sewer Impact fees	685,055.46						685,055.46
ER	2901	Sewer Betterment	138,583.05						138,583.05
ER	2902	Sewer Safety Grants	2,000.00						2,000.00
ECP	4900	Sewer Vehicle Reserve	166,938.33						166,938.33
ECP	4901	Sewer Depreciation (Capital Reserve)	153,418.01		50,000.00		(28,290.39)		175,127.62
<b>Total Enterprise Funds</b>			<b>1,145,994.85</b>	<b>-</b>	<b>50,000.00</b>	<b>-</b>	<b>(28,290.39)</b>	<b>-</b>	<b>1,167,704.46</b>
<b>GRAND TOTAL ALL FUNDS</b>			<b>5,010,642.39</b>	<b>181,641.00</b>	<b>(68,978.00)</b>	<b>1,703,280.58</b>	<b>(900,454.84)</b>	<b>130,596.97</b>	<b>6,056,728.10</b>



**Kittery Town Council  
Regular Meeting  
September 24, 2018 ~ 6:00 pm  
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, Jeffrey Thomson, Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chair Kenneth Lemont.
  5. Agenda Amendment and Adoption: Chairperson Lemont asked if there were any adjustments to the agenda? Hearing none, he cast one vote for the acceptance of the agenda as presented.
  6. Town Manager's Report: Town Manager Amaral said she would like to update the Council on a few items: she heard back from the State and they will be addressing the flagpole in John Paul Jones Park as requested. She said they are finding a vendor who will be painting it, but it requires someone to be properly trained and equipped.
- Town Manager Amaral said they are looking to replace a tree that came down on Memorial Circle with a larger tree to match the caliber of the trees that are already out there. She said Councilors had offered to paint the flagpole but she would gladly consider donations from Councilors or residents toward the purchase of a larger tree.
- Town Manager Amaral said that Councilors have heard from residents on Badgers' Island who have raised issues on parking. She said it seems Badger's Island is being used for overflow parking for Portsmouth and the downtown area. She said they are going to take a look at it and will bring back options to Council.
- Town Manager Amaral reported that the NHDOT and MDOT will be redoing the deck and adding intermittent travel lanes on Rt. 95 Bridge project, creating a lane from the breakdown lane. She said they just got done with the Sarah Mildred Long bridge project and now they are going into a third and are at the point of Bridge Fatigue. She said they will be working with both the New Hampshire and Maine Departments of Transportation to find a way through what the challenges will be and to help mitigate the impact on Kittery's roads for people looking for alternate routes to Kittery when NHDOT and MDOT are working on the bridge. She said she asked them to install the Intelligent Signs sooner rather than later. She said these are the signs that announce traffic times to help encourage motorists to stay on the highway rather than go on the side roads.
- Town Manager Amaral said they talked about safe crossing of vehicles on Rte. 235 turning into Aroma Joes' or MacKenzie Lane and the significant amount of traffic at peak hours of the day. She said they got funding for a corridor study and engaged a consultant to do an analysis of the traffic study in collaboration with the Town of Eliot. She said this firm will identify other traffic management devices to make it safer. She said the town is expected to get a report in early 2019.
- Town Manager Amaral said they are working on the re-codification of Title 16, which will be a long and complex project. She said that they have gone out to bid for consulting services and a member of the

Board of Appeals and a member of the Planning Board will be on the Committee to interview the firms to do the project.

Town Manager Amaral said that FEMA is working with the Town and has agreed help replace, repair and fortify the paths. She said they are working with them to get funding to do the work. She said FEMA is being cooperative and has agreed to pay a portion of the cost to replace the Fort Foster path that was damaged by the storms they had this past winter. She said they would like to reinforce the paths and to replace the paths it would cost \$200,000 but for the improvements in design it would be \$400,000.

Town Manager Amaral said the Whipple Road Sidewalk project has not been started yet because they are still waiting for three property owners who have not responded to the easement requests. She said they are having a planning meeting with the utility company to figure out what they can do. She said she hoped they can get the project moving forward.

Town Manager Amaral said they were notified last week of the desired closure of the Memorial Bridge in order for a movie company to film a movie from the Memorial Bridge. She said it is unclear how long it will be down and that Portsmouth is in support of it. She said they are now seeking approval from the Town of Kittery and she has requested the company to cover the traffic costs.

Town Manager Amaral announced a couple of retirements: Detective Ray Hazen is retiring after 12 years on the Kittery Police Dept. and is taking a position with York County to help investigate domestic abuse cases and George Kathios will be retiring in January, who has been with the town for 24 years. She said he started out as a technician.

Town Manager Amaral said Absentee Ballots are available now through November 1<sup>st</sup>, the Candidate Night will be Oct. 9<sup>th</sup> on Channel 22, Voter Registration is October 24<sup>th</sup> and October 30<sup>th</sup> is Halloween Trick or Treat.

Chairperson Lemont asked if Councilors had any comments?

Vice-Chairperson Denault said he would like to know when the Town Manager comes back to us on the Badger's Island parking. He said the data will not be as accurate as with the summer months, with snow coming.

Councilor Beers said, regarding tree replacement, he paid for the last tree planted there and he is not interested in paying for another. He said Lane's Landscaping out of Greenland made a generous contribution to the Memorial Circle. He said funds contributed to the Thresher Memorial for maintenance should be available to offset part of the costs.

Councilor Thomson said, through the Chair to the Town Manager, that it was not in her report, but she gave Council a list of tentative agenda items on November 12<sup>th</sup>. He said that there will be a workshop at 5:30 pm with the York River Study Committee and they will be scheduling a public hearing on Title IV. He said Monday is a Federal holiday since Veteran's day falls on a Sunday, and asked if they would be meeting that night? He said he was bringing that to her attention because of scheduling a public hearing.

Town Manager Amaral replied no.

Vice Chairperson Denault asked Chairperson Lemont if he had the key to the alarm? He said that the Chair must have bumped it and the Police are coming.

Town Manager Amaral said that Sgt. Walsh was already in the back because the alarm was going off.

7. Acceptance of Previous Minutes: Chairperson Lemont said they have none this evening.

8. Interview for the Board of Appeals and Planning Board: Chairperson Lemont said there are none this evening.

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

#### 10. PUBLIC HEARINGS

a. (080218-1) The Kittery Town Council moves to hold a public hearing and ordains zoning amendments to Title 16 – Land Use and Development Code, 16.3.2.10, Business Park.

Chairperson Lemont asked the Town Manager if she would go through and speak about what is in front of Council this evening.

Town Manager Amaral said she would give an overview for this zoning proposal, identified as a Business Park, targeted as a growth area due to its proximity to the Interstate. She said in 2011, the voters approved this district for direct development in that area and is one of three TIF districts. She said this was noted in the 1999 draft of the Comprehensive Plan, which showed a growth zone, more walkable areas and housing as well as passive recreational space. She said that in 2016 it was brought forward by the Economic Development Committee and TIF funds were used to build a road into the zone. She said that proposal had not been vetted through.

Town Manager Amaral said that the whole thing was put on “pause” until the Land Use Study had been done by the SMPDC. She said it was identified that the road was not the challenge, but the zoning challenge was it was in conflict with what the land was, and with that information, they embarked on a year-long drafting effort and did a trail run. She said KOSAC helped to draft the zoning change as well as getting input from members of the Conservation Commission, Kittery Land Trust, Town Council, Planning Board, and Board of Appeals. She said they had multiple re-writes and they had a 90-acre zone with one-third of it developed so there were pockets.

Town Manager Amaral said that the zone allows for more houses and they have identified housing is an issue in town. She said they developed a code incentive for clusters. She said they would do more active neighborhoods than the single-family approach. She said they had allowed for a 70 ft. height on a structure if all parking were in the building footprint, but that has been eliminated. She said they require 40 ft. buffers within for residential uses in the zone as well as those abutting it or adjacent to it.

Town Manager Amaral thought they have a zone that responds to the Comp. Plan and to what the townspeople have been saying they want out of this zone for decades as well as the Planning Board in getting development for that area and she looks forward to the process.

Chairperson Lemont opened up the public hearing at 6:25 p.m. and asked if anyone wished to speak to, for or against the proposal, they may do so at this time. He said he would ask they state their name, address and try to respect the three-minute time frame.

Barbara Dean of Martin Road said she was speaking on behalf of herself and her husband, John. Mrs. Dean said she would like to share two quotes that express the sentiment of her neighbors and herself: *“If there is anything lovelier than the scenery of this gentle river, I do not know it and I doubt if the sky is purer and bluer in paradise.”* William Dean Howells, 1902 and *“Everywhere I went along the coast, up the Chauncey Creek and through Brave Boat Harbor on a kayak was just a thrill. It was relatively undeveloped, clean, neat, old, rugged, rustic, natural, authentic, healthy and a joy to behold.*

Places like this don't happen by accident. People are doing things right and deserve a lot of credit and encouragement." Mark Alessi, 2014.

Mrs. Dean said these two quotes are found on the introductory pages of the Comp. Plan. She said the idea that Kittery is the primary entrance into the State of Maine, the gateway, that as gatekeepers it is our responsibility that we insure preserving the land as "relatively undeveloped, clean, neat, old, rugged, rustic, natural, authentic, healthy and a joy to behold." She said the original Business Park seemed to be not as potentially disruptive to our natural landscape.

Mrs. Dean said there are many concerns on the impacts of the proposed change, primarily to the environment, as already evidenced by our local ponds and wetlands, directly impacted by the recent development. She read from the introductory of the Comp. Plan "our mission is to preserve and enhance what they love about Kittery, and plan accordingly to allow appropriate residential, recreational, employment and business growth while preserving our natural environmental and historic assets." She said she cannot imagine why they would include this in the Comprehensive Plan if it was not that they did not want thoughtful development for our small town.

Mrs. Dean said she opposes the Business Park proposal, expansion and building height and urged the Council to vote no or, if the Town Council approves the amendment, she would like the mixed use and expansion proposal be brought forward to a town-wide referendum. She thanked the Council.

Rick Thayer, Martin Road, said he opposes the Mixed-Use zone, building height and Dennett Road Business Park and would like the Town Council to vote no or delay taking action. He said if the Council approves this, he requested that the amendments to the Mixed-Use zone and expansion proposal be brought forward to a town-wide referendum vote.

Mr. Thayer requested they do a complete impact study, on how this proposal would affect the roads and environment before Council made a decision. He said he opposed any tax money from this proposal being used in TIF funding. He said they need the money to ease the burden of Kittery's tax rate.

Mr. Thayer said when this question was brought forward to the Planning Board, how they were having a hard time attracting businesses, one of the members replied because it is wet. He said even the owner himself said there are only two viable pieces of land to build on. He wanted to know what steps will be taken if this proposal goes through to protect the wetland?

Mr. Thayer wanted to know why the Economic Development Committee meetings are not broadcast on Channel 22 and why aren't all the discussions in the meeting minutes. He asked who on the Economic Development Committee has a vested interest in this rezoning proposal? He queried if maybe this person is a banker, an architect or from a local developer?

Craig Spinney, 94 Martin Road, admitted he has no experience of what Council does on an ongoing basis to keep residents safe and happy and thanked them for their work. He said his family has a long and enduring history in the towns of Kittery and Eliot and his father was the Postmaster in Eliot for 30 years. He said he has worked in the hospitality field and has managed one of Council's favorite restaurants in the area.

Mr. Spinney said he was able to purchase one of the ugliest properties on Martin Road update it. He said this massive expansion comes before us and our quiet neighborhood and he wanted to know what is going to happen? He asked if the Town of Kittery has a master plan and how does this proposal fit in and how will it affect property values.

Mr. Spinney said he understands the building height is being revised to 50 ft. He wanted to know what is the definition according to the code?

Mr. Spinney asked if a traffic study was being done and who will pay for that? He questioned the impact on the wetlands and if they will be able to find out any information from the engineering studies. He wanted to know what will happen to the displacement of the wetlands on their property. He said the basements were flooded in the homes across Rte. 236 when the wetlands were filled in. He wanted to know if it is possible that a contingency fund could be set up with the developer if any of the homeowners experience a loss in the future.

Mr. Spinney said that affordable housing is being dangled in front of the residents to make it seem that this is a win-win proposition. He said if that is the case, will HUD guidelines be used to determine what "affordable" is and will there be a new precedent to align these housing units with folks who will actually live and work in Kittery to provide relief to the hospitality field or the retail outlets? He said the labor field is drying up and these businesses are having a difficult time keeping themselves adequately staffed.

Mary Daigle, Armour Drive said she listened to the other residents and her understanding what is being proposed for the Dennett Road property is an access road. She said Armour Drive is a quiet dead-end street. She said all the wetlands approaching the Planning Board to change proved futile. She stated she is opposed to this development as the casino idea, the outdoor venue and now this.

Ms. Daigle said this is the way life should be and now there is a buffer. She wanted to know if it is considered a wall or a fence? She said this is unacceptable! She said the Town Council and the Planning Board should get together and come up with one set of rules for all people. She said if something goes in there, they should pay taxes like everyone else in the neighborhood with no exemptions!

D. Allen Curve, 4 Allen Road, had a lot of concern about the height requirements. He said it caused him to have a flashback when they were trying to put up the Thresher flagpole at 129 ft. He said a lot of people were concerned because word got out that it would be equivalent to a 13-story building. He said once it was up, people did not have much of a problem with it. He said 50 ft. or 70 ft. is still half the size of the flagpole in Memorial Circle.

Chairperson Lemont clarified that what they are discussing is the ordinance will allow 50 ft., not 70 feet.

Councilor Thomson said there is no development before this body as part of this proposal. He said they are looking at an area zoned one way and there are developers waiting in the wings.

Councilor Beers said he wants to be clear that there is no zoning expansion being considered in this proposal and it is restricted to the current Business Park zone alone.

Sanford Roberts, 100 Shepards' Cove Road, is one of the owners of a parcel in the park and has owned the parcel since 2007. He said they have had a number of proposals for industrial uses in the Park which have not come to fruition for a number of reasons not related to zoning. He urged the Council to do something.

Mr. Roberts said the original proposals for the property would have been much more detrimental than the current zoning permits. He urged Council to approve something or not approve anything so the property owners will know what they have and what we will be able to do. He said once they know what can go in there, they can sell them. He said they are not developers and this property has been vetted more than any other property in town and for the time he has been involved in real estate.

Mr. Roberts said the town has spent time and money to come up with this plan which appears to be in the best interest of the town by the Conservation Commission and the Planning Board and whether Council approves it or not - do something.

David Garrison said he is the managing member of two of the properties in the Business Park, One Route 236 and 98 Dennett Road. He urged the Council, as a resident of the town, to think thoughtfully about changing the Business Park zone to Mixed Use neighborhood zone.

Mr. Garrison said it would impact the town more favorably and if they keep the Business Park zone as is, they will be left with industrial buildings, which is not what the Town Manager was referring to. He said it allows for a better use of the property as it creates a village of sorts, where people can live, there is a pedestrian path, and people can work, dine and recreate. He said he is not a developer.

Mr. Garrison said he would like to see something tasteful and thoughtful which would be an economic stimulus to the town, especially in that part of town which is bordered by Route 236 and I-95. He said he would like to see productive development in that area and thanked Council for their consideration.

Helen Betts, 64 Old Dennett Road, said she is in favor of changing the Business Park zone to Mixed Use. She said things have come up for the Business Park and they have fought against it. She thought it is a better use of the land and if it is changed to something they do not like, they will be back to fight again. She said the Mixed Use is a better use for the community of the surrounding towns and the Town of Kittery.

Mike Driver, 4 Meadow Lane, said he has lived in Kittery for 10 years and asked for clarity. He said the sewer expansion project was not a defining moment of this town and clarity was brought up at the meeting with the residents of Kittery at the STAR Theatre.

Mr. Driver said the town has an opportunity to notify me and the other residents of the town sitting here at least three times a year in their tax bill. He said you could slip a piece of paper saying "something is going to affect you in your neighborhood and you should be engaged in the process." He said that clarity would be appreciated and is needed – either pro or against. He said if Council votes, or if it goes to a referendum vote, which would be advisable, let the town speak for itself.

Jennifer Bassett said, as the previous speaker said, has not lived in the town long, and is a resident of Martin Road. She said she opposes the expansion of the Mixed-Use zoning and urged the Town Council to put this off for a town-wide referendum.

Ms. Bassett said a little reminder, from the Comprehensive Plan, 2015-2025, which my neighbor read from before, read under "Development," on page 8, "to ensure that new development will not burden the road network, create problems, or impact existing neighborhoods with traffic." She said as you know this is a school bus route and is close to a lot of families. She said further, on page 22 under "Natural Resources" that "Kittery's soils and associated wetlands will \_\_\_ topography, shallow levels of bedrock, places limited on developments possible.

Ms. Bassett said these things have been considered as far as the Comprehensive Plan. She said she is not against development, but is reminded of the tall buildings in Portsmouth, where she moved from. She asked what will the height be, 55 ft.? She is thinking of the storage unit by Aroma Joe's, which seems rather excessive.

Ms. Bassett thought that a town-wide referendum is what we deserve.

Karen Burbank, Martin Road, said she is one of the abutters to the property and has lived there for 40 years. She said they bought their first home in 1997. She said she and her late husband bought our home in the 80's, and was told no one can develop in back of us or next to us because of the existing wetlands. She said fast forward 30 years to the early part of this decade and the land changed hands. She said the new owner started clear-cutting the trees and now stores boats on the property. She said they were reassured that the new owner could not build anything within the protected wetlands.



Ms. Burbank said she now has a clear view of Rte. 236 where she wasn't able to see it before. She said a few years later, the town put the sewer in front of her house and blasting went on for months. She said she watched trucks load up gravel and dumped it in the lot adjacent to her back yard.

Ms. Burbank said there is a huge hill that runs the length of her yard, and her neighbors and when it rained, they had excessive flooding over and over again. She said they had to replace several sump pumps which they had to pay to remedy the situation. She said they are still losing trees. She said they did not hear the peepers this Spring like they have before.

Ms. Burbank said 10 years ago it was not zoned for business but it was changed and we were unaware of it. She said now they want to change it again to a Mixed-Use zone, which the residents were unaware of and she is not in favor of approving this change. She said they are all fearful of what the environmental impact will be on their already stressed and over-taxed land.

Raymond Lucier, 129 Martin Road, said he loves Martin Road because it is fairly quiet and he is a nature lover. He said he would hate to see it change and asked Council to please vote "no" on this zoning change. He wanted to know what is the current zoning for that area, the Dennett parcel?

Chairperson Lemont replied that he would like everyone to speak. He said he is sure that during the debate between the Councilors, every question will be answered.

Mr. Lucier thanked Chairperson Lemont.

Kelly Huddleston, Martin Road, said she would read a letter from a resident who could not make it tonight. "Members of the Council: We have been residents and property owners since Feb. 27th, 1970 and abuts the boat storage on Rte. 236. We were aware at the time of our purchase that part of our property was considered wetlands. Once the boat storage was land filled, our land became saturated with water and trees died and they continue to die. A brook from a small pond on Martin Road crosses our property and since it has no outlet, continues to saturate our land. We noted white caps on the brook after the most recent rain.

Further development of the proposed abutting property will only aggravate the already serious impact issues unless you remain attuned to the details of our beautiful town for future generations. Signed: *Jessie and Vince King*

Bill McCarthy said he wanted to make a couple of points: since the Comprehensive Plan describes Kittery as a small town and one of the goals is to preserve the character of the town, he did not believe that increasing the building height is consistent with this goal. He said since the zoning was adopted in the 50's until at least 2008, the maximum height allowed throughout the town was 40 ft. He said since the dimensional requirements are central to the core of this and after decades of this being in force, the Council should consider carefully the changes.

Mr. McCarthy said unless there is some compelling reason for this change he would like it explained how this would be beneficial to economy of the town, considering the increased needs for service this will entail. He said if they do vote to pass it be aware that it was not a unanimous decision of the Planning Board. He said he would like Council to include an amendment that any increase or decrease in the dimensional requirements apply exclusively to this zone. He said that any proposed property changes of this sort in the future should include wider notification to the public, perhaps through a newsletter.

Mr. McCarthy recommended tabling this item until some effort can be made to bring more public participation.

Jennifer Thayer, Martin Road, said she does have a signed petition which opposes the expansion at the beginning of the petition. She said they were fairly certain when they were at the Planning Board meeting and were shown maps of the extension that this was part of the proposal. She said she does have 170 signatures on the Mixed-Use Dennett Road Business Park. She said she would like to ask Council to vote "no" on this amendment to the Mixed-Use zone business expansion and that it be brought to a town-wide referendum.

Ms. Thayer said if they want to attract business, they should really think about the need to bring business to a higher tax rate area. She asked doesn't it make sense to offer a tax incentive? She wanted to know if they considered the impact on traffic? She said there have already been surveys done on Rte. 236 in that area and traffic is already an issue and there will be impacts on the school system. She said the current residents will be paying for the hope that businesses will come there.

Ms. Thayer said it is not a case of folks not wanting development or not in my back yard, we support development if it protects the environment and makes good financial sense. She wanted to know if it made sense to have houses nearer to the new Emery Athletic Field and the Kittery Community Center as well as closer to Portsmouth? She said let us not get into the disposable culture to build something new rather than use what you have.

Ms. Thayer said they should be focusing our attention on the damage that has taken place. She said there are high value plants, like ladyslippers, within the area and wildlife such as Great Blue Herons and Belgian Kingfishers.

Willie Troy, 15 Martin Road said many people here are going to talk about the impact on development and the effect on the schools, Fire Dept., etc. but he wanted to touch upon what they will find upsetting, possibly offensive. He said while they have been collecting signatures to oppose this development, they found that many common phrases were brought up with the people he spoke to when referring to the Town Council or Planning Board such as sneaky, conniving, dishonest, total disregard for the environment, no regard with finances and families in Kittery.

Mr. Troy said many residents felt if they signed this petition, it would be held against them if they ever had to face a Town Council member. He said there were many residents who have a lack of faith in the elected officials and, worse, feared there would be repercussions if they spoke out.

Mr. Troy said the Martin Road sewer extension was the "kiss of death" and the first step in this plan was to make this parcel more desirable for bankers, developers and such. He said they pushed it through as quickly as possible rather than wait for a lower bid. He said approximately 150 property owners pay for the cost, leaving businesses no funding except the sewer hook-up fee. He said the residents had to fight tooth and nail to get the betterment fee reduced and this should never have been placed upon him.

Mr. Troy said the proposal to purchase ½ million-dollar pump truck has no residential use whatsoever and is only designed for tall buildings, for what you are proposing in the future. He said the residents of Kittery will have to foot the bill to man it, maintain it and store it.

Mr. Troy said he recommends the Town Council take a long look at where this is going and he feels they only have three options: (1) vote "no"; (2) table this until a later date and the people of Kittery can weigh in pros and cons and (3) what would be fair for all residents, including the Town Council and Planning Board, would be to bring this proposal to referendum and when it comes to something of this magnitude, that affects so many residents, they should have the final say.

Mr. Troy said the Town Council should take this into consideration and thanked them for doing the right thing.

Ed Callahan, Water Street, said he came here to fact find. He did not know much about the issue and he learned something he has given thought to all summer long. He said he came from Portsmouth and was fortunate to buy a home here.

Mr. Callahan said he heard a lady mention she heard peepers. He said he remembers when he could hear them in Market Square, there was no noise and you could see the stars. He said land is at a premium and he knows that if someone owns it, he wants to develop it and there is nothing wrong with that. He said but be careful, because once it is built, it will be there. He said take a look at Portsmouth! He said look what they have done to it – it is unchecked and is all about the money! He said Kittery is a gem!

Mr. Callahan said he looked around at the property and thought there wouldn't be a traffic problem on either end. He said but then he heard, if he understands the usage plan, words like "dining", "shopping" residential income levels mentioned and he thought there would be a lot of people. He said they are talking about a really big impact and the fairest solution, considering how emotional this is, would be to see this as a referendum, and have a lot more discussion. He said it goes well with the Kittery Vision Statement he sees on the wall.

Susan Emery, 5 School Lane, said she was on the previous Comprehensive Plan Committee and this was set aside as a Business Park. She said the reason for that is, at the time, studies showed that business and industrial was best for the tax base and the next thing was open space. She said then you get into things that require a lot of services, which is not good for the tax base. She said anything but extremely high-end residential and also retail was part of the successful "stop mall sprawl" referendum.

Ms. Emery said she was pleased to know that going above 50 ft. was eliminated but she still does not understand why the Planning Board, Town Manager and Town Council believe that this has to be developed when open space, because it does not take any services, is one of the best things for the tax base. She said given what she has heard tonight, which she was not aware of, she agreed with the citizens that they should be made more aware of, there should be a referendum.

Ms. Emery said if the Town Council votes this in and they do not want it, they can go about a referendum that is binding. She said she was involved in many of them, and it takes work, but they were all successful. She said if the residents felt the Town Council is not listening to you, that is an option for you.

Ms. Emery wanted to know what will the design standards be? She said in the Mixed-Use zone they do have design standards and when she was on the Council, she was one of the players in getting design standards in the town. She said the whole purpose of design standards is so that when development occurs, it is in keeping with the character of the town. She said she believes the design standards have been watered down because this new hotel being built is ugly. She said it is the same cookie-cutter design as the one in Wells and when she saw it, she asked how could this town let this happen? She said now we have one here.

Ms. Emery said she thinks they have been watered down and that the design standards implemented in 2003 be considered. She thanked the Town Council.

Peter Fifefield, Martin Road, said he does not know enough about the proposal to have a clear opinion on this, but he does support what everyone has said thus far. He said it has not been developed yet so that made him feel secure. He did not think that Business development would be better than Mixed Use.

Mr. Fifefield said his concern is that he has an eight year-old and an 11 year-old and he does not want them biking on that road by themselves as there will be a lot more traffic from what he heard.

Mr. Fifefield said the Sewer Expansion project transparency is horrible. He said he did not know about this tonight except from one of his neighbors. He said the Town has a bulletin board and Channel 22 and there is a better way to communicate to the residents of the town about this.

Bud Gerry said he lives on Route 236 and is one of the few properties that are residential on that road. He said he would like to ask if any of this information is being made available to us as voters and residents. He said if they could find out what kind of cost savings there will be tax-wise if they go from the existing use, Commercial/Residential, to the Mixed Use/whatever you call it, Business Park?

Mr. Gerry said it would help everyone, including himself, if they could find out what they will be doing.

Sarah Dennett, 100 Dennett Road, said she is an abutter and feels strongly and is concerned about the possible property density and how it will affect the traffic, pedestrians, and schools. She feels there are loopholes to all the development in the town. She said the people "ate" the expenses of the Malls. She said there is a grace period that they (businesses) do not have to pay taxes. She believes there is a lot of misinformation about how the taxes work in this town and what is a TIF?

Ms. Dennett wanted to know what kind of growth that people are proud of, where they can work and live. She said she heard building height 50 ft. instead of 40 + 10, but still does not know what the height is, what you can put on top and felt this is part of the transparency problem in the town.

Ms. Dennett said she is confused, and wanted to know what is going in next door and what is happening to her town?

Chairperson Lemont asked if anyone else who cared to speak? Hearing none, he closed the public hearing at 7:20 p.m. He thanked everyone for taking the time to share their thoughts and concerns on this issue.

Chairperson Lemont asked if Councilors wished to discuss the proposal. At the request of Councilor Dennett, Chairperson Lemont declared they would take a five-minute recess.

**COUNCILOR BEERS MOVED, IN ACCORDANCE WITH TITLE 30-A, §3001, AND SEC. 2.07 (3) OF THE TOWN CHARTER, THE KITTERY TOWN COUNCIL HEREBY ORDAINS TITLE 16 OF THE KITTERY TOWN CODE AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT.**

Chairperson Lemont asked if there was any discussion.

Councilor Thomson said he is looking at the copy of the proposed ordinance, Section "E", "Standards" lines 115 and 116 where it says the minimum front setback on both Dennett Road and Martin Road be amended from 40 ft. to read 50 feet.

**COUNCILOR THOMSON MOVED THAT SECTION "E", "STANDARDS" OF THE PROPOSED ORDINANCE, LINES 115 AND 116 WHERE IT STATES THE MINIMUM FRONT SETBACK TO DENNETT ROAD AND MARTIN ROAD BE AMENDED FROM 40 FEET TO 50 FEET, SECONDED BY COUNCILOR BEERS.**

Chairperson Lemont asked if there was any discussion.

Councilor Dennett replied slow down, and asked if he could have the section number again?

Chairperson Lemont replied page 5, Section E, lines 115 and 116.

Councilor Dennett wanted to know why 40 ft. was being changed to 50 ft. in as much as what we are discussing tonight. He said it doesn't affect Martin Road whatsoever.

Councilor Thomson replied he was looking to do this if anything were to happen on that parcel, that the buffer, tree stands, be included in the proposed ordinance. He said that he is looking for buffer setbacks from any residents on the end of those two roads to be increased from 40 ft. to 50 ft.

Councilor Dennett suggested that they should, if that is the intent for Martin Road, be amending this in another Section, "Suburban Residential," not this one.

Chairperson Lemont asked the Town Manager if she cared to comment.

Town Manager Amaral said they heard dimensions of Martin Road for this zone, looking at the current Business Park zone boundary, it does not reach Martin Road. She said this has been before the Planning Board and the recommendation was Town Council include the former Dennett Trust parcel, which does have frontage on Rte. 236 and Dennett Road, so there are multiple zones, so that is where the confusion is.

Councilor Thomson asked why is it listed as 40 ft.?

Town Manager Amaral answered because we anticipated the boundary change.

Councilor Thomson said if they are going to anticipate the boundary change, he wants to build in a little more protection in anticipation of that change so 40 ft. to 50 ft. would be something he could do

Councilor Dennett said that he is talking about the Suburban Residential zone and what is anticipated in the Code is the potential boundary change of the parcel, which would include Martin Road. He wanted to know if the anticipated boundary change is solely being included in the new zone even though it is not in the current zone under discussion?

Councilor Thomson replied what he is trying to do is to build in protection if there is an additional change. He said he wants a larger protection on the properties for Martin Road and Dennett Road currently before us.

Councilor Dennett asked if the amendment still stands or does the maker wish to amend the part of it referring to Martin Road?

Councilor Beers said, as the second for the motion, that he concurred.

Councilor Dennett noted this is not the place to discuss this. He said it is one piece of the land area under ownership and the majority is under an easement and there is a right-of-way. He said they should have a future discussion if this is an option and leave as is.

**ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR AND ONE OPPOSITION (COUNCILOR DENNETT), MOTION CARRIES.**

Chairperson Lemont wanted to know if there was any discussion on the main motion.

Councilor Dennett said the Town Manager has presented us with some suggestions on the notes that apply to this district for the buffer zones, lines 120 through 125 to correct some errors in prior wording regarding buffering, and in his opinion, makes it much more reasonable and workable. He said also, amending lines 256 through 258 makes buffering particularly applicable to non-residential uses.

**COUNCILOR DENNETT MOVED THAT THESE TWO ITEMS BE ACCEPTED (LINES 120-125 AND LINES 256-258), SECONDED BY COUNCILOR BEERS.**

Chairperson Lemont asked if there was any further discussion?

Councilor Thomson asked Councilor Dennett, through the Chairperson, what is he doing?

Councilor Dennett replied he was writing down the information here.

Councilor Thomson asked what is Councilor Dennett suggesting?

Councilor Dennett replied he was accepting as recommended with mark-outs, he was deleting the words "and residential use."

Councilor Thomson moved to amend Councilor Dennett's motion.

Chairperson Lemont asked if Councilor Dennett would like to amend the amendment?

Chairperson Lemont asked the Town Manager to comment.

Town Manager Amaral replied this corresponds to a memo from Adam Causey received that the Planning Board discussed which addresses the buffer in the non-residential use. She said it proposes to make it even more than that, 50 ft. to 40 ft. in a non-residential buffer required or anything within this zone (woodlands, fence) to be the same type but it does not say anything within the residential zone. She said with the development it would still be a mandatory 40 ft. buffer for all residential adjacent to this zone.

**COUNCILOR THOMSON MOVED THAT ITEM 8 "d" UNDER "E" STANDARDS, BUFFERS REQUIRED BETWEEN ADJACENT ZONES, MIXED USES - MUST BE 40 FEET WIDE THAT THE FIGURE BE CHANGED FROM 40 TO 50 FEET, SECONDED BY VICE-CHAIRPERSON DENAULT.**

Chairperson Lemont asked if they have to vote on the amendment to the amendment?

Councilor Dennett said last motion comes first on a vote.

Chairperson Lemont asked if everyone understood the amendment.

Councilor Pelletier replied he was not sure he understood what happened.

Chairperson Lemont said the amendment is to change 40 ft. to 50 ft.

Councilor Pelletier said he understand that part, but not what happened after that.

Chairperson Lemont asked for a roll call on the amendment.

The Recording Secretary asked which one.

Chairperson Lemont replied Councilor Thomson's amendment.

**ROLL CALL VOTE WAS TAKEN, 5-1-1, FIVE IN FAVOR, ONE OPPOSITION (COUNCILOR BEERS) AND ONE ABSTENTION (COUNCILOR PELLETIER). MOTION CARRIES.**

Chairperson Lemont called for a roll call on Councilor Dennett's amendment and asked if there were any questions.

Councilor Dennett asked if the Chair would make it clear that the motion being called on the vote includes two items? He said they are both interrelated and included to make it work.

Chairperson Lemont said that is his understanding. He said this includes two items, page 5, lines 123 and 124 and page 9, lines 256, 257 and 258, as amended.

**ROLL CALL VOTE WAS TAKEN, SIX IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (COUNCILOR PELLETIER). MOTION CARRIES.**

Chairperson Lemont asked for discussion on the main motion.

Councilor Dennett said this is going to get a little complicated, but bear with him. He called their attention to page 3, lines 82-93 that primarily say that "additional commercial/business uses may be considered by the Planning Board if..." and it goes on to say what such uses are, "and such uses will be considered Special Exception uses." He said this is left to the Planning Board and no one else and he felt it was a little unfair to the Planning Board. He said it is the only portion of the Land Use & Planning code for zones that he was aware of that has this particular exception. He said rather than the Planning Board being called upon as judge, jury and executioner, it would be far better to add a different level, that it should be the Board of Appeals.

**COUNCILOR DENNETT MOVED TO AMEND LINE 82 TO STATE: ANY ADDITIONAL COMMERCIAL/BUSINESS USES MAY BE CONSIDERED BY THE BOARD OF APPEALS IF... AND ALL THE REST OF THE LANGUAGE WOULD STAY THE SAME. COUNCILOR BEERS SECONDED THE MOTION.**

Chairperson Lemont asked if there was any discussion on the motion.

Councilor Brock said he had a problem with the change. He thought the Planning Board is uniquely suited to handle complex development in the town and that it was unfair to the Board of Appeals who lack the background and regular exposure to the requirements for that kind of decision-making that Councilor Dennett is proposing. He said the Planning Board is responsible for drafting the language and public hearings and it should stay with the Planning Board.

Vice-Chairperson Denault said, as a point of clarification, that the process is it goes to the Planning Board and they vote it down, then the applicant could appeal their decision to the Board of Appeals. He asked if that was correct?

Chairperson Lemont replied yes.

Councilor Dennett responded not in this case.

Chairperson Lemont asked why can't they appeal the Planning Board's decision to the Board of Appeals?

Councilor Dennett answered because in this particular section, the language gives the Planning Board the exclusive right.

Councilor Brock said they would have the opportunity to go to court.

Councilor Pelletier wanted to know if they could add language that says “additional commercial/business uses may be considered by the Planning Board if...and the rest stays “and is subject to appeal to the Board of Appeals”, which basically outlines the process for everything else?

Vice-Chairperson Denault said he would support that and the Planning Board could, with their knowledge, make a determination, and if they are not happy with it, they go through the process that is already established.

Councilor Thomson said the Board of Appeals deals with looking at decisions by the Code Enforcement Officer and staff all the time. He said they interpret the zoning documents, what is meeting the criteria and what does not. He thought Councilor Dennett’s suggestion fits into the appropriate role for the Board of Appeals and he endorses it.

Councilor Beers said he concurs with Councilor Thomson’s comments. He said the Board of Appeals has the review responsibility for certain Special Exceptions. He said in the beginning when the code was unified in 1991, the Board of Appeals was the exclusive body to review Special Exceptions to maintain an independent review of the Planning Board. He said Sec. 16.6.4.4 refers to particular Special Exceptions criteria mainly used by the Board of Appeals.

Councilor Brock said he may be on the short end of this one but he wanted to say he is not denigrating the Board of Appeals. He said in their sphere, they typically handle individual home owners, and appeals to the Code Enforcement Officer’s decision regarding what they can do on their property, but they are not suited for interpreting the zoning ordinance and applying it to a larger development that they do not typically handle. He said it is not a matter that they are incompetent in their sphere, but in his opinion, the Planning Board has the most expertise and handles this on a regular basis and should be the one to make the final decision for the town.

Councilor Pelletier said he agreed with Councilor Brock’s comments and asked why are we skipping a step and going right to the Board of Appeals and wanted to know what is the remedy if someone does not like the decision that the Board of Appeals produces.

Councilor Beers said the same as with the Board of Appeals – they could take it to court.

Councilor Pelletier wanted to know why are they skipping a step?

Councilor Beers thought he is finally focusing in on what the primary issue is. He said the way Councilor Dennett’s suggestion is written it gives the Board of Appeals planning approval but appeals should go to the Board of Appeals for consideration of the use under “Special Exceptions”. He the application would have to go to the Planning Board first and what they have been discussing thus far does not achieve that end. He said it may be good to say that any additional commercial/business uses may be considered by the Planning Board if, 1,2, and such uses would be considered Special Exception uses and must be reviewed by the Board of Appeals based on the following criteria.

Chairperson Lemont said he tended to agree with Councilor Pelletier and would eliminate the Board of Appeals. He agreed that the Planning Board should get the first bite of the apple and then the Board of Appeals as a fallback position rather than require someone to go to Court. He asked Councilor Pelletier if that was his amendment?

Councilor Pelletier replied yes.

Chairperson Lemont said he would second that.



**COUNCILOR PELLETIER MOVED TO AMEND LINE 93 THAT “ADDITIONAL COMMERCIAL/BUSINESS USES MAY BE CONSIDERED BY THE PLANNING BOARD IF...” AND AT THE END READS “AND IS SUBJECT TO APPEAL TO THE BOARD OF APPEALS.” SECONDED BY CHAIRPERSON LEMONT.**

Chairperson Lemont asked if there was any other discussion.

Vice-Chairperson Denault wanted to know if they are putting Councilor Pelletier’s amendment at the end as originally suggested or as line 86 which Councilor Beers recommended and makes more sense. He asked where is that going?

Councilor Beers said it is understanding it would read “additional commercial/business uses may be considered by the Planning Board if... and subject to appeal to the Board of Appeals.” He said that is the motion under discussion.

Chairperson Lemont asked if there was any further discussion.

Councilor Dennett said he needs assistance with exactly what is the wording on Councilor Pelletier’s amendment.

Chairperson Lemont asked Councilor Pelletier to address Councilor Dennett’s concerns.

Councilor Pelletier replied he is trying to insert “Board of Appeals” at the end of this process. He thought that the Planning Board should do what they do and consider what the code is, and if someone doesn’t like their decision on the “special exceptions” then they should go to the Board of Appeals. He said that should be the process, it’s the process for everything else, and asked why should this be different?

Councilor Dennett asked if it was Councilor Pelletier’s intent that the #86 would be “such uses will be considered special exceptions uses and must be reviewed by the Board of Appeals”?

Councilor Pelletier replied must be reviewed by the Planning Board.

Chairperson Lemont said line 83 are the words “Board of Appeals.”

Councilor Pelletier said to leave it as the Planning Board.

Councilor Dennett said that additional commercial/business uses would go to the Planning Board and “such uses will be considered Special Exceptions and must be reviewed by the Board of Appeals.”

Councilor Beers said after line 93, add “Additional uses as above denied by the Planning Board may be appealed to the Board of Appeals.”

Councilor Pelletier said correct.

Chairperson Lemont asked if Councilor Dennett would like to withdraw his motion.

Councilor Dennett replied he would like to, but it is in front of Council and is now the property of Council. He said if Chairperson Lemont would like to withdraw his motion, he will vote in favor of “denials may be appealed to the Board of Appeals.”

**VICE-CHAIRPERSON DENAULT MOVED TO WITHDRAW COUNCILOR DENNETT’S MOTION, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

Chairperson Lemont called for a vote on Councilor Pelletier's amendment, which he seconded, that reads "Additional uses described above, if denied, may be reviewed by the Board of Appeals."

**ROLL CALL VOTE WAS TAKEN, 6-1-0, SIX VOTING IN FAVOR WITH ONE OPPOSITION (COUNCILOR BROCK).**

Chairperson Lemont said they will now take a vote on the main motion.

Councilor Dennett said Council has had discussion on this item, and it is a little complex, but he thought they have a better document, all things being equal. He said he heard a lot of discussion this evening on both sides and felt they have been somewhat remiss in their duty to make everyone aware of what is going on.

Councilor Dennett said first, they have heard a lot of discussion about Martin Road and it is not the intent of this hearing to expand the existing Business Park zone to include Martin Road. He said, secondly, that the building height of 50 ft. should have been made known to the public and he does not feel comfortable voting on this item this evening.

Councilor Dennett said he does not want to waffle on it, but there is a lot of misinformation out there. He said he will abstain from voting. He said there has to be a better way to do this.

Vice-Chairperson Denault said that changing the wording on the maximum building height to 50 ft., line 126, or no more than 50 ft. at its highest point excludes solar apparatus, which could extend beyond 50 ft. He said he would like to clarify that the maximum building height is 50 feet, as measured to the highest point.

**VICE-CHAIRPERSON DENAULT MOVED TO AMEND LINE 126 TO READ THAT THE MAXIMUM BUILDING HEIGHT OF 50 FEET AS MEASURED TO THE HIGHEST POINT, SECONDED BY COUNCILOR PELLETIER.**

Chairperson Lemont asked if there was any discussion.

Councilor Beers said he believes that the language is common to all our zones and should remain common in all our zones as interpreted by the Code Enforcement Officer and applied by the Planning Board and Board of Appeals. He said he cannot support something that introduces an artificial standard this way.

Chairperson Lemont asked the Town Manager to clarify how they determine that.

Councilor Dennett said he would have to defer to the Planning Board, but he believed there is a special section on height and how it is measured with a lot of different parameters, maybe by definition.

Town Manager Amaral said she had the definition, the height of the building is: *"The vertical measurement from the average grade between the highest and lowest elevation of the original ground level to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level 2/3 of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves is taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. This is not intended to include weather-vanes or residential antennas that protrude from a roof, but does include all towers, excepting those utilized for amateur radio communications, and other structures. Building height restrictions do not apply to roadside utility poles approved by the Town Council of less than 45 feet in height above ground."*

Vice-Chairperson Denault asked, through the Chair, what the Town Manager just read, is that exclusive of solar apparatus. He said he did not hear that in the definition.

Town Manager Amaral replied they are trying to encourage people to use renewable energy.

Vice-Chairperson Denault wanted to know if this is another anticipation?

Town Manager Amaral replied it is an incentive.

**VICE-CHAIRPERSON DENAULT SAID HE WILL WITHDRAW HIS MOTION. COUNCILOR PELLETIER WITHDREW HIS SECOND.**

Councilor Thomson said they have heard a lot of comments from the public regarding that they did not know. He said Council has been watching this process for over two years, it has been discussed with the Economic Development Committee and they held a workshop with the Planning Board. He said that George Dow, Chairman of the EDC reported quarterly on what the Committee was working on and that these proposed changes with amendments is a better path forward for that parcel.

Councilor Thomson said he wants the people to be comfortable with the proposal going forward and would like to set aside an evening where people can ask questions on this change and can come speak without time constraints. He said the Planning Board and the Town Council can hold a public discussion at the STAR Theatre to answer questions and what happens may still not satisfy everyone.

Councilor Thomson said that accurate information will be made known to the community.

**COUNCILOR THOMSON MOVED THAT AMENDMENTS TO THIS ORDINANCE (TITLE 16) BE POSTPONED UNTIL THE SECOND MEETING IN NOVEMBER TO ENABLE THE PUBLIC TO RECEIVE INFORMATION, SECONDED BY VICE-CHAIRPERSON DENAULT.**

Chairperson Lemont asked if there was any discussion by Councilors.

Councilor Brock said he is concerned about the transparency issue. He said the Planning Board has worked on this for a long time and he does think it is important that the process be credible and objective. He said that along those lines, postponing this will allow for more information to be provided and comments, which is a good thing.

Councilor Brock said he wanted to point out a couple of things: he heard concerns that the building height was 70 but is now 50 ft. He thought that the people got the message that we do not want to be Portsmouth. He said the Town Manager referred to significant open space in this zone, if it goes forward, which is another important point. He said that Councilor Thomson proposed increasing the buffer to further mitigate the impact.

Councilor Brock said he does think that it means Council is trying to work with the residents and he would support postponement.

Chairperson Lemont said he would share his fellow Councilors' thoughts on postponing this and said this has not been an easy project for the Planning Board and there needs to be more meetings. He said the Town Council raised two issues that are very important: they heard expanding zones C1 and C2 which is not part of this change and building height.

Chairperson Lemont said he appreciated everyone speaking tonight, on both sides and would like to have those questions answered.

Chairperson Lemont said they have to put this off until November 26<sup>th</sup> but he will support it. He said in terms of transparency, the Town Manager can send alerts to you and you can sign up for them on email and they also have Twitter. He said to find one of these ways because they cannot mail out notices. He said utilize these resources to get the word out.

Vice-Chairperson Denault said that he is up here for the residents and made it clear many times and has gone out and talked to people and listened to them. He said their voices will not be ignored. He said the process is being followed and that the Planning Board held a workshop and they are trying very hard. He said he will not let them down and supported Councilor Thomson's recommendation. He said it is all about transparency.

Councilor Beers said that, since this is his "sionara" statement, he wanted to commend the Planning Board and staff for their efforts in the production of the zoning recommendation. He said it is thoroughly well done! He said he will abstain from voting on this motion because he will not be on the Council on November 24<sup>th</sup>.

**ROLL CALL VOTE WAS TAKEN, 6-0-1, SIX IN FAVOR, NONE OPPOSED, ONE ABSTENTION (COUNCILOR BEERS), MOTION CARRIES.**

11. DISCUSSION (NONE)

12. UNFINISHED BUSINESS: (NONE)

13. NEW BUSINESS:

a. Donations/Gifts received for Council disposition (none)

b. The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Beers if the town and sewer payables were in due form and he replied that they were.

Chairperson Lemont asked Councilor Pelletier if the School payable was in due form and he replied that it was.

Chairperson Lemont read the amounts for the warrants: Town = \$85,369.80; Sewer - \$1,015.66; School = \$144,062.63 for a total of \$230,448.19.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0. MOTION CARRIES.**

c. (080218-2) The Kittery Town Council to sign the warrant for the Municipal Election to be held on November 6<sup>th</sup>, 2018 at the Kittery Community Center, 120 Rogers Road.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL SIGN THE WARRANT FOR THE MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6<sup>TH</sup>, 2018 AT THE KITTERY COMMUNITY CENTER, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0. MOTION CARRIES.**

d. (080218-3) The Kittery Town Council moves to appoint William Pierce as an alternate member to the Board of Assessment Review.

Chairperson Lemont asked if there was any discussion?

Councilor Thomson said he was the Council member doing the interview and recommended Mr. Pierce be appointed for a term to end on 12/31/21.

Vice-Chairperson Denault said to clarify, he made a statement on his application under "Conflict of Interest" and wanted to know if that has been rectified or does it prohibit any issues with his appointment.

Chairperson Lemont replied no and asked if there was any further discussion.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPOINT WILLIAM PEIRCE AS AN ALTERNATE MEMBER TO THE BOARD OF ASSESSMENT REVIEW FOR A TERM TO EXPIRE 12/31/21. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES.**

e. (080218-4) The Kittery Town Council moves to approve an application from Divine Cuisines LLC for a Malt, Vinous and Spirituous Liquor License for Tulsi, 20 Walker Street.

Chairperson Lemont asked if Council wanted to discuss?

Councilor Thomson said technically this is a renewal application and asked if he is right?

Chairperson Lemont answered if it is not, it should be and noted the change.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM DIVINE CUISINES LLC FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR TULSI, 20 WALKER STREET, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**

f. (080218-5) The Kittery Town Council moves to adopt the Annual General Assistance Appendices A-G for the 2018-19 year.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ADOPT THE ANNUAL GENERAL ASSISTANCE APPENDICES A-G FOR 2018-19, AS PRESENTED TO THE TOWN OF KITTERY BY THE STATE OF MAINE, BE ACCEPTED. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.**

Chairperson Lemont asked if there was any discussion.

Councilor Dennett said he was please to announce that, in all instances, the town of Kittery is no longer the most expensive place in Maine. He said they are second place to Portland.

Chairperson Lemont thanked Councilor Dennett.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**

g. (080218-6) The Kittery Town Council moves to request that the Town Manager further investigate options to address Legion Pond.

Vice-Chair Denault said he would move to discuss, but asked if the motion was necessary?

Chairperson Lemont replied no, they can have a discussion.

Vice-Chairperson Denault said that Councilor Thomson brought up issues with Legion Pond. He said he has lived in Kittery most of his life – except for the Air Force - and has experienced first-hand how Legion Pond has changed. He said he watched as it went from a clear body of water to a putrid pile of green scum.

Vice-Chairperson Denault said worked with Councilor Thomson on this report and has taken pictures and included them with the report. He said there is a significant path way before it becomes dead and he knows they can fix this. He asked the Town Council for their support of this request and thanked them.

Councilor Thomson said the report speaks for itself. He said they all drive by there and we see what the pond looks like. He trusts that the Town Manager understands the situation and will add it to her list.

Councilor Thomson said he was going through photo albums, preparing for their daughter's wedding, and he came across photographs taken 14 years ago, when Legion Pond was clear, pristine and swans were raising their baby cygnets and there was beautiful foliage, and is submitting them to the Town Manager to be scanned and distributed. He said that she could put them on the website.

Chairperson Lemont said he grew up in that area, along with Councilor Thomson, and appreciates what it looked like. He said it is a shame to see what it has become and what it needs to go back to. He thanked Councilors Denault and Thomson for addressing this issue.

Vice-Chairperson Denault asked if they needed a consensus to proceed?

Councilor Brock said he appreciates them being proactive on this.

There was a consensus among the Councilors

h. (080218-7) The Kittery Town Council moves to establish the Holiday Parade as a town event, sponsored by the Kiwanis Club of the Seacoast, to be held on Saturday, December 1<sup>st</sup> at 3:00 p.m. and appoint Glen Philbrook, Kiwanis Club member, as the official parade committee.

**VICE-CHAIRPERSON DENAULT MOVED THAT THE TOWN COUNCIL ESTABLISH THE HOLIDAY PARADE AS A TOWN EVENT, SPONSORED BY THE KIWANIS CLUB OF THE SEACOAST, TO BE HELD ON SATURDAY, DECEMBER 1<sup>ST</sup>, AT 3:00 P.M. AND TO APPOINT GLEN PHILBROOK, KIWANIS CLUB MEMBER AS THE OFFICIAL PARADE COMMITTEE. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0. MOTION CARRIES.**

#### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Brock said there was an FYI memo in Council's packet, but as a reminder, an Affordable Housing Workshop will be conducted in October, with the Seacoast Affordable Housing Coalition of Portsmouth. He said he heard comments tonight about affordable housing. He said he will be providing background information and real-world raw data on how the zoning in Kittery can be improved to increase opportunities for workforce housing and provide planning designs and financial information which will result in one or more projects, going forward, to advance this issue.

Councilor Brock said he will continue to report to Council on this issue.

Vice-Chairperson Denault said he had a few comments, but will wait until the next meeting so they can go into Executive Session.

1056  
1057 15. COMMITTEE AND OTHER REPORTS none  
1058

1059 16. EXECUTIVE SESSION  
1060

1061 a. (080218-8) The Kittery Town Council moves to go into executive session in accordance with  
1062 1 M.R.S. §405 (6) (A) to conduct the Town Manager's annual evaluation.  
1063

1064 **COUNCILOR THOMSON MOVED TO GO INTO EXECUTIVE SESSION, AT 8:24 P.M., IN**  
1065 **ACCORDANCE WITH 1 M.R.S. §405 (6) (A) TO CONDUCT THE TOWN MANAGER'S ANNUAL**  
1066 **EVALUATION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS**  
1067 **TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.**  
1068

1069 **COUNCILOR PELLETIER MOVED TO COME OUT OF EXECUTIVE SESSION AT 8:41 P.M.,**  
1070 **SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL**  
1071 **VOTING IN FAVOR. MOTION CARRIES.**  
1072

1073 17. ADJOURNMENT  
1074

1075 **VICE-CHAIRPERSON DENAULT MOVED TO ADJOURN THE MEETING AT 8:42 P.M., SECONDED**  
1076 **BY COUNCILOR THOMSON. ALL WERE IN FAVOR BY A VOICE VOTE, AYE. MOTION CARRIES.**  
1077

1078  
1079 Respectfully submitted,  
1080

1081 Barbara Boggiano  
1082 Recording Secretary





## **TOWN COUNCIL STANDING, ADHOC & COMMITTEE LIST**

### **COUNCIL CHAIRPERSON / VICE CHAIR – 1<sup>ST</sup> ORDER OF BUSINESS AFTER SWEARING IN**

Kenneth Lemont, Chair  
Denault, Charles, Vice Chair

### **CIP COMMITTEE (1 Council Rep)**

**VACANT**

### **COMPREHENSIVE PLAN UPDATE COMMITTEE (1 Council Rep)**

Matthew Brock

### **ECONOMIC DEVELOPMENT COMMITTEE (1 Council Rep – charge amended 2/11/13)**

Lemont, Kenneth

### **EDUCATION SCHOLARSHIP SELECTION COMMITTEE (2 Council Reps)**

Denault, Charles  
Pelletier, Jeffrey

### **KITTERY COMMUNITY CENTER BOARD OF DIRECTORS (1 Council Rep)**

Thomson, Jeffrey (until 3/26/18)

### **TRUSTEES OF TRUST FUNDS (Council Chair serves as ex-officio member)**

Kenneth Lemont, Chair

### **OPEN SPACE ADVISORY COMMITTEE (1 Council Rep)**

Matthew Brock

### **DISBURSEMENT WARRANT FOR TOWN EMPLOYEE WAGES**

Jeffrey Thomson  
Kenneth Lemont  
Jeffrey Pelletier

### **DISBURSEMENT WARRANT FOR TOWN EXPENSES**

**VACANT**

Charles Denault  
Kenneth Lemont

### **SCHOOL WARRANT FOR GENERAL DISBURSEMENTS**

Jeffrey Pelletier  
Jeffrey Thomson  
Matthew Brock

### **YORK RIVER STUDY COMMITTEE**

Judy Spiller

### **TAYLOR BUILDING COMMITTEE**

Matthew Brock  
Jeffrey Thomson

### **LIBRARY BUILDING COMMITTEE**

Charles Denault  
Jeffrey Pelletier

### **LIBRARY TRANSITION COMMITTEE**

**Gary Beers**





## **MEMO**

TO: Town of Kittery

FROM: Carolyn Edwards, Area General Manager

RE: Food truck

DATE: November 1, 2018

---

Pending municipal approvals we are working with Burrito Betty's for a food truck on Friday, November 23, 2018 to be located at Kittery Premium Outlets #4.

Thank you for your consideration. If you need to reach me please email me at [cedwards@simon.com](mailto:cedwards@simon.com)



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

**VICTUALER'S LICENSE**

No.: 18-81

Date: June 14, 2018

*To all whom these presents may concern:*

KNOW YE, that York Food Group, LLC 14 Hickory Lane, York ME, 03909 in consideration of \$50.00 dollars, receipt of which is hereby acknowledged, having complied with all the requirements of law, is duly licensed a Victualer's for **Burrito Betty's Mexican Grill, 2 US Route 1, York ME, 03909.**

This license is subject to the strict observance of all laws and regulations in such case made and provided, and will continue in force until the 31<sup>st</sup> day of May, 2019, unless sooner revoked.

  
\_\_\_\_\_  
Municipal Clerk



## **MEMO**

TO: Town of Kittery

FROM: Carolyn Edwards, Area General Manager

RE: Food truck

DATE: November 1, 2018

---

Pending municipal approvals we are working with Burrito Betty's for a food truck on Friday, November 23, 2018 to be located at Kittery Premium Outlets #4.

Thank you for your consideration. If you need to reach me please email me at [cedwards@simon.com](mailto:cedwards@simon.com)



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

**VICTUALER'S LICENSE**

No.: 18-69

Date: June 01, 2018

*To all whom these presents may concern:*

KNOW YE, that **Bedrock Restaurant Enterprises, Inc. Kittery, ME** in consideration of \$25.00 dollars, receipt of which is hereby acknowledged, having complied with all the requirements of law, is duly licensed a Victualer's for **Blue Mermaid 10 Shapleigh Rd. Kittery, ME 03904.**

This license is subject to the strict observance of all laws and regulations in such case made and provided, and will continue in force until the 31<sup>st</sup> day of May, 2019, unless sooner revoked.

  
\_\_\_\_\_  
Municipal Clerk



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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## REPORT TO TOWN COUNCIL

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Meeting Date: November 14, 2018  
From: Kendra Amaral, Town Manager  
Subject: Shoreland and Resource Protection Zones  
Councilor Sponsor: Chairperson Kenneth Lemont

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### EXECUTIVE SUMMARY

The Planning Board has a prioritized objective to address challenges identified in Title 16. In this proposal the challenges identified exist with the Shoreland and Resource Protection Overlay zones. Specifically, the proposed amendments seek to define drainage structures (which are not ditches per se) and address how they should be considered within the code; and to address non-conforming structures in both zones.

The revisions proposed were developed through discussion within the Planning and Development department, and included input from the Resource Protection Officer and Planning staff.

### Zoning Amendment Development

The proposed amendments seek to make clear what the Town expects for drainage structures (and what the Town defines as a drainage structure) within and outside of properties containing shoreland zoned land.

The proposed amendments also remove the roof pitch language which, as an unintended consequence, prevents rooftop decks that would otherwise be (and in the past were) permissible in various zones.

It will also align the nonconforming building expansion section more closely with the Department of Environmental Protection's while clarifying what is and is not allowable in the shoreland zone setbacks.

It is noted that the Title 16 recodification effort will address the larger issues embedded in the code, but these smaller fixes will improve the implementation and enforcement of the code in the interim.

### CURRENT SITUATION

The Planning Board reviewed and recommended to the Council the proposed amendments at their August 23rd meeting.

#### Next Steps:

- Nov 14 – Council to determine if a workshop is desired, schedule Public Hearing
- Dec 10 – Public Hearing and Vote

### PROPOSED SOLUTION/RECOMMENDATION

Approve as presented.

**ATTACHMENTS**

- Proposed Title 16 Amendments
- Proposed Title 16 Enactment
- Planning Board Minutes – Discussion of Proposal



**KITTERY TOWN CODE TITLE 16**  
**SHORELAND AND RESOURCE PROTECTION OVERLAY ZONES**

**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, 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 Town has identified areas for clarification and adjustment that improve the overall effect and implementation of the Shoreland and Resource Protection Overlay zones; and

**WHEREAS**, the proposed amendments clarify the regulations regarding drainage structures, and address alteration of non-conforming structures within the two overlay zones; and

**NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER §2.07(3), THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 16 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 16 LAND USE AND DEVELOPMENT CODE

### ADD to § 16.2.2 Definitions.

**DRAINAGE STRUCTURE** means any stormwater run-off control system designed to manage stormwater on a site, including but not limited to underdrain soil filter (USF) ponds, stormwater detention ponds, bioretention cells, or other similar engineered systems.

### AMEND 16.7.3.3.B Nonconforming structures

#### § 16.7.3.3 Nonconforming structures.

##### B. Nonconforming structure repair and/or expansion.

(1) Except where otherwise permitted in this title, repair and/or expansion of a nonconforming structure must be approved by the Board of Appeals. In cases where the structure is located in the Shoreland or Resource Protection Overlay Zone, the repair and/or expansion must be approved by the Planning Board.

(2) The Code Enforcement Officer may approve the repair and/or expansion of a nonconforming structure provided the proposed expansion meets all of the following criteria:

(a) A vertical expansion that follows the existing building footprint;

(b) Will not result in setbacks less than those existing;

(c) Is not located in the Shoreland Overlay or Resource Protection Overlay Zone.

(3) This subsection does not apply to any proposed vertical expansion of a patio, deck or accessory structure permitted to be closer to a water body or to a principal structure in accordance with Table 16.9 - Minimum Setbacks from Wetlands and Water Bodies.

(a) A nonconforming structure may be repaired or maintained and may be expanded in conformity with the dimensional requirements, such as setback, height, etc., as contained in this title. If the proposed expansion of a nonconforming structure cannot meet the dimensional requirements of this title, the Board of Appeals or the Planning Board will review such expansion application and may approve proposed changes provided the changes are no more nonconforming than the existing condition and the Board of Appeals or the Planning Board makes its decision per § 16.6.6.B.

(b) Except in the Residential - Village (R-V) Zone, minimum setbacks of residential storage sheds that are less than 121 square feet, one-story residential garages that are less than 577 square feet, and decks less than 251 square feet may be one-half the minimum rear and side yard setbacks, providing the lots are legally nonconforming.

(c) Where the expansion of the residential use within the Commercial Zones involves an expansion of a structure, the structure must be expanded in conformity with the dimensional requirements contained in this title. If the proposed structure expansion cannot meet the dimensional requirements of this title, the application may be submitted to the Board of Appeals for review as a miscellaneous variation request. In reviewing all such applications, the Board of Appeals must use the criteria established in this section, and then may approve the proposed variations to the dimensional requirements.

- (d) The addition of steps and landings, exterior to the structure does not constitute expansion. Such steps are not to be considered part of the structure for such determination. Step landings may not exceed three feet by three feet in size.
- (e) In addition to the standards in the above § 16.7.3.3B(3)(a) through (d), the expansion of a nonconforming structure and the construction of new, enlarged, or replacement foundation beneath a nonconforming structure located in the Shoreland or Resource Protection Overlay Zone must meet the following:
- [1] Wherever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the structure and new foundation must be placed such that setback requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in § 16.7.3.3A(2), Nonconforming structure relocation.
- [2] All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in 16.3.2.17.D(2). A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with 16.7.3.3.B(3)(e)[4] and 16.7.3.3.B(3)(e)[5] below.
- [23] Expansion of any portion of a structure that is located within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland is prohibited even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or coastal or freshwater wetland setback requirement.
- [34] Notwithstanding § 16.7.3.3B(3)(e)[2] above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by 16.7.3.3.B(3)(e)[2]:
- [a] The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater. ~~Roof slope must not be less than an 8:12 pitch.~~
- ~~[45] Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or coastal or freshwater wetland setback requirement.~~ All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or coastal or freshwater wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by 16.7.3.3.B(3)(e)[2] or 16.7.3.3.B(3)(e)[3] above:
- [a] For structures located less than 100 feet from the normal high-water line of a water body, tributary stream, or upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet, or 30% larger than the

footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet, or the height of the existing structure, whichever is greater.

~~Roof slope must not be less than an 8:12 pitch.~~

- [b] In addition to the limitations in 16.7.3.3.B(3)(e)[5](a) above, for structures that are legally nonconforming due to their location within ~~For structures that are located within~~ the Resource Protection Overlay Zone when located at less than 250 feet from the normal high water line of a water body or the upland edge of a coastal or freshwater wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet, or 30% larger than the footprint that existed at the time the Resource Protection Overlay Zone was established on the lot, whichever is greater. The maximum height of any structure may not be greater than 25 feet, or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 100 feet from the normal high-water line of a waterbody, tributary stream, or upland edge of a coastal or freshwater wetland must meet the footprint, ~~roof pitch~~ and height limits in § 16.7.3.3B(3)(e)[4][a], and 16.7.3.3.B(3)(e)[5](a) above.

- [6] An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the York County Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shoreland Overlay zone and/or the Resource Protection Overlay zone boundary and evidence of approval by the municipal review authority.

AMEMD Table 16.9 as follows:

Table 16.9			
Minimum Setbacks from Wetlands and Water Bodies* [Amended 9-24-2012 by Ord. No. 12-11]			
Structure/Activity	Total Size of Wetland and/or Water Body		
	Less than 501 square feet	501 square feet to 1 acre and Intermittent Streams	Greater than 1 acre
	(feet)	(feet)	(feet)
Local distribution utility pole, fence, flagpole, <u>or signs</u> <del>or drainage structure</del>	0	0	0
<u>Drainage structure outside OZ-SL-250</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Drainage structure within OZ-SL-250, OZ-RP, wetlands of special significance, and OZ-SP-75</u>	<u>75 feet</u>	<u>75 feet</u>	<u>100 feet</u>

**PUBLIC COMMENT**

Chair Grinnell opened the public comment segment of the meeting. There being no comments, Chair Grinnell closed the public comment.

**NEW BUSINESS**

**ITEM 1 – Potential expansion of the Neighborhood Mixed-Use Zone (formerly Business Park Zone).** Discussion: Follow-up to letter sent to property owners in March, map of zone for review.

Chair Grinnell expressed interest in continuing this discussion to the second meeting in August when a full board is expected to be present.

Ms. Connor asked if the Board would like to see the entire land use study conducted in the fall of 2017 which helped inform the changes to the MU-N zone, formerly Business Park zone. Board members present were in favor and asked to have the document emailed to them for review prior to the workshop with Town Council in July.

Chair Grinnell requested that the Town Council receive the entire land use study as well and informed the audience that there will be a joint workshop with the Planning Board and Town Council from 5pm to 6pm on July 23, 2018 to discuss the Planning Board's recommendation for rezoning the Business Park to the Mixed-Used Neighborhood zone. The Town Council will also schedule a public hearing on this topic.

The discussion on the expansion of the MU-N (formerly Business Park) zone will continue at the August 23, 2018 meeting.

**ITEM 2 – Draft amendments to Shoreland Zoning.** Discussion: Changes proposed to 16.9 (Wetland Setback Table) and 16.7.3.3.2 (Nonconforming Structure Repair and/or Expansion).

Chair Grinnell requested that the Shoreland Resource Officer provide background on this item.

Ms. Kellogg explained that there have consistent challenges in interpreting the code in areas of shoreland zoning, so are attempting to rectify some of the low hanging fruit prior to a full look at the whole code. Staff is proposing changes to the wetland table, including defining what a drainage structure is. Maine DEP identifies a drainage structure in the shoreland overlay zone as a structure required to meet setbacks and if it is not within the shoreland overlay zone it does not need to meet setbacks like a building would. The wetland table was amended to provide the setback requirements related to the shoreland overlay zone, resource protection overlay zone, wetland of special significance or the stream protection overlay zone and size of wetland.

Ms. Kellogg explained that the other piece to be amended is for non-conforming structure repair/expansion in Title 16.7.3.3.2. Staff realized some inconsistencies in the code when

90 compared with Chapter 1000 recommendations from Maine DEP. Since this was provided to  
91 the Board staff identified areas where the code numbering was not accurate, particularly at  
92 Lines 14, 24, 28 and will also change lines 59-60 in section b as it relates to the resource  
93 protection overlay zone. Ms. Kellogg stated that she has another idea on how to make that  
94 section more clear and will amend this further and will bring it back to the Board.

95  
96 Chair Grinnell requested discussion on these amendments to continue at the second meeting  
97 in July and a public hearing will likely be set for the second meeting in August. Ms. Connor  
98 stated that any board member not in attendance is welcome to send comments to staff.

99  
100 **OLD BUSINESS**

101  
102 **ITEM 3 – Update on Foreside Study. Discussion:** Director of Planning and Development will  
103 update the Board on the Study and parking changes.

104  
105 Mr. Causey said that he is still waiting for the electronic copy of the Foreside Study from the  
106 consultant. The memo draws out a few recommendations that could be part of a separate  
107 action plan or the Board could get started on items with general support, like parking efforts.

108  
109 Discussion on a draft survey included some specific uses that may not be in play anymore in  
110 the Foreside so certain questions may be amended or removed, and the survey will expand on  
111 parking questions and aiming for more opinions on the correct mix of commercial, residential  
112 and other uses. The Board will discuss a revised survey at the second meeting in July.

113  
114 Mr. Causey highlighted street parking changes which would require an ordinance amendment  
115 by Town Council. He met with members of the Foreside business group who expressed  
116 concern with perception of parking issues in the Foreside, mostly employee parking in 2-hour  
117 parking areas. This may be addressed with better striping, new signage and having a broader  
118 category of parking with areas on Walker/State and Wentworth potentially having 4-hour  
119 parking and possibly at least one 15-minute parking space for a quick visit in the downtown  
120 area. An existing parking map will need to be updated with current parking counts, but it shows  
121 both public parking and private parking with on and off-street parking.

122  
123 Chair Grinnell asked if there is enforcement of parking in the foreside? Mr. Causey stated that  
124 for the 2-hour parking on Walker Street away from the downtown Foreside they are trying to be  
125 more lenient, but they are enforcing parking in the downtown area.

126  
127 Vice Chair Kalmar stated that the Foreside Study identified a great number of on-street parking  
128 spaces that are not painted, so people do not recognize that they are available. She asked if  
129 having a 4-hour parking area needed to be in place before we change striping? Mr. Causey  
130 replied that this does not correlate with current Code so that would need to be addressed first  
131 before striping changes. He will work with the Public Works Commissioner to identify areas  
132 listed as 2-hour parking that are not striped and get those painted now.

The Chair shared the workshop with the Town Council was informative. She added that she would be in favor of the expansion proposal if the height limit of the buildings was reduced.

Mr. Dunkelberger explained why he is in agreement with the 70-ft. building height limit in the zone. Mr. Ledgett and Vice Chair Kalmar reminded the Board that they have previously approved the zone change recommendation to Town Council and the issue for discussion is the expansion of the boundary.

Mr. Fitch shared that he does not think the 70-ft. building height is appropriate that close to Route 236 and Chair Grinnell agreed.

Vice Chair Kalmar suggested scheduling a hearing to listen to the public's opinion before they have further discussion on recommending this proposal.

Because of Board member schedules in August, the Board decided to hold a special meeting on August 21<sup>st</sup>.

**Mr. Dunkelberger proposed to hold a public hearing on the Neighborhood Mixed-Use Zone (MU-N) formerly Business Park Zone (B-PK) at a date of August 21, 2018 at a time to be determined and appropriately advertised.**

**Mr. Ledgett seconded the motion**

**The motion carried 6-0-0.**

**ITEM 3 – Draft amendments to Shoreland Zoning**

Discussion: Changes proposed to 16.9 (Wetland Setback Table) and 16.7.3.3.2 (Nonconforming Structure Repair and/or Expansion).

Vice Chair Kalmar commented the staff did a good job clarifying the language in the ordinance.

Mr. Ledgett questioned if language should be added to Section F that no permit will be issued until this approval of the plan for expansion has been recorded. Ms. Kellogg explained the language was taken from the state's Chapter 1000 guidelines for municipal shoreland zoning ordinances and she added Code Staff do not issue building permits until the planning requirements are met and this will be one of the requirements. She added the amendments will be sent to DEP for review before the public hearing.



**Vice Chair Kalmar moved to hold a public hearing on the proposed amendments to 16.7.3.3.2 (Nonconforming Structure Repair and/or Expansion) for August 23, 2018. Mr. Dunkelberger seconded the motion.**

**The motion carried 6-0-0.**

**ITEM 4 – Update on Foreside Study**

Discussion: Director of Planning and Development will update the Board on the latest edits to the Study.

Mr. Causey explained the updated study is in the Board packet and changes were made based on earlier comments. The consultants updated the maps and they are more readable. He added they are still waiting for the electronic version of the study and he will continue to ask for it. He explained this study went through a public planning process along with several business partners in the area and a working group and any changes need to go through the public process. His Executive Memorandum includes an outline of what staff is working on. He informed the Board a survey will be going out to gather opinions from the public. Suggestions of alleviating some of the parking issues were addressed which includes a proposal to change the time limit for parking in certain areas. A map of proposed parking changes has been shared with the business group in the Foreside for feedback and he is working with the Town Manager to get this on the Council's agenda.

Mr. Dunkelberger reminded Mr. Causey that the Board had recommended appropriate warning lights at crosswalks similar to the system near Rite Aid and the post office. Mr. Causey added the plans for the Walker and Wentworth intersection has been submitted and the construction timeframe is estimated for 2020-2021.

Chair Grinnell suggested that the Planning Board add this as an agenda item, review the report and write a letter outlining what they believe is important to moving forward. Mr. Ledgett added a lot of effort was put into this report and he expressed his concern of it not being used and forgotten. Discussion ensued of the report fitting into the recodification process taking place in the fall. The Board also discussed the Shipyard Study for the Government and Walker Streets intersection and the need to find out what it encompasses for the Town.

The Board was in consensus to add this item to the agenda for the second meeting in October.

**ITEM 5– Board Member Items / Discussion**

a. Short Term Rental Information



## **CALL TO ORDER**

## **ROLL CALL**

Present: Drew Fitch, Member; Dutch Dunkelberger, Member; Russel White, Member; Mark Alesse, Member; Karen Kalmar, Vice Chair; and Ann Grinnell, Chair

Absent: Ronald Ledgett, Member;

Staff: Jamie Steffen, Town Planner; Adam Causey, Director of Planning and Development; Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC HEARING**

### **ITEM #1 – Town Code Amendments – 16.9 and 16.7 Land Use Zone Regulations**

The proposed amendments clarify and update the Title 16 zoning ordinance pertaining to wetland setbacks (16.9 Wetland Setback Table) and nonconforming structure repair and/or expansion (16.7.3.3.2 Nonconforming Structure Repair and/or Expansion) in the shoreland zone. Public Hearing Vote to Recommend. Take public comment. Review and discuss proposed changes to 16.9 Wetland Setback Table and 16.7.3.3.2 Nonconforming Structure Repair and/or Expansion. Vote to recommend to the Town Council.

**Vice Chair Kalmar moved to recommend the proposed amendments to the aforementioned codes to the Town Council, seconded by Mr. Dunkelberger.**

The Board thanked Jessa Kellogg Shoreland Resource Officer/Stormwater Coordinator for her work on drafting the amendments.

Mr. White questioned the origin of the green highlighted language. Ms. Kellogg explained that after the last meeting she sent the amendments to Mike Morse at Maine DEP for approval. The green highlighted additions are his comments to meet state minimum shoreland zoning standards. Everything else he is okay with.

Chair Grinnell stated that it will now go to the Town Council with the full support of Planning Board.

**Motion carried 6-0-0.**

**Continuation of the PUBLIC HEARING 8-21-18 -Town Zoning Map Amendment**

This zoning map amendment is the second step to a two-part process replacing the Business Park (B-PK) zoning district. The first step proposes a text amendment changing the B-PK zone to the Neighborhood Mixed-Use (MU-N) zone and replace the zoning requirements. This step is currently under consideration by Town Council after going through a public hearing process with the Planning Board on June 14, 2018. This second step proposes a zoning map amendment which will expand the proposed boundary of the new Neighborhood Mixed-Use (MU-N) zone currently under consideration by Town Council.

**PUBLIC COMMENTS**

Debbie Driscoll, Pepperrell Terrace asked if the Board would be answering the questions that were brought up at the previous meeting.

Jen Thayer, Martin Rd also asked about getting answers to the questions asked. She stated her concerns about wetlands being filled on other side of Martin Rd. She discussed the fill being composed of asphalt from the road and noted her concern about trees are dying in the area.

Ms. Kellogg shared that the process for wetland filling starts with the town and they look at if the wetland is of special significance and how much fill proposed. Maine DEP may issue permits but wetland filling and crossings require Planning Board approval. She stated that she was not aware of when the fill for Happy Ave was placed there but she was aware of the filling that was done at 122 Martin Road.

Chair Grinnell explained that Ms. Kellogg would happily deal with any their complaints in that regard.

The Board then addressed the questions from the public hearing on August 21<sup>st</sup>.

Barry Fitzpatrick, Rodgers Rd questions: The parcels are owned by individual property owners not by the Town of Kittery. They have access to Town sewer but do not have any roads built. Water would need to be extended and they do not have 3 phase power. Power could be extended. The height of 70 feet for the proposed zone only.

Vern Gardner Tucker Cove questions: The additional twelve lots will not be in the TIF District.

Mr. Alesse mentioned the question - Why has this parcel been so hard to develop. He stated that the obvious answer is that the property has a lot of wetlands. Plus, the area didn't have sewer.

Vice Chair Kalmar asked Mr. Causey to speak about the implications of changing the ordinance to improve the desirability of the land for future development.

Adam Causey, Director of Planning and Development discussed the study done in 2017 by the Southern Maine Planning and Development Commission which examined the reasons why the parcel hasn't been developed. He noted that the study is on the Town's website. He explained that it touches many aspects, such as sewer extension, environmental conditions including wetlands, roadway infrastructure and modifying the zoning to create higher densities that would attract worthwhile development.

EDC letter by George Dow, Bartlett Rd: Mr. Steffen noted that he had not received the letter for the Board's packets. Needs to be included in packet.

Judy Spiller, Rosellen Dr: No questions.

Kathy Hardy, Armour Drive: No questions.

Chair Grinnell noted that affordable housing is not included into the zone currently, however, there was potential for the topic to be included at a later time.

Chair Grinnell stated the question by Susan Emery, School Lane about how much effort was being put into using the property as a strictly business zone. It was noted even with sewer available there has been none.

Mr. Alesse mentioned the question about who owns the largest parcels of land within the proposed zone. Mr. Gerison approached the podium and explained the ownership arrangement for the properties involved – thirteen (13) acres are owned by Gerison Family Entities LLC, and eighty (83) acres are owned by YSKICE, LLC. He pointed out the parcels on the maps furnished by the Planning Department.

Mr. Causey answered the question about traffic concerns by noting that the Kittery Area Comprehensive Transportation System (KACTS) traffic and safety study for Route 236 will kick-off next month. For the Dennett Road he discussed the Joint Land Use Study with the Naval Shipyard, financed by the Department of Defense through a grant beginning in the October – November timeframe. The study will look at the impact on the town and the region of the shipyard traffic. He explained that a big part of the study will be looking the traffic impact at every corridor coming into Kittery and Dennett Rd will be part of that. He further explained that any proposed development whether or not this area gets rezoned depending on the intensity of

the use would require a traffic study. After question from Chair Grinnell, he discussed the funding for the Shipyard study and explained that he thought the cost was \$240,000 with the Town's match being 10%. He further discussed previous plans and study and felt this would be a great benefit.

Chair Grinnell discussed the proposed building height allowance of 70 feet. She stated that the owner of the property said at the last meeting he did not foresee building anything 70 feet high and would be okay with a 50 foot height limit. The EDC also stated that 55 feet would be acceptable provided it include allowances to exclude solar and other rooftop equipment in the height calculation. Vice Chair Kalmer explained that the language of the proposed zoning amendment does exclude solar and other appurtenances from the height limitation. Chair Grinnell noted that the Town Council would be meeting on Monday and will discuss the language change to Title 16 and when the public hearing will be set.

Mr. Alesse ask for clarification on the proposal relative to the 70 foot height allowance. He asked if we were opening the door on allowing that height in the expanded zone along Route 236. Vice Chair Kalmar explained that the Board voted a recommendation and cannot undo that, however, the Chair can ask for greater consensus. Vice Chair Kalmar stated that she is not in favor of the map amendment. The Board discussed obtaining consensus around the building height and sending a recommendation to Town Council.

The Board discussed giving the Town Council suggestions for the new zoning but not vote on the map. Vice Chair Kalmar, Mr. Alesse and Mr. Fitch all stated that they would like to table the proposal until the language is changed on the 70 foot height.

Mr. Dunkelberger stated that he would like to add a caveat that any building adjacent to Route 236 have a height limit of 50 feet.

The Board discussed that it doesn't want any 70-foot high buildings in Town. Mr. White added Chair Grinnell wasn't present at the meeting where the vote on the recommendation was made and explained that the Board probably should have waited until it had a full board for the vote. He felt that the expansion changes picture of the zone. Chair Grinnell echoed having a full board on matters such as this one.

Mr. Dunkelberger stated that the reason for the 70-foot height increase was in part because of the business park development and from the Town Manager whom he noted wasn't present. There was discussion amongst the Board on the purpose of allowing the 70 foot height. It was stated that it intended to allow for greater flexibility and higher density and because of the limitations of the property. Mr. Steffen explained that it was also to allow for parking

underneath the building and to allow one to utilize more of the property for building rather than for parking lots. The EDC has made the suggestion that it is cost prohibitive and the Board stated it is willing to limit it.

Chair Grinnell polled the Board on the limiting the building height in the proposed new zone to 50 feet. The vote was 5-1-0. Chair Grinnell discussed that it was non-binding and wanted consensus on what to say in a memo to Town Council.

Vice Chair Kalmar includes discussed the buildable area of the larger parcel that runs up to Martin Rd. She stated that she would like to see a greater buffer, or some adjustment precludes any large structure being built near that residential area. She discussed the building envelope that could be filled between two homes and was concerned about maintaining the residential character of Martin Rd. She discussed the need for an intensive buffer within 500 feet anywhere that there is residential. The Board discussed further buffering for adjacent residential areas. Chair Grinnell proposed changing the section of the business park property to up near martin Road to R-S. Mr. Steffen responded by stating that would require a whole new public hearing process as it would be another zoning change.

The Board discussed further buffering for adjacent residential areas. Mr. Steffen added that those types of requirements could be included in the text amendment.

Mr. Gerison discussed the available upland for development in regard to Dennett and Martin Roads. He explained that there will be a significant amount of woodland between any potential development and the residential areas. Mr. White suggested that the Board not pick a number like 500 feet because a developer and the Town would need to work with the site on any development proposal.

Mr. Causey discussed the current zoning amendment text which includes a lot of buffer requirements between different uses. He explained that the Board could add requirements to the text amendment for additional buffering or fencing where needed to protect residential properties. He discussed incorporating a height plane into the requirements as a form of buffering. Mr. Steffen read the current language in the text amendment for the buffer requirements. Mr. Dunkelberger noted that this would be in addition to those requirements. Mr. Causey explained that the buffer would be determined by the appropriate height plane and discussed a possible development scenario. Vice Chair Kalmar asked about applying the buffer requirements where single family residential would abut multi-family residential. Mr. White discussed including a larger buffer for more intensive development on the ground.

The Board reached a consensus increasing the perimeter buffers to protect existing residential structures regardless of zone and to add that text to the proposed ordinance.

The vote of the Board was 6-0-0.

The Board reached a consensus that it did not want to vote at this time on the proposed amendment to expand the boundaries of the new zone. Vice Chair Kalmer stated that the Board would be in favor of the zone expansion if the Town Council voted to reduce the building height to 50 feet and adding the extra buffer requirements.

The Board then had a lengthy discussion on what they were going to vote on for a recommendation to Town Council on the proposed zoning map change. The Board discussed drafting a memo for the Town Council. It was decided by Board that staff would write the memo detailing the Board's position on the proposed zoning change and have it sent to the Board for its approval before it is forwarded to the Town Council. The Board wished to have Mr. Causey communicate with the Town Council about the memo.

## **NEW BUSINESS**

### **ITEM #2 – Midway Way – Street Naming Application**

Action: Accept or deny application. Grant or deny approval of street name. Owner/applicant Ronald Dalrymple requests consideration of naming a private right-of-way off of Shapleigh Road currently known as 1 Mill Lane to Midway Way (Tax Map 15 Lot 1).

**Vice Chair Kalmar moved to approve the renaming of 1 Mill Lane to Midway Way, seconded by Mr. White.**

**Motion carried 6-0-0.**

**ITEM #3 – Bayberry Lane – Street Naming Application** Action: Accept or deny application. Grant or deny approval of street name. Applicant William Cullen requests consideration of naming the unnamed private right-of-way off of Martin Road to Bayberry Lane (Tax Map 11 Lot 29-2). - **WITHDRAWN**

### **ITEM #4 – Proposed Amendments Related to Signs**

Discussion: Changes proposed to clarify language and requirements for certain types of signage, location and approval thereof.



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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: November 14, 2018  
From: Kendra Amaral, Town Manager  
Subject: Land and Water Conservation Fund Authorization  
Council Sponsor: Chairperson Kenneth Lemont

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**EXECUTIVE SUMMARY**

The town is preparing to move forward with Phase 2 of the Emery Field Park improvements. As with the first phase, we are again interested in seeking Land and Water Conservation Fund (LWCF) financial assistance. If awarded, the LWCF will support up to 50% of the project costs, approximately \$300,000.

Council authorization is required as part of the application process. The application for financial assistance is due November 16<sup>th</sup>, therefore the timing is critical for this item.

**BACKGROUND**

In 2015, the Town Council authorized the Town Manager to seek financial assistance through the LWCF for the first phase of Emery Field Park improvements. The project was selected from the Town's draft Athletic Field Master Plan that recommends multiple improvements to various playing fields in town.

LWCF awarded the project in 2016, with \$374,000, with a 50% match requirement; meaning LWCF would reimburse the town for up to \$187,000 of the eligible project costs. The project resulted in regrading of the playing field, installation of drainage and irrigation, creation of a perimeter walking path and fencing around the fields. Phase 1 was closed out this summer with the contractor, and LWCF is in the process of closing out their portion of the project. Total project cost is estimated to come in under budget at \$358,000.

**STATEMENT OF NEED**

Phase 2 of the Emery Field Park improvements will include abatement and demolition of the old Recreation Center building, improvement/expansion of the parking lot, construction of a storage/concession/bathroom building, and completion of the perimeter path. If funding allows, we will also seek to install courts (basketball, pickleball).

We have engaged Weston & Sampson to design Phase 2. They designed Phase 1 and have a good understanding of the site and the needs.

The estimated project cost is \$695,450 including design. We can seek a maximum of \$300,000 from the LWCF, and will need to fund the remaining as costs, approximately \$395,450. We currently have \$146,000 in capital funding that can support this. An additional \$249,260 will need to be allocated through the CIP or fund transfers in FY20 to support the project if the town is to proceed.

We have received the LWCF pre-approval to apply for the grant. There is no guarantee we will be awarded the funds from LWCF this round. If we are unsuccessful with this application, we will plan to complete the design and pursue funding in a future year.

If we are successful, we will need to commit the necessary funding for the match. The amount needed is a stretch financially, but achievable. I would recommend looking to the unencumbered fund. We have been increasing this fund by more than \$100,000 annually. Though not guaranteed, it is likely the necessary allocations from this fund to cover the match will be replenished at the close of each fiscal year.

The alternative is for the Town to complete the design, and wait a few years to pursue construction. This alternative would give us the time to build a reserve slowly. There is no guarantee the Town will receive a future grant allocation. Delay will also likely result in higher construction costs due to escalation.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve as presented.

### **ATTACHMENTS**

- Project Certification
- Concept Design Emery Field
- Estimated Project Budget
- Project Agreement from Phase 1 (FYI)





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

**Project Certification**

**This is to certify** that the Kittery Town Council hereby authorizes the Town Manager to make application for financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for development of the Emery Field Park Phase 2 Improvements.

**This further certifies** that the Kittery Town Council is familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement, revision dated March 1995 and hereby authorizes the Town Manager to enter into said agreement between the Town of Kittery and the State of Maine upon federal approval of the above identified project.

**This further certifies** that the Town of Kittery has been legally constituted in accordance with 30-A MRS and is responsible for planning and carrying out the municipal recreation program, and the continued operation and maintenance of this completed project in accordance with the terms and conditions of the Land and Water Conservation Fund Project Agreement.

**And this further certifies** that except for the financial assistance requested by this project application, no financial assistance has been applied for, given or promised under any other State or Federal Program.

**Approved: November 14, 2018**

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# Master Plan For Athletic Fields

EMERY FIELD







**Emery Field Phase 2**  
**Preliminary Estimate**

**Estimated Project Costs**

Engineering (design, bid, resident)	\$	85,500
Demolition of old Rec Bldg		74,500
Asbestos Inspection		5,000
Fill & regrade site		20,000
Overhaul and expand parking area		150,000
Field house (bathrooms, concession, storage)		225,000
Walkway		80,000
Subtotal		640,000
Contingency 10%		55,450
<b>Total Cost</b>	<b>\$</b>	<b>695,450</b>

LWCF Share (50% up to \$300K)	300,000
Town Share (excluding design)	309,950

**Funds Available for Town Share Match as of Nov 1, 2018**

Open Space Reserve	59,047
Athletic Field Master Plan	87,143
Less: Design <sup>1</sup>	(85,500)
Total Available for Match	60,690
<b>Variance</b>	<b>249,260</b>

**Possible Addtl Sources**

CIP 2020 Allocation <sup>2</sup>	\$	50,000
Unencumbered for Match 2019 <sup>3</sup>	Up to \$100,000	
Unencumbered for Match 2020 <sup>3</sup>	Up to \$100,000	

Notes:

1. Design costs are not part of the LWCF grant. The town must cover the full cost of design on its own.
2. CIP 2020 Allocation based on FY19 - FY23 CIP. May be adjusted through the development of the FY20 - FY24 plan.
3. Unencumbered for Match available per Town Article approved June 2018, and proposed for June 2019.

STATE OF MAINE  
DEPARTMENT OF Agriculture, Conservation and Forestry  
Agreement to Purchase Services

THIS AGREEMENT, made this 14th day of September, 2016, is by and between the State of Maine, Department of Agriculture, Conservation and Forestry, hereinafter called "Department," and Town of Kittery, located at 200 Rogers Road, Kittery, ME 03904, telephone number (207) 475-1329, hereinafter called "Provider", for the period of February 25, 2016 to December 31, 2017.

The AdvantageME Vendor/Customer number of the Provider is VC1000051258

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Department, the Provider hereby agrees with the Department to furnish all qualified personnel, facilities, materials and services and in consultation with the Department, to perform the services, study or projects described in Rider A, and under the terms of this Agreement. The following riders are hereby incorporated into this Agreement and made part of it by reference:

Rider A - Specifications of Work to be Performed  
Rider B - Payment and Other Provisions  
Rider C – Exceptions to Rider B  
Rider D, E, and/or F – (At Department's Discretion)  
Rider G – Identification of Country in Which Contracted Work will be Performed

IN WITNESS WHEREOF, the Department and the Provider, by their representatives duly authorized, have executed this agreement in 2 original copies.

**DEPARTMENT OF AGRICULTURE, CONSERVATION  
AND FORESTRY**

By:

\_\_\_\_\_  
Walter Whitcomb, Commissioner

and

By:

  
\_\_\_\_\_  
Carol M. Granfield, Interim Town Manager

Total Agreement Amount: \$ 187,000.00

Approved: \_\_\_\_\_  
Chair, State Purchases Review Committee  
BP54 (Rev 1/12)

## AdvantageME ACCOUNT CODING

[illegible]



RIDER A  
SPECIFICATIONS OF WORK TO BE PERFORMED

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
BUREAU OF PARKS AND LANDS  
LAND & WATER CONSERVATION FUND  
PROJECT AGREEMENT

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Political Subdivision: Town of Kittery

Project Title: Emery Park Rehabilitation

Project Period: 02/25/2016 – 12/31/2017

Project Number: 23-00864

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**Project Scope:**

In 1983 Kittery was awarded a \$15,000 LWCF grant (23-00525) to develop a softball field. This softball field has been relocated to another facility and Emery field has been used as general use athletic fields and parks since. This project will involve the design and construction of two U-10 soccer fields, one regulation sized lacrosse field, and the installation of an ADA compliant walking pathway surrounding the fields.

Project Costs: Total \$ 374,000.00

Federal: \$187,000.00

Local: \$187,000.00

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THIS AGREEMENT is hereby made between the STATE OF MAINE, by and through the BUREAU OF PARKS & LANDS, hereinafter called the State, and the Town of Kittery hereafter called the Recipient.

**WITNESS:**

**WHEREAS**, the United States of America, represented by the Director, National Park Service, United States Department of the Interior, and the State of Maine have entered into an agreement (which, with its attachments and all regulations and provisions incorporated therein, is hereinafter referred to as the Project Agreement) pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964) providing for the acquisition and/or construction of the above described project (hereinafter referred to as the Project), for the benefit of the Recipient, and,

**WHEREAS**, the Project Agreement between the United States of America and the State imposes responsibilities upon the State which the State has assured the United States of America will apply to the Recipient and which the Recipient agrees to perform;

**NOW, THEREFORE**, for valuable considerations, the State and the Recipient agree as follows:

1. The Project Agreement is hereby attached and made a part of the Agreement, and the Recipient hereby agrees to discharge, perform, and fully satisfy all provisions of the Project Agreement directly or indirectly applicable to the Recipient, and the Recipient further agrees that it shall not, through any act or omission, violate any provision of the Project Agreement.

2. In connection with all phases of the Project, including all work to be performed in the development thereof, the Recipient agrees as follows:

A. The Recipient shall comply with the provisions of the Uniform Relocation and Real Property Acquisition Policies act of 1970 (P.L. 91)646 84 Stat. 1894) including amendments thereto and regulations thereunder, as provided in 1 M.R.S.A 901 et seq.

B. The Recipient agrees to execute and complete the Project in strict accordance with the above referenced Project Scope and the other terms and conditions hereof. Subsequent to this Agreement, any change in the use or any substantial change in the design or arrangement of the Project must have the prior written approval of the State and the National Park Service of the U.S. Department of the Interior.

C. The Recipient shall not advertise any work on the Project for bidding, enter into any contract for work to be performed, or undertake any work on the Project unless and until the Recipient shall have submitted



#### BP 54 - AGREEMENT TO PURCHASE SERVICES

reasonably detailed plans and specifications for the Project to the State for approval and shall have received written approval of the State.

D. All contracts for work on the Project shall be awarded through competitive bidding and shall be subject to prior approval of the state.

E. The Recipient shall establish a separate account for all funds received and expended in connection with the Project and shall preserve (and permit inspection of) such financial records until an audit is made by the United States Government, but in no case for less than three (3) years following the completion of the Project.

F. The eligibility for reimbursement by the State of any cost incurred or proposed to be incurred in connection with the Project shall be determined by the State Liaison Officer in accordance with the criteria set forth in the National Park Service Manual and any replacements or amendments thereto.

G. The Recipient agrees to repay any funds received for costs determined to be non-allowable by a post audit of the Project account.

3. The Recipient agrees that it shall, at its sole cost and expense, retain title to and management over all land acquired and improvements thereon developed in connection with the Project (such land and improvements hereinafter referred to as the Facilities) and operate the Facilities in a first-class manner for the use of the general public for the lifetime of the Facilities. Without limitation of the foregoing, the Recipient shall, at its sole cost and expense, comply with the following particular requirements:

A. The Recipient shall own and operate the Facilities and shall not sell, assign, transfer, lease, encumber or create or suffer any lien upon, the Facilities or any part thereof. The Facilities shall at all times be used exclusively for public outdoor recreation in accordance with the terms of this Agreement, unless prior written approval of any change of use is obtained from the State and the National Park Service. The Facilities shall be kept open to the public at reasonable hours and times of the year consistent with the types of recreational opportunities offered therein, and shall be open to use and entry by all members of the public, regardless of race, color, creed, national origin, sex or place of residence, who are eligible according to reasonable rules and regulations for the use of the facilities adopted by the Recipient in accordance with the Project Agreement.

B. The Facilities shall be operated and maintained to present an attractive and inviting appearance to the public to the satisfaction of the State Liaison Officer. The Recipient shall provide and maintain adequate sanitation and sanitary facilities and all the Facilities shall be maintained and operated in accordance with the applicable Federal, State and Local laws, ordinances, codes, rules, regulations, and standards. The Recipient shall keep the facilities safe for public use in good, operable condition and repair.

4. Upon request of the State, the Recipient shall, at its own cost and expense, keep any building, improvements or equipment, as designated by the State, forming part of the Facilities, insured against loss or damage by fire, lightning, vandalism, malicious mischief, theft, and such other risks as may be included in the broadest form of extended coverage available in an amount determined from time to time by the State to the full insurable value thereof.

5. Upon request of the State, the Recipient shall, at its own cost and expense, provide and keep in force comprehensive general public liability insurance against claims for personal injury, death or property damage occurring on, in or about the Facilities, or respecting the use of any vehicle or equipment used by the Recipient in connection with the Project or the Facilities, such insurance to be in form and amount determined from time to time by the State.

6. All insurance provided by the Recipient pursuant to this Agreement shall be carried by responsible companies satisfactory to the State. Certificates evidencing such policies shall be furnished to the State and shall require thirty (30) days prior written notice to the State of any cancellation or modification thereof.

7. The Recipient understands and agrees that by executing this Agreement and receiving the benefits hereof, it is irrevocably binding itself to operate, maintain, and care for the Facilities, all at its sole cost and expense, and in accordance with the Provisions of this Agreement. If the Recipient fails to fulfill any of its obligation hereunder, including without limitation of those relating to the operation, insurance, maintenance, and repair of the Facilities, the State may, at its election, in addition to other rights it may have hereunder or at law or in equity, operate and insure the Facilities, provide such maintenance and repairs and/or otherwise perform the obligations of the Recipient for and on account of the Recipient, in which event any amounts so expended by the State shall become an amount due and payable by the Recipient to the State and the Recipient shall promptly reimburse the State for all such amounts. If the Recipient fails to make such payment promptly upon request, the State may withhold all or any part of any other monies which may be payable to the Recipient under other State programs, by invoking the provisions of 5 M.R.S.A. #113 or otherwise.



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8. The Recipient shall post in a prominent place on the Facilities, and shall maintain in good condition, a sign, approved by the State, giving public acknowledgment of assistance from the Land and Water Conservation Fund.

9. The Project and the Facilities, and all records pertaining thereto, shall at all reasonable times be open and available for inspection by the State, its agents and designees.

10. The Recipient shall indemnify, defend, and save the State harmless from and against any and all claims, expenses, damages, injuries, liabilities and costs (including reasonable attorneys' fees and court costs) arising out of or in any way in connection with the construction, operation, use, or maintenance of the Project and the Facilities or any accident or occurrences therein or thereon.

11. The provisions of 5 M.R.S.A #784(2), regarding nondiscrimination in employment, are hereby incorporated into this Agreement by reference as if the same were set out in full herein.

12. The following terms and conditions are made a part of this Agreement:

a. The conversion restrictions of Sec. 6(f)(3). of the Land and Water Conservation Fund Act apply to that area shown on the attached Project Area Map. Specifically, the LWCF Act states in Section 6(f)(3), as amended, "no property acquired or developed with assistance under this section, shall, without the approval of the Secretary (of the Interior), be converted to other than public outdoor recreation uses."

b. The project site shall be adequately signed to indicate that it is a public recreation facility.

c. The State will turn over to the **Town of Kittery** all funds granted hereunder upon submission of approved reimbursement request(s).

d. The **Town of Kittery** will post and maintain on site all signs required under the Land and Water Conservation Fund Act, including but not limited to, acknowledgement of LWCF assistance and Title VI of the Civil Rights Act.

e. The **Town of Kittery** will submit Project Inspection Reports every five (5) years commencing five (5) years from the date of project close-out (final project reimbursement).

IN WITNESS WHEREOF, the parties hereto have, by their duly authorized agents, executed this Agreement as of the date entered below.

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

STATE OF MAINE

By: \_\_\_\_\_  
Walter E. Whitcomb, Signature

Title: Commissioner, Department of Agriculture, Conservation & Forestry

RECIPIENT

Sponsor: Town of Kittery

By:   
Carol M. Granfield, Signature

Title: Interim Town Manager

RIDER B  
METHOD OF PAYMENT AND OTHER PROVISIONS

1. **AGREEMENT AMOUNT** \$ 187,000.00

2. **INVOICES AND PAYMENTS** The Department will pay the Provider as follows:

The provider will submit periodic (up to 3 progress and 1 final) invoices as costs are incurred and will be reimbursed up to 50% of all costs incurred after February 25, 2016. Invoices will not be processed for payment without the following information:

- Dates of Service/work performed
- Description of services
- Hourly/unit costs
- Location of work performed.

Payments are subject to the Provider's compliance with all items set forth in this Agreement and subject to the availability of funds. The Department will process approved payments within 30 days.

3. **BENEFITS AND DEDUCTIONS** If the Provider is an individual, the Provider understands and agrees that he/she is an independent contractor for whom no Federal or State Income Tax will be deducted by the Department, and for whom no retirement benefits, survivor benefit insurance, group life insurance, vacation and sick leave, and similar benefits available to State employees will accrue. The Provider further understands that annual information returns, as required by the Internal Revenue Code or State of Maine Income Tax Law, will be filed by the State Controller with the Internal Revenue Service and the State of Maine Bureau of Revenue Services, copies of which will be furnished to the Provider for his/her Income Tax records.

4. **INDEPENDENT CAPACITY** In the performance of this Agreement, the parties hereto agree that the Provider, and any agents and employees of the Provider shall act in the capacity of an independent contractor and not as officers or employees or agents of the State.

5. **DEPARTMENT'S REPRESENTATIVE** The Agreement Administrator shall be the Department's representative during the period of this Agreement. He/she has authority to curtail services if necessary to ensure proper execution. He/she shall certify to the Department when payments under the Agreement are due and the amounts to be paid. He/she shall make decisions on all claims of the Provider, subject to the approval of the Commissioner of the Department.

6. **AGREEMENT ADMINISTRATOR** All progress reports, correspondence and related submissions from the Provider shall be submitted to:

Name:	<u>Douglas S. Beck</u>
Title:	<u>Alternate State Liaison Officer</u>
Address:	<u>State House Station 124, Augusta, Me 04333-0124</u>
E-mail:	<u>doug.beck@maine.gov</u>
Phone:	<u>207-287-4962</u>

who is designated as the Agreement Administrator on behalf of the Department for this Agreement, except where specified otherwise in this Agreement.

7. **CHANGES IN THE WORK** The Department may order changes in the work, the Agreement Amount being adjusted accordingly. Any monetary adjustment or any substantive change in the work shall be



in the form of an amendment, signed by both parties and approved by the State Purchases Review Committee. Said amendment must be effective prior to execution of the work.

8. **SUB-AGREEMENTS** Unless provided for in this Agreement, no arrangement shall be made by the Provider with any other party for furnishing any of the services herein contracted for without the consent and approval of the Agreement Administrator. Any sub-agreement hereunder entered into subsequent to the execution of this Agreement must be annotated "approved" by the Agreement Administrator before it is reimbursable hereunder. This provision will not be taken as requiring the approval of contracts of employment between the Provider and its employees assigned for services thereunder.

9. **SUBLETTING, ASSIGNMENT OR TRANSFER** The Provider shall not sublet, sell, transfer, assign or otherwise dispose of this Agreement or any portion thereof, or of its right, title or interest therein, without written request to and written consent of the Agreement Administrator. No subcontracts or transfer of agreement shall in any case release the Provider of its liability under this Agreement.

10. **EQUAL EMPLOYMENT OPPORTUNITY** During the performance of this Agreement, the Provider agrees as follows:

a. The Provider shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to a bona fide occupational qualification. The Provider shall take affirmative action to ensure that applicants are employed and employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation.

Such action shall include but not be limited to the following: employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Provider agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause.

b. The Provider shall, in all solicitations or advertising for employees placed by or on behalf of the Provider relating to this Agreement, state that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.

c. The Provider shall send to each labor union or representative of the workers with which it has a collective bargaining agreement, or other agreement or understanding, whereby it is furnished with labor for the performance of this Agreement a notice to be provided by the contracting agency, advising the said labor union or workers' representative of the Provider's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The Provider shall inform the contracting Department's Equal Employment Opportunity Coordinator of any discrimination complaints brought to an external regulatory body (Maine Human Rights Commission, EEOC, Office of Civil Rights) against their agency by any individual as well as any lawsuit regarding alleged discriminatory practice.

e. The Provider shall comply with all aspects of the Americans with Disabilities Act (ADA) in employment and in the provision of service to include accessibility and reasonable accommodations for employees and clients.



f. Contractors and subcontractors with contracts in excess of \$50,000 shall also pursue in good faith affirmative action programs.

g. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

11. **EMPLOYMENT AND PERSONNEL** The Provider shall not engage any person in the employ of any State Department or Agency in a position that would constitute a violation of 5 MRSA § 18 or 17 MRSA § 3104. The Contractor shall not engage on a full-time, part-time or other basis during the period of this Agreement, any other personnel who are or have been at any time during the period of this Agreement in the employ of any State Department or Agency, except regularly retired employees, without the written consent of the State Purchases Review Committee. Further, the Provider shall not engage on this project on a full-time, part-time or other basis during the period of this Agreement any retired employee of the Department who has not been retired for at least one year, without the written consent of the State Purchases Review Committee. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

12. **STATE EMPLOYEES NOT TO BENEFIT** No individual employed by the State at the time this Agreement is executed or any time thereafter shall be admitted to any share or part of this Agreement or to any benefit that might arise therefrom directly or indirectly that would constitute a violation of 5 MRSA § 18 or 17 MRSA § 3104. No other individual employed by the State at the time this Agreement is executed or any time thereafter shall be admitted to any share or part of this Agreement or to any benefit that might arise therefrom directly or indirectly due to his employment by or financial interest in the Provider or any affiliate of the Provider, without the written consent of the State Purchases Review Committee. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

13. **WARRANTY** The Provider warrants that it has not employed or contracted with any company or person, other than for assistance with the normal study and preparation of a proposal, to solicit or secure this Agreement and that it has not paid, or agreed to pay, any company or person, other than a bona fide employee working solely for the Provider, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon, or resulting from the award for making this Agreement. For breach or violation of this warranty, the Department shall have the right to annul this Agreement without liability or, in its discretion to otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

14. **ACCESS TO RECORDS** As a condition of accepting a contract for services under this section, a contractor must agree to treat all records, other than proprietary information, relating to personal services work performed under the contract as public records under the freedom of access laws to the same extent as if the work were performed directly by the department or agency. For the purposes of this subsection, "proprietary information" means information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not proprietary information. The Provider shall maintain all books, documents, payrolls, papers, accounting records and other evidence pertaining to this Agreement and make such



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materials available at its offices at all reasonable times during the period of this Agreement and for such subsequent period as specified under Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP) rules. The Provider shall allow inspection of pertinent documents by the Department or any authorized representative of the State of Maine or Federal Government, and shall furnish copies thereof, if requested. This subsection applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

15. **TERMINATION** The performance of work under the Agreement may be terminated by the Department in whole, or in part, whenever for any reason the Agreement Administrator shall determine that such termination is in the best interest of the Department. Any such termination shall be effected by delivery to the Provider of a Notice of Termination specifying the extent to which performance of the work under the Agreement is terminated and the date on which such termination becomes effective. The Agreement shall be equitably adjusted to compensate for such termination, and modified accordingly.

16. **GOVERNMENTAL REQUIREMENTS** The Provider warrants and represents that it will comply with all governmental ordinances, laws and regulations.

17. **GOVERNING LAW** This Agreement shall be governed in all respects by the laws, statutes, and regulations of the United States of America and of the State of Maine. Any legal proceeding against the State regarding this Agreement shall be brought in State of Maine administrative or judicial forums. The Provider consents to personal jurisdiction in the State of Maine.

18. **STATE HELD HARMLESS** The Provider agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims, costs, expenses, injuries, liabilities, losses and damages of every kind and description (hereinafter in this paragraph referred to as "claims") resulting from or arising out of the performance of this Agreement by the Provider, its employees, agents, or subcontractors. Claims to which this indemnification applies include, but without limitation, the following: (i) claims suffered or incurred by any contractor, subcontractor, materialman, laborer and any other person, firm, corporation or other legal entity (hereinafter in this paragraph referred to as "person") providing work, services, materials, equipment or supplies in connection with the performance of this Agreement; (ii) claims arising out of a violation or infringement of any proprietary right, copyright, trademark, right of privacy or other right arising out of publication, translation, development, reproduction, delivery, use, or disposition of any data, information or other matter furnished or used in connection with this Agreement; (iii) Claims arising out of a libelous or other unlawful matter used or developed in connection with this Agreement; (iv) claims suffered or incurred by any person who may be otherwise injured or damaged in the performance of this Agreement; and (v) all legal costs and other expenses of defense against any asserted claims to which this indemnification applies. This indemnification does not extend to a claim that results solely and directly from (i) the Department's negligence or unlawful act, or (ii) action by the Provider taken in reasonable reliance upon an instruction or direction given by an authorized person acting on behalf of the Department in accordance with this Agreement.

19. **NOTICE OF CLAIMS** The Provider shall give the Contract Administrator immediate notice in writing of any legal action or suit filed related in any way to the Agreement or which may affect the performance of duties under the Agreement, and prompt notice of any claim made against the Provider by any subcontractor which may result in litigation related in any way to the Agreement or which may affect the performance of duties under the Agreement.

20. **APPROVAL** This Agreement must have the approval of the State Controller and the State Purchases Review Committee before it can be considered a valid, enforceable document.



21. **LIABILITY INSURANCE** The Provider shall keep in force a liability policy issued by a company fully licensed or designated as an eligible surplus line insurer to do business in this State by the Maine Department of Professional & Financial Regulation, Bureau of Insurance, which policy includes the activity to be covered by this Agreement with adequate liability coverage to protect itself and the Department from suits. Providers insured through a "risk retention group" insurer prior to July 1, 1991 may continue under that arrangement. Prior to or upon execution of this Agreement, the Provider shall furnish the Department with written or photocopied verification of the existence of such liability insurance policy.

22. **NON-APPROPRIATION** Notwithstanding any other provision of this Agreement, if the State does not receive sufficient funds to fund this Agreement and other obligations of the State, if funds are de-appropriated, or if the State does not receive legal authority to expend funds from the Maine State Legislature or Maine courts, then the State is not obligated to make payment under this Agreement.

23. **SEVERABILITY** The invalidity or unenforceability of any particular provision or part thereof of this Agreement shall not affect the remainder of said provision or any other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

24. **INTEGRATION** All terms of this Agreement are to be interpreted in such a way as to be consistent at all times with the terms of Rider B (except for expressed exceptions to Rider B included in Rider C), followed in precedence by Rider A, and any remaining Riders in alphabetical order.

25. **FORCE MAJEURE** The Department may, at its discretion, excuse the performance of an obligation by a party under this Agreement in the event that performance of that obligation by that party is prevented by an act of God, act of war, riot, fire, explosion, flood or other catastrophe, sabotage, severe shortage of fuel, power or raw materials, change in law, court order, national defense requirement, or strike or labor dispute, provided that any such event and the delay caused thereby is beyond the control of, and could not reasonably be avoided by, that party. The Department may, at its discretion, extend the time period for performance of the obligation excused under this section by the period of the excused delay together with a reasonable period to reinstate compliance with the terms of this Agreement.

26. **SET-OFF RIGHTS** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any monies due to the Provider under this Agreement up to any amounts due and owing to the State with regard to this Agreement, any other Agreement, any other Agreement with any State department or agency, including any Agreement for a term commencing prior to the term of this Agreement, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Controller.

27. **ENTIRE AGREEMENT** This document contains the entire Agreement of the parties, and neither party shall be bound by any statement or representation not contained herein. No waiver shall be deemed to have been made by any of the parties unless expressed in writing and signed by the waiving party. The parties expressly agree that they shall not assert in any action relating to the Agreement that any implied waiver occurred between the parties which is not expressed in writing. The failure of any party to insist in any one or more instances upon strict performance of any of the terms or provisions of the Agreement, or to exercise an option or election under the Agreement, shall not be construed as a waiver or relinquishment for the future of such terms, provisions, option or election, but the same shall continue in full force and effect, and no waiver by any party of any one or more of its rights or remedies under the Agreement shall be deemed to be a waiver of any prior or subsequent rights or remedy under the Agreement or at law.

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RIDER C  
EXCEPTIONS TO RIDER B

None.



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RIDER E

Not Required: For use at Department's Discretion

N/A

BP 54 - AGREEMENT TO PURCHASE SERVICES

RIDER F

Not Required: For use at Department's Discretion

N/A

RIDER G  
IDENTIFICATION OF COUNTRY  
IN WHICH CONTRACTED WORK WILL BE PERFORMED

**Please identify the country in which the services purchased through this contract will be performed:**

☒

**United States. Please identify state: Maine**

☐

**Other. Please identify country: \_\_\_\_\_**

**Notification of Changes to the Information**

The Provider agrees to notify the Division of Purchases of any changes to the information provided above.

