



TOWN OF KITTERY

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

AMENDED

February 12, 2018

Council Chambers

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

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes - 9/25/17 Regular Meeting, 1/17/18 Special Meeting & 1/22/18 Regular Meeting
8. Interviews for the Board of Appeals and Planning

Board of Appeals (one appointment until 12/1/19):
 - Vern Gardner
 - Drew Fitch
 - Todd Rollins
 - Suzanne Dwyer-Jones
 - Judy Spiller
 - Joseph G. Carlton, Jr.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(020118-1) The Kittery Town Council moves to receive a presentation from the Town Manager on the 2019-2023 Capital Improvement Program.
10. PUBLIC HEARINGS
 - a. (020118-2) The Kittery Town Council moves to hold a public hearing on an application from LaCasita LLC, 58A Bradstreet Lane, Eliot, ME 03903 for a Victualer's License for LaCasita, 181 State Road.
 - b. (020118-3) The Kittery Town Council moves to hold a public hearing on transfers of Other Funds between accounts.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

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

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

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

- \$90.00 from Robert C. and Colette A. Taylor to be deposited in account #2063-43600 KCC Donations
- \$9,250 from York Hospital to be deposited in account #5003-43600 York Hospital Scholarship

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

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

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

e. (020118-67) The Kittery Town Council moves to authorize the Kittery Rotary After Hours Club to place 10 signs, no larger than real estate signs, be placed in various locations around Kittery to advertise their St. Patrick's Day Dinner.

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

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

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

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

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

1. **Financial Update** – In your packets please find the FY2018 Quarter 2 financial summary report.
2. **Electricity Contract** – We recently went out for bid on electricity supply costs for the coming year. (See attached) We are currently in a 1-year contract with Champion Energy for supply at a rate of \$0.0659 per kWh. The contract expires October of 2018. Our current is \$0.03 lower than the prior 4-year contract (Nov 2016 through Oct 2017) with Constellation secured through the Maine Power Purchase Consortium. The prior contractual supply rates were \$0.09369 and \$0.11394 per kWh depending on the account.

The electric supply market is within 10% of the historic market low for Southern Maine. All the same, we have been watching the rates rise month over month and expect the upward trend to continue. Based on this, we decided to execute a 4-year supply contract that locks in a rate of \$0.0674 per kWh; starting Nov 2018. The contract includes a non-appropriation clause, which allowed me to act on this rate quickly and remain compliant with Town Charter.

We also recently bid our natural gas supply. We currently pay \$6.959 per DTH with Unitil. The bid prices for one, two, and three-year contracts all exceeded this rate by at least \$0.64 per DTH. We have decided to remain with Unitil as our supplier for now.

3. **Government Street Pier** – On February 1st, the Kittery Port Authority discussed the reconstruction of the Government Street Pier project and received public comment. As a result of the meeting, the KPA has expressed a desire to expedite implementation of the project. The current plan is to fund it at \$50,000 per year through FY21 and seek SHIP grant funding. Council Chairperson Ken Lemont, Finance Director Patricia Moore, KPA members Bruce Crawford and Steve Lawrence, and I met on February 7th to discuss options to expedite funding. We specifically discussed seeking a warrant article in June for appropriation of funds from the undesignated fund balance for the project. This approach will be developed in conjunction with the FY2019 warrant articles and budget plan.
4. **Memorial Circle Flag** – Public Works Commissioner has been working with our current flag repair vendor to address some issues he has found with recent repairs to the flag fabric. Our DPW staff have been noticing that repair work on edges and corners is not lasting as long as it had in the past; meaning there are occasions when we have both flags out for repair or replacement at the same time. The matter is being addressed with the vendor.

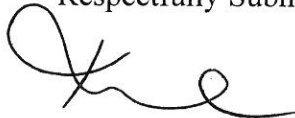
5. **George Kathios Receives Collections System Award** – Please help me in congratulating George Kathios on his recent New England Water Environment Association’s James J. Courchaine Collections Systems Award. Mr. Kathios was recognized at their annual conference in January, for excellence in waste water collections system management.

6. **New Building Maintenance Supervisor** – Please help me in congratulating Scott Lincoln on his promotion to Building Maintenance Supervisor. Mr. Lincoln has been working as a Head Custodian at the Kittery Community Center since 2012. He has been an integral member of the building team, assisting the KCC and Town Hall with managing janitorial and building maintenance efforts for the past year. His new role will bring his expertise to the maintenance of the town’s other buildings and allow for greater coordination of our facility management. His promotion was effective in January.

Upcoming Dates:

- Tax Bills Due – February 15
- A Discussion on Affordable and Workforce Housing – February 22, 6PM, Kittery Community Center
- 10th Annual Kittery Community Center Auction – April 6, 6:30PM, Regatta Room, Eliot

Respectfully Submitted,



Kendra Amaral
Town Manager



TOWN OF KITTELY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: February 12, 2018
From: Kendra Amaral, Town Manager
Subject: Fiscal Year 2018 Financial Update – Quarter 2
Councilor Sponsor: N/A

This is to provide the Council with an update on the Fiscal Year 2018 (FY18) finances at the close of Quarter 2 (Q2) of the fiscal year.

As a general note, projected spending was 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.

Additional information is attached.

Revenue

Based on collections through Q2, we believe revenues will be on target for our major revenue lines.

We are watching solid waste recycling closely. China announced a shutdown of imports of recyclable materials effective January 1st. Recyclable materials are stockpiling at ports which is causing prices for materials to drop considerably. This is both an operational issue as well as a financial issue.

We have regained ground on excise tax. As you may recall we were watching this line coming out of Q1 of this year. In Q2, the excise tax collections picked up, and we are \$44,000 ahead of collections in Q2 of FY17.

Investment in property seems to be on the rise in Kittery. Code Enforcement fees collected through Q2 already exceed the full year's projections by 24%. The FY18 projection is \$203,000, and through Q2, we have collected \$251,978. We are slightly ahead on Planning Fees over the prior year as well. Through Q2 of FY18, we collected 64% of our projected budget, compared to 50% for the same time period in FY17. Generally, these are low-level revenue lines, but their activity has a larger impact on values and tax rates in the outyears. Specifically, it is expected that the increased activity in Code Enforcement and Planning will lead to growth in values, which help to keep tax rates down. Current analysis suggests major growth in values will not likely be realized until the FY20 commitment. It is not atypical for government to lag economic activity, in both upswings and downturns, by one to two years.

We are done with the major cash outflows expected over the course of Q1 and Q2 this year. Due to the Finance Director's financial planning and close cash monitoring, we were able to keep a cash balance of not less than \$2M at all times. We are now evaluating investment opportunities for that excess cash that fit our financial goals and policies.

Expenditures

We began making year-end expenditure projections in Q1 and continue to refine them as we progress through the fiscal year. With actual expenditures through December 31st, we are projecting a \$78,000 deficit in annual operating budgets. We also need to resolve a \$107,000 deficit in the TIF accounts which was identified early in FY18 and reported on in the Q1 summary.

Staff related expenses continue to be our biggest budget factors being watched. Unplanned vacancies and long-term absences are impacting overtime budgets and other professional services in various departments. We have also had a number of building issues that are resulting in unanticipated expenditures. Some costs will be covered by facility reserves, others need to be put through the operating budget due to the \$5,000 project threshold in the CIP policy.

The Police Department generally average \$3,500 per week for overtime. That was exceeded in Q1 and early Q2 due to injuries-on-duty and unplanned long-term absences. If the general average holds for the remainder of the year, Police will be over budget on overtime by approximately \$24,000. We are working with the Chief to monitor this line.

DPW is expected to exceed the salt budget by approximately \$65,000 in FY18, due to the number, and duration of winter events (ice and snow) we have had this year. We have also worked to increase the use of salt during snow events to better manage the road conditions and avoid snow pack that takes additional time to remove after each storm.

The Planning Department is absorbing both a long-term absence and a vacancy. We are utilizing consultants to assist where possible until the department is fully staffed again. The Planning Director position approved by the Council is not expected to be filled until March or April, and the vacant Planner position until June. Savings in salaries will help offset the cost of the consultants.

Sewer

As recently reported with the 2017 audit, the Sewer Department fund has a structural deficit, exacerbated by the burden of the debt service from the 2015 expansion.

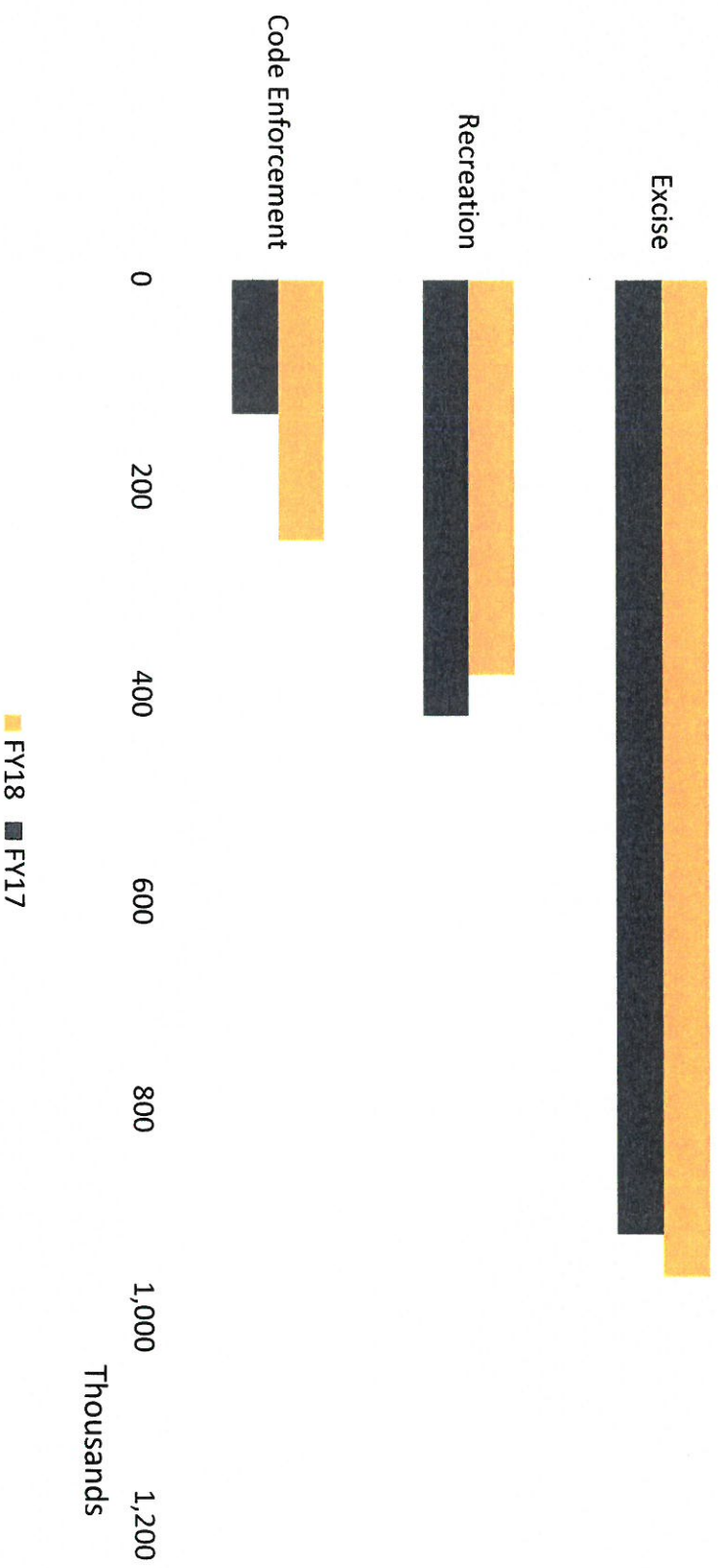
We have engaged Woodard & Curran to assist us in developing a strategy forward that ensures financial stability for the Sewer Enterprise. They will be assisting us with an operational review and comparison with standards and comparable plants, to identify any cost saving opportunities. They will assist us in developing a financial model; help identify revenue opportunities that may be unrealized or underrealized, and work with us to develop a plan to address both the structural deficit of the operation, and the debt service of the expansion, which is scheduled to balloon in 2025.

To note, after incorporating adjustments made through the assessment hearing and appeals process, assessed betterments represent 16.5% of the expansion costs, which is down from the projected 18.3% assumed when the plan was developed. The difference amounts to less than \$200,000 which is not particularly significant for the overall cost.

We remain on track to provide the Council with a detailed presentation of findings and options by the end of Q3. It is worth stating now, a rate increase is unavoidable and well overdue for the operation. We are also very clear that a rate increase cannot be used to directly fund the sewer expansion, per the ballot language for the project bond approval.

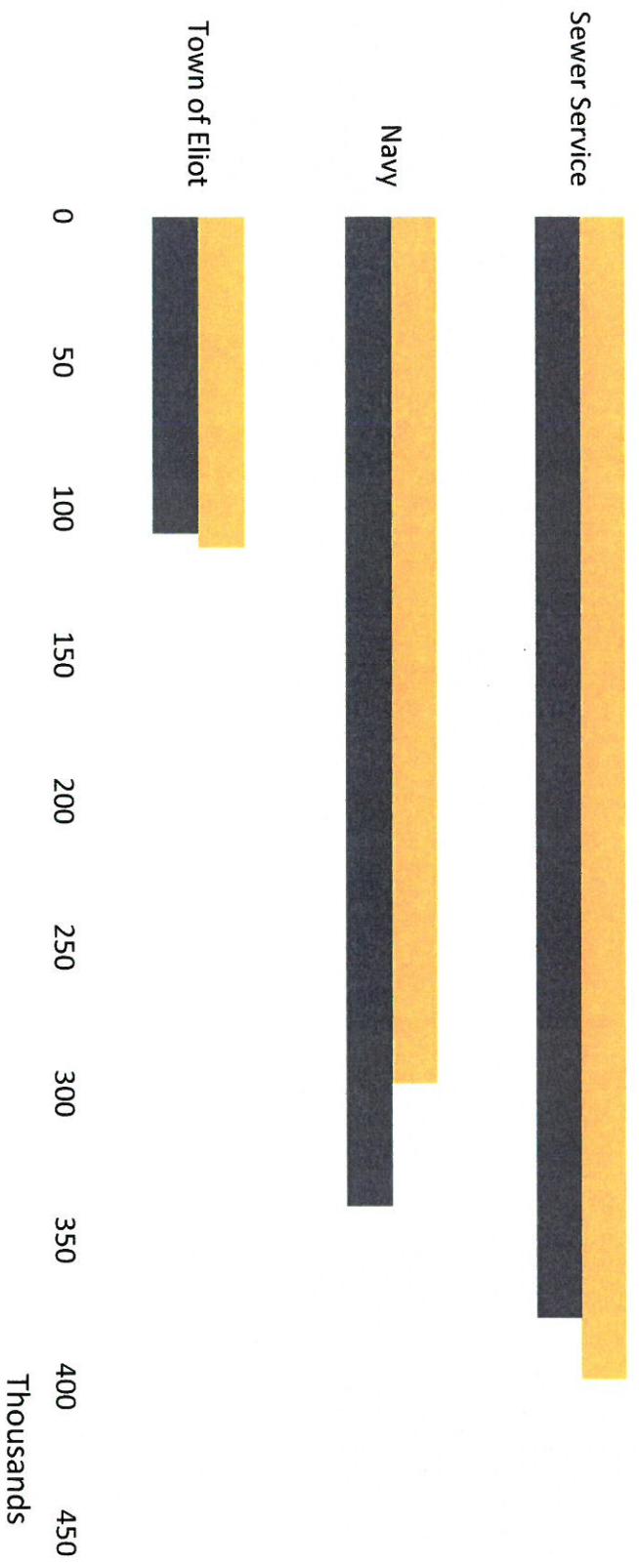
GENERAL FUNDS Revenues – YTD 2018

Major Revenue Drivers – As of Dec 31st



SEWER Revenues – YTD 2018

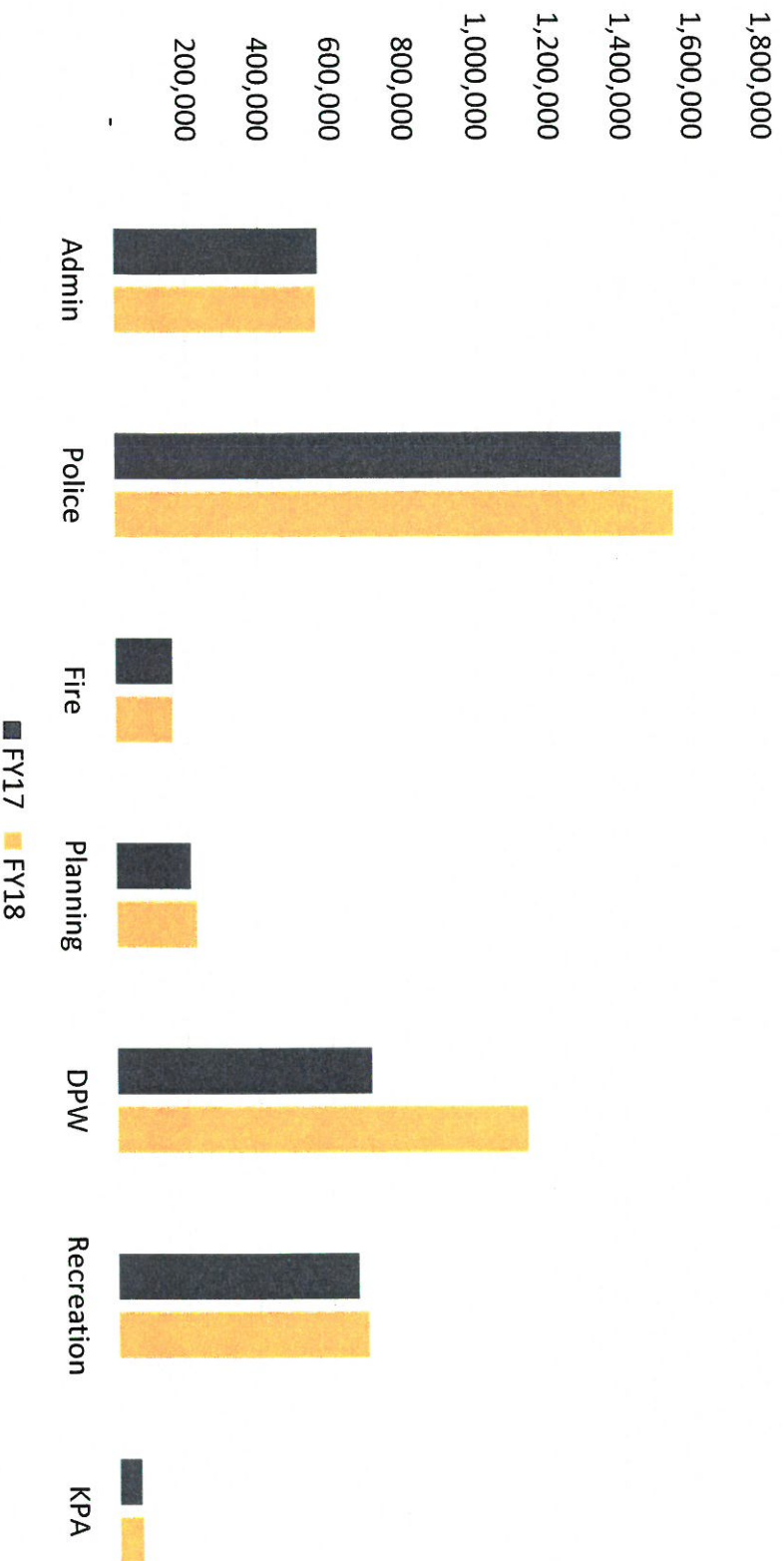
Sewer Revenue – As of Dec 31st



FY18 ■ FY17

GENERAL FUND Expenses – YTD 2018

Major Cost Centers – As of Dec 31st



- Police remains up over prior year due to injuries on duty and unplanned absences that required overtime.
- DPW is up significantly due to salt expenditures. The number of storms year-over-year during the same period vary. Additionally, we have made a more concerted effort to stay ahead of snow impact on roads by applying salt earlier in the storm. It has allowed us to make sure the roads are safer during and after storms, and get them cleared to pavement quicker.

FY2018 - As of Dec 31st

	BUDGET	REVISED BUDGET	YTD ACTUAL	% of Budget
Revenue	\$13,652,327	\$13,666,327	\$11,588,249	85%
Administration	\$1,192,391	\$1,192,391	\$559,913	47%
Assessors	143,502	143,502	80,587	56%
Overlay	64,990	64,990	0	0%
Police	2,976,000	2,976,000	1,542,899	52%
Fire	333,629	333,629	158,363	47%
DPW	2,260,089	2,260,089	1,129,208	50%
Planning	448,529	448,529	224,186	50%
Other*	1,826,076	1,840,076	1,495,915	81%
Recreation	1,305,232	1,305,232	693,792	53%
KPA	129,885	129,885	66,110	51%
Library	467,380	467,380	311,587	67%
Sewer	1,257,798	1,257,798	315,217	25%

- "Other" is not expected to be spent down evenly over the course of the year. This account includes County Tax which is paid in full in October, bond payments which are typically made twice per year, and hydrant rentals which are paid in full in the fall.



FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1000 TOWN GENERAL FUND							
1000 TOWN GENERAL FUND							
1000 64050	MAINE STATE RETIREMENT	.00	.00	.00	.00	.00	.0%
1000 64060	FICA EMPLOYER SHARE	0	.00	.00	.00	.00	.0%
1000 68500	TRANSFERS IN/OUT WARRT	0	.00	.00	.00	.00	.0%
1000 69000	BUDGET CUT HOLDING ACCT	0	.00	.00	.00	.00	.0%
TOTAL TOWN GENERAL FUND	0	.00	.00	.00	.00	.00	.0%
101110 ADMINISTRATION							
101110 64000	PERSONNEL SERVICES	0	.00	.00	.00	.00	.0%
101110 64010	FULL TIME SALARIES	88,620	.00	88,620.00	45,072.55	43,547.45	50.9%
101110 64011	MANAGER SALARY	71,321	.00	71,321.00	36,402.91	34,918.09	51.0%
101110 64014	TOWN CLERK SALARY	200,961	.00	200,961.00	110,851.09	90,099.91	55.2%
101110 64017	CLERKS SALARIES	52,000	.00	52,000.00	26,500.00	25,500.00	51.0%
101110 64018	HUMAN RESOURCES MANAG	54,080	.00	54,080.00	17,804.48	36,275.52	32.9%
101110 64020	PART TIME SALARIES	95,000	.00	95,000.00	48,419.32	46,580.68	51.0%
101110 64026	FINANCE DIRECTOR SALA	7,540	.00	7,540.00	2,789.74	4,750.26	37.0%
101110 64030	CUSTOMER WAGES	2,000	.00	2,000.00	1,697.50	302.50	84.9%
101110 64031	OVERTIME	120,000	.00	120,000.00	.00	120,000.00	.0%
101110 64033	SALARY & POSITION ADJ	2,057	.00	2,057.00	.00	2,057.00	.0%
101110 64040	HOLIDAY/VACATION PAY	0	.00	.00	.00	.00	.0%
101110 64049	ADMINISTRATION EMPLOY	27,757	.00	27,757.00	19,778.17	7,978.83	71.3%
101110 64050	MAINE STATE RETIREMEN	14,899	.00	14,899.00	2,682.58	12,216.42	18.0%
101110 64051	ICMA EMPLOYER SHARE	43,879	.00	43,879.00	21,374.93	22,504.07	48.7%
101110 64060	FICA EMPLOYER SHARE	3,568	.00	3,568.00	785.20	2,781.80	22.0%
101110 64090	WORKERS COMPENSATION	109,915	.00	109,915.00	65,999.96	43,915.04	60.0%
101110 64091	MAJOR MEDICAL INSURAN	4,053	.00	4,053.00	2,437.89	1,615.11	60.2%
101110 64092	DENTAL INSURANCE	3,456	.00	3,456.00	2,373.12	1,082.88	68.7%
101110 64100	UNALLOCATED	0	.00	.00	.00	.00	.0%
101110 65000	ADMINISTRATION EXPENS	12,000	.00	12,000.00	7,842.35	4,157.65	65.4%
101110 65010	POSTAGE	8,000	.00	8,000.00	3,350.53	4,649.47	41.9%
101110 65020	TELEPHONE & INTERNET	1,500	.00	1,500.00	.00	1,500.00	.0%
101110 65030	TRANSPORTATION	0	.00	.00	.00	.00	.0%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101110 65040	EDUCATIONAL/MEETING E	5,000	5,000.00	1,182.79	.00	3,817.21	23.7%
101110 65050	MSRS ADMINISTRATION F	0	.00	.00	.00	.00	.0%
101110 65060	PRINTING	5,200	5,200.00	1,402.15	.00	3,797.85	27.0%
101110 65080	LEGAL NOTICES/OTHER A	3,000	3,000.00	-18.49	.00	3,018.49	-.6%
101110 65110	TOWN MANAGER SEARCH	0	.00	.00	.00	.00	.0%
101110 65200	ELECTRICITY	16,000	16,000.00	6,849.45	.00	9,150.55	42.8%
101110 65220	WATER	335	335.00	79.35	.00	255.65	23.7%
101110 65230	FUEL OIL	4,200	4,200.00	1,248.44	.00	2,951.56	29.7%
101110 65240	DUMPSTERS	600	600.00	280.80	.00	319.20	46.8%
101110 65250	SEWER	180	180.00	120.00	.00	60.00	66.7%
101110 65300	MACHINE & EQUIPMENT M	30,000	30,000.00	27,114.24	.00	2,885.76	90.4%
101110 65310	VEHICLE MAINTENANCE	0	.00	.00	.00	.00	.0%
101110 65400	LEGAL SERVICES	60,000	60,000.00	21,317.64	.00	38,682.36	35.5%
101110 65405	ARBITRATION & FACT FI	0	.00	.00	.00	.00	.0%
101110 65410	COMPUTER SERVICES	39,000	39,000.00	24,832.88	.00	14,167.12	63.7%
101110 65412	COMPUTER MAINTENANCE	0	.00	.00	.00	.00	.0%
101110 65415	WEB PAGE	6,525	6,525.00	6,940.17	.00	-415.17	106.4%
101110 65420	TECHNICAL SUPPORT	0	.00	.00	.00	.00	.0%
101110 65430	AUDIT SERVICES	16,500	16,500.00	15,500.00	.00	1,000.00	93.9%
101110 65480	OTHER PROFESSIONAL SE	40,000	40,000.00	7,600.12	.00	32,399.88	19.0%
101110 65500	MAINTENANCE OF BLDG/G	12,000	12,000.00	7,621.10	.00	4,378.90	63.5%
101110 65980	PROFESSIONAL SERVICES	0	.00	956.02	.00	-956.02	100.0%
101110 66000	ADMINISTRATION SUPPLI	0	.00	.00	.00	.00	.0%
101110 66010	OFFICE SUPPLIES	6,000	6,000.00	9,240.76	.00	-3,240.76	154.0%
101110 66020	BOOKS/SUBSCRIPTIONS	745	745.00	911.45	.00	-166.45	122.3%
101110 66025	MAINE MUNICIPAL ASSOC	12,300	12,300.00	.00	.00	12,300.00	.0%
101110 66030	OTHER SUPPLIES	0	.00	860.50	.00	-860.50	100.0%
101110 66035	ABSTRACTS & LIENS	9,500	9,500.00	6,495.00	.00	3,005.00	68.4%
101110 66040	JANITORIAL SUPPLIES &	700	700.00	1,525.68	.00	-825.68	218.0%
101110 67500	ADMINISTRATION CAPITA	0	.00	1,679.92	.00	320.08	84.0%
101110 67510	OFFICE FURNITURE & EO	2,000	2,000.00	.00	.00	.00	.0%
101110 67520	OPERATING EQUIPMENT	0	.00	.00	.00	.00	.0%
101110 67540	IMPROVEMENTS TO BLDGS	0	.00	.00	.00	.00	.0%
101110 67550	RECORDS PRESERVATION/	0	.00	.00	.00	.00	.0%
101110 68500	TRANSFERS IN/OUT ADMI	0	.00	.00	.00	.00	.0%
TOTAL ADMINISTRATION		1,192,391	1,192,391.00	559,913.29	.00	632,477.71	47.0%
101115 TOWN COUNCIL							
101115 64000	COUNCIL PERSONNEL SER	0	.00	.00	.00	.00	.0%
101115 64001	COUNCIL STIPEND	4,000	4,000.00	.00	.00	4,000.00	.0%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101115 64011	MANAGER SALARY	0	.00	.00	.00	.00	.0%
101115 64020	PART TIME SALARY - CL	0	.00	.00	.00	.00	.0%
101115 64049	COUNCIL EMPLOYEE BENE	0	.00	.00	.00	.00	.0%
101115 64060	FICA EMPLOYER SHARE	306	.00	.00	.00	306.00	.0%
101115 64070	WORKERS COMPENSATION	0	.00	.00	.00	.00	.0%
101115 65000	COUNCIL EXPENSES	0	.00	.00	.00	.00	.0%
101115 65480	OTHER PROF SERV/COUNC	3,000	.00	.00	.00	3,000.00	.0%
101115 65481	VOLUNTEER RECOGNITION	0	.00	.00	.00	.00	.0%
101115 66000	COMMODITIES COUNCIL C	0	.00	.00	.00	.00	.0%
101115 66037	COUNCIL EXPENSES	350	.00	.00	.00	350.00	.0%
101115 67500	CAPITAL OUTLAY COUNCIL	0	.00	.00	.00	.00	.0%
101115 68500	TRANSFERS IN/OUT TOWN	0	.00	.00	.00	.00	.0%
TOTAL TOWN COUNCIL		7,656	.00	.00	.00	7,656.00	.0%

101130 ELECTIONS

101130 64000	ELECTIONS PERSONNEL S	0	.00	.00	.00	.00	.0%
101130 64020	PART TIME SALARIES/VO	2,000	.00	2,000.00	1,089.00	911.00	54.5%*
101130 64049	ELECTIONS EMPLOYEE BE	0	.00	.00	.00	.00	.0%
101130 64060	FICA EMPLOYER SHARE	153	.00	153.00	.00	153.00	.0%
101130 64070	WORKERS COMPENSATION	0	.00	.00	.00	.00	.0%
101130 65000	ELECTIONS EXPENSES	0	.00	1,000.00	651.43	348.57	65.1%*
101130 65010	POSTAGE	600	.00	600.00	.00	600.00	.0%
101130 65060	PRINTING	3,500	.00	3,500.00	7,446.36	-3,946.36	212.8%*
101130 65300	MACHINE & EQUIPMENT M	0	.00	.00	40.34	-40.34	100.0%*
101130 65480	OTHER PROFESSIONAL SE	4,050	.00	4,050.00	1,377.51	2,672.49	34.0%
101130 66000	ELECTIONS SUPPLIES	0	.00	.00	.00	.00	.0%
101130 66010	OFFICE SUPPLIES	150	.00	150.00	54.95	95.05	36.6%
101130 66030	OTHER SUPPLIES	0	.00	.00	.00	.00	.0%
101130 67500	CAPITAL OUTLAY ELECTRI	0	.00	.00	.00	.00	.0%
101130 67507	CAPITAL OUTLAY EQUIPM	0	.00	.00	.00	.00	.0%
101130 67510	OFFICE FURNITURE & EC	0	.00	.00	.00	.00	.0%
101130 68500	TRANSFERS IN / OUT E	0	.00	.00	.00	.00	.0%
TOTAL ELECTIONS		10,453	1,000.00	11,453.00	10,659.59	793.41	93.1%

101150 COUNTY TAX

101150 65000	COUNTY TAX - CONTRACT	0	.00	.00	.00	.00	.0%
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FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101210 65010	POSTAGE	400	400.00	.00	.00	400.00	.0%
101210 65020	TELEPHONE & INTERNET	0	.00	.00	.00	.00	.0%
101210 65030	TRANSPORTATION	250	250.00	250.00	.00	.00	100.0%*
101210 65040	EDUCATIONAL/MEETING E	500	500.00	500.00	.00	.00	100.0%*
101210 65060	PRINTING	300	300.00	.00	.00	300.00	.0%
101210 65070	MAPS	5,000	5,000.00	.00	.00	5,000.00	.0%
101210 65310	MACHINE & EQUIPMENT M	0	.00	.00	.00	.00	.0%
101210 65310	VEHICLE MAINTENANCE	0	.00	.00	.00	.00	.0%
101210 65400	LEGAL SERVICES	0	.00	.00	.00	.00	.0%
101210 65410	COMPUTER SERVICES	8,000	8,000.00	6,595.00	.00	1,405.00	82.4%*
101210 65411	BOARD OF ASSESSMENT R	200	200.00	.00	.00	200.00	.0%
101210 65423	PERSONAL PROPERTY EVA	10,000	10,000.00	10,000.00	.00	.00	100.0%*
101210 65425	VISION INTERNET	2,750	2,750.00	2,250.00	.00	500.00	81.8%*
101210 65480	OTHER PROFESSIONAL SE	98,850	98,850.00	49,298.97	.00	49,551.03	49.9%
101210 65521	UNIFORMS	0	.00	.00	.00	.00	.0%
101210 66000	ASSESSING SUPPLIES	0	.00	.00	.00	.00	.0%
101210 66010	OFFICE SUPPLIES	100	100.00	239.10	.00	-139.10	239.1%*
101210 66020	BOOKS/SUBSCRIPTIONS	200	200.00	.00	.00	200.00	.0%
101210 66030	SUPPLIES	0	.00	.00	.00	.00	.0%
101210 66035	ABSTRACTS & LIENS TRA	750	750.00	553.81	.00	196.19	73.8%*
101210 67500	ASSESSING CAPITAL OUT	0	.00	.00	.00	.00	.0%
101210 67510	OFFICE FURNITURE & EO	0	.00	.00	.00	.00	.0%
101210 67520	OPERATING EQUIPMENT	0	.00	.00	.00	.00	.0%
101210 68500	TRANSFERS IN/OUT ASSE	0	.00	.00	.00	.00	.0%
TOTAL ASSESSING		143,502	143,502.00	80,587.39	.00	62,914.61	56.2%
101230 DEBT & INTEREST							
CONTRACTUAL SERVICES		0	.00	.00	.00	.00	.0%
DEBT SERVICE		0	.00	.00	.00	.00	.0%
1986 SANITARY SEWER B		0	.00	.00	.00	.00	.0%
1988 SANITARY SEWER B		0	.00	.00	.00	.00	.0%
1989 SANITARY SEWER B		0	.00	.00	.00	.00	.0%
FRISBEE SCHOOL PRINCI		0	.00	.00	.00	.00	.0%
RUSTLEWOOD FARM - PRI		0	.00	.00	.00	.00	.0%
2006 FIRE STATION BON		125,000	125,000.00	6,126.87	.00	-6,126.87	100.0%*
2010 PM SALT SHED GO		35,000	35,000.00	35,000.00	.00	.00	100.0%*
2012 KCC BOND PRINC		275,000	275,000.00	275,000.00	.00	.00	100.0%*
2015 CIP BOND PRINCIP		225,000	225,000.00	225,000.00	.00	.00	100.0%*
KLT BRAVE BOAT HEADWA		0	.00	11,351.62	.00	-11,351.62	100.0%*
INTEREST AND CHARGES		0	.00	.00	.00	.00	.0%



FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101230 68235	1986 SANITARY SEWER B	0	0	0	0	0	0%
101230 68255	1988 SANITARY SEWER B	0	0	0	0	0	0%
101230 68256	FRISBEE DEBT INTEREST	0	0	0	0	0	0%
101230 68257	RUSTLEWOOD FARM INTER	0	0	2,109.38	0	-2,109.38	100.0%*
101230 68265	2006 FIRE STATION BON	0	0	11,675.00	0	36,813.00	24.1%
101230 68268	2015 CIP BONDS INTERE	48,488	48,488.00	20,250.00	0	18,000.00	52.9%*
101230 68269	KIT BRAVE BOAT HEADWA	38,250	38,250.00	3,394.84	0	-3,394.84	100.0%*
101230 68275	1989 SANITARY SEWER B	0	0	0	0	0	0%
101230 68295	PWD BLDG/SALT SHED BO	15,975	15,975.00	8,162.50	0	7,812.50	51.1%*
101230 68296	DO NOT USE	0	0	0	0	0	0%
101230 68297	2012 KCC BOND INT	99,275	99,275.00	99,275.00	0	0	100.0%*
101230 68500	TRANSFERS IN/OUT DEBT	0	0	0	0	0	0%
TOTAL DEBT & INTEREST		861,988	861,988.00	822,345.21	0	39,642.79	95.4%

101310 POLICE

101310 64000	POLICE PERSONNEL SERV	0	0	49,112.12	0	48,277.88	50.0%*
101310 64002	POLICE CHIEF FT SALA	97,390	97,390.00	0	0	0	0%
101310 64003	POLICE CHIEF SHARED S	0	0	0	0	0	0%
101310 64011	MANAGER SALARY	0	0	0	0	0	0%
101310 64012	SERGEANTS SALARIES	297,245	297,245.00	154,440.97	0	142,804.03	52.0%*
101310 64013	SCHOOL RESOURCE OFFIC	61,565	61,565.00	29,690.22	0	31,874.78	48.2%
101310 64014	DETECTIVES SALARIES	133,464	133,464.00	66,315.26	0	67,148.74	49.7%
101310 64015	PATROLMEN SALARIES	652,886	652,886.00	329,282.86	0	323,603.14	50.4%*
101310 64016	DISPATCHER SALARIES	295,826	295,826.00	138,848.04	0	156,977.96	46.9%*
101310 64017	ADMINISTRATIVE ASSIST	43,950	43,950.00	22,565.29	0	21,384.71	51.3%*
101310 64021	MATRON SALARY	0	0	0	0	0	0%
101310 64022	ANIMAL CONTROL OFFICE	30,160	30,160.00	15,446.50	0	14,713.50	51.2%*
101310 64023	LIEUTENANT SALARY	72,500	72,500.00	36,940.86	0	35,559.14	51.0%*
101310 64024	NIGHT DIFFERENTIAL	14,728	14,728.00	6,958.92	0	7,769.08	47.2%
101310 64027	CUSTODIAN WAGES	13,104	13,104.00	6,402.56	0	6,701.44	48.9%*
101310 64030	DEA OVERTIME	160,000	160,000.00	95,592.40	0	64,407.60	59.7%*
101310 64032	DEA OVERTIME	22,000	22,000.00	8,806.53	0	13,193.47	40.0%
101310 64033	SICK TIME BUY BACK	2,485	2,485.00	8,806.53	0	2,485.00	100.0%*
101310 64040	HOLIDAY/VACATION PAY	4,956	4,956.00	14,908.31	0	-9,952.31	300.8%*
101310 64049	POLICE EMPLOYEE BENEF	0	0	0	0	0	0%
101310 64050	MAINE STATE RETIREMEN	220,200	220,200.00	123,179.00	0	97,020.72	55.9%*
101310 64051	ICMA EMPLOYER SHARE	10,572	10,572.00	5,038.07	0	5,533.93	47.7%
101310 64060	FICA EMPLOYER SHARE	145,523	145,523.00	71,935.71	0	73,587.29	49.4%
101310 64070	WORKERS COMPENSATION	55,500	55,500.00	15,536.74	0	39,963.26	28.0%



FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMETS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101310 64090	MAJOR MEDICAL INSURAN	.00	411,713.00	228,629.13	.00	183,083.87	55.5%*
101310 64091	DENTAL INSURANCE	.00	2,762.00	1,796.86	.00	965.14	65.1%*
101310 64092	DISABILITY INSURANCE	.00	8,832.00	4,144.74	.00	4,687.26	46.9%
101310 64100	UNALLOCATED	.00	.00	.00	.00	.00	.0%
101310 65000	POLICE EXPENSES	.00	.00	.00	.00	.00	.0%
101310 65010	POSTAGE	.00	500.00	62.60	.00	437.40	12.5%
101310 65020	TELEPHONE & INTERNET	.00	19,209.00	8,803.34	.00	10,405.66	45.8%
101310 65030	TRANSPORTATION	.00	1,800.00	1,000.00	.00	800.00	55.6%*
101310 65040	EDUCATIONAL/MEETING E	.00	14,000.00	6,294.96	.00	7,705.04	45.0%
101310 65060	PRINTING	.00	600.00	575.50	.00	24.50	95.9%*
101310 65080	LEGAL NOTICES/OTHER A	.00	380.00	171.12	.00	208.88	45.0%
101310 65200	ELECTRICITY	.00	15,000.00	9,132.56	.00	5,867.44	60.9%*
101310 65200	WATER	.00	530.00	105.80	.00	424.20	20.0%
101310 65230	FUEL OIL	.00	5,400.00	1,808.53	.00	3,591.47	33.5%
101310 65240	DUMPSTERS	.00	750.00	374.40	.00	375.60	49.9%
101310 65250	SEWER	.00	240.00	160.00	.00	80.00	66.7%*
101310 65300	MACHINE & EQUIPMENT M	.00	34,656.00	24,561.82	.00	10,094.18	70.3%*
101310 65310	VEHICLE MAINTENANCE	.00	32,738.00	13,726.61	.00	19,011.39	41.9%
101310 65311	GAS, GREASE, & OIL	.00	42,356.00	13,657.66	.00	28,698.34	32.2%
101310 65420	TECHNICAL SUPPORT	.00	600.00	.00	.00	600.00	.0%
101310 65470	DOG EXPENSE	.00	600.00	.00	.00	600.00	.0%
101310 65475	CRIME PREVENTION PROG	.00	.00	.00	.00	.00	.0%
101310 65480	OTHER PROFESSIONAL SE	.00	625.00	3,694.50	.00	-3,069.50	591.1%*
101310 65490	KITTERY D.A.R.E.	.00	.00	1,156.29	.00	3,243.71	26.3%
101310 65500	MAINTENANCE OF BLDG/G	.00	4,400.00	5,965.43	.00	11,034.57	35.1%
101310 65521	UNIFORMS	.00	17,000.00	.00	.00	.00	.0%
101310 65523	K-9 EXPENSES	.00	.00	.00	.00	.00	.0%
101310 65550	POLICE LIABILITY INSU	.00	.00	.00	.00	.00	.0%
101310 66010	POLICE SUPPLIES	.00	4,000.00	.00	.00	.00	.0%
101310 66020	BOOKS/SUBSCRIPTIONS	.00	1,555.00	1,088.08	.00	2,911.92	27.2%
101310 66030	OTHER SUPPLIES	.00	2,200.00	2,575.35	.00	-797.70	151.3%*
101310 66032	ARMORY SUPPLIES	.00	8,500.00	7,558.62	.00	-375.35	117.1%*
101310 66040	JANITORIAL SUPPLIES &	.00	1,200.00	835.44	.00	941.38	88.9%*
101310 67500	POLICE CAPITAL OUTLAY	.00	.00	.00	.00	364.56	69.6%*
101310 67510	OFFICE FURNITURE & EO	.00	1,000.00	154.99	.00	845.01	15.5%
101310 67517	BULLET PROOF VESTS	.00	9,400.00	.00	.00	9,400.00	.0%
101310 67520	OPERATING EQUIPMENT	.00	.00	.00	.00	.00	.0%
101310 67530	VEHICLES	.00	.00	.00	.00	.00	.0%
101310 67560	POLICE EQUIPMENT RESE	.00	.00	.00	.00	.00	.0%
101310 68500	TRANSFERS IN/OUT POLI	.00	.00	.00	.00	.00	.0%
101310 73500	POLICE NEW GRANT OFFI	.00	.00	.00	.00	.00	.0%
TOTAL POLICE		.00	2,976,000.00	1,531,387.67	.00	1,444,612.33	51.5%

101320 FIRE

01/03/2018 19:38
220pmoore

TOWN OF KITTERY
12.29.17 YTD

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FOR 2018 06

	ORIGINAL APPROP	TRANSRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101320 64000	FIRE PERSONNEL SERVIC	0	.00	.00	.00	.00	.0%
101320 64003	FIRE CHIEF SALARY	52,788	.00	26,514.85	.00	26,273.15	50.2%*
101320 64020	PART TIME SALARIES	132,318	.00	60,652.23	.00	71,665.77	45.8%*
101320 64040	HOLIDAY/VACATION PAY	0	.00	.00	.00	.00	.0%
101320 64049	FIRE EMPLOYEE BENEFIT	0	.00	.00	.00	.00	.0%
101320 64060	FICA EMPLOYER SHARE	14,161	.00	6,668.32	.00	7,492.68	47.1%
101320 64070	WORKERS COMPENSATION	15,562	.00	4,753.92	.00	10,808.08	30.5%
101320 64095	ACCIDENT & HEALTH	1,938	.00	1,938.00	.00	.00	100.0%*
101320 64100	UNALLOCATED	0	.00	.00	.00	.00	.0%
101320 65000	FIRE EXPENSES	0	.00	.00	.00	.00	.0%
101320 65010	POSTAGE	0	.00	.00	.00	.00	.0%
101320 65020	TELEPHONE & INTERNET	7,680	.00	4,287.47	.00	3,392.53	55.8%*
101320 65040	EDUCATIONAL/MEETING E	2,034	.00	2,244.40	.00	1,789.60	12.0%*
101320 65045	TRAINING	5,000	.00	84.74	.00	4,915.26	1.7%
101320 65046	HEALTH/PHYSICAL	2,778	.00	1,200.00	.00	1,578.00	43.2%
101320 65060	PRINTING	0	.00	.00	.00	.00	.0%
101320 65080	LEGAL NOTICES/OTHER A	0	.00	102.57	.00	-102.57	100.0%*
101320 65200	ELECTRICITY	10,091	.00	4,556.50	.00	5,534.50	45.2%*
101320 65220	WATER	293	.00	146.60	.00	146.40	50.0%*
101320 65230	FUEL OIL	20,000	.00	4,565.32	.00	15,434.68	22.8%*
101320 65250	SEWER	300	.00	150.00	.00	150.00	50.0%
101320 65300	MACHINE & EQUIPMENT M	24,529	.00	21,422.95	.00	3,106.05	87.3%*
101320 65302	PROTECTIVE & SAFETY E	2,892	.00	997.03	.00	1,894.97	34.5%
101320 65311	GAS, GREASE, & OIL	7,250	.00	2,523.97	.00	4,726.03	34.8%
101320 65312	TIRES & TUBES	0	.00	.00	.00	.00	.0%
101320 65330	RADIO MAINTENANCE	5,907	.00	2,070.00	.00	3,837.00	35.0%*
101320 65480	OTHER PROFESSIONAL SE	7,016	.00	6,928.28	.00	87.72	98.7%*
101320 65500	MAINTENANCE OF BLDG/G	15,120	.00	3,691.95	.00	11,428.05	24.4%
101320 66000	FIRE SUPPLIES	0	.00	.00	.00	.00	.0%
101320 66010	OFFICE SUPPLIES	672	.00	541.87	.00	130.13	80.6%*
101320 66020	BOOKS/SUBSCRIPTIONS/D	200	.00	200.00	.00	200.00	100.0%
101320 66040	JANITORIAL SUPPLIES &	600	.00	188.96	.00	411.04	31.5%
101320 67500	FIRE CAPITAL OUTLAY	0	.00	.00	.00	.00	.0%
101320 67505	EXTINGUISHER MAINTENA	300	.00	378.60	.00	-78.60	126.2%*
101320 67510	OFFICE FURNITURE & EO	0	.00	.00	.00	.00	.0%
101320 67515	LANTERNS & BATTERIES	200	.00	.00	.00	200.00	100.0%
101320 67520	OPERATING EQUIPMENT	4,000	.00	3,754.58	.00	245.42	93.9%*
101320 67530	VEHICLES	0	.00	.00	.00	.00	.0%
101320 67540	IMPROVEMENTS TO BLDGS	0	.00	.00	.00	.00	.0%
101320 67551	FIRE HOSE	0	.00	.00	.00	.00	.0%
101320 68500	TRANSFERS IN/OUT FIRE	0	.00	.00	.00	.00	.0%
TOTAL FIRE	333,629	.00	333,629.00	158,363.11	.00	175,265.89	47.5%

101330 STREETLIGHTS

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTM	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101330 65000	STREETLIGHTS	0	.00	.00	.00	.00	.0%
101330 65200	ELECTRICITY - STREET	120,000	.00	47,759.19	.00	72,240.81	39.8%
101330 65300	MACHINE & EQUIPMENT M	10,000	.00	6,600.00	.00	3,400.00	66.0%*
101330 65505	REPAIRS	0	.00	.00	.00	.00	.0%
101330 67500	STREETLIGHTING CAPITA	0	.00	1,136.00	.00	-1,136.00	100.0%*
101330 68500	TRANSFERS OUT	0	.00	.00	.00	.00	.0%
TOTAL	STREETLIGHTS	130,000	.00	55,495.19	.00	74,504.81	42.7%
101340 HYDRANT RENTALS							
101340 65000	HYDRANT RENTALS	0	.00	.00	.00	.00	.0%
101340 65300	HYDRANT RENT MACHINE	254,179	.00	254,179.30	.00	-.30	100.0%*
101340 67500	HYDRANT RENTAL CAPITA	0	.00	.00	.00	.00	.0%
TOTAL	HYDRANT RENTALS	254,179	.00	254,179.30	.00	-.30	100.0%
101350 CIVIL EMERGENCY PREPARDNESS							
101350 64000	PERSONAL SERVICES OTH	0	.00	.00	.00	.00	.0%
101350 65000	CIVIL EMERGENCY PREPA	0	.00	.00	.00	.00	.0%
101350 65020	TELEPHONE & INTERNET	300	.00	300.00	.00	300.00	.0%
101350 65040	EDUCATIONAL/MEETING E	0	.00	.00	.00	.00	.0%
101350 65045	TRAINING	0	.00	.00	.00	.00	.0%
101350 65060	PRINTING	300	.00	300.00	.00	300.00	.0%
101350 65300	MACHINE & EQUIPMENT M	0	.00	.00	.00	.00	.0%
101350 66000	CIVIL EMERGENCY PREP.	0	.00	.00	.00	.00	.0%
101350 66010	OFFICE SUPPLIES	100	.00	100.00	.00	100.00	.0%
101350 67500	EXPENSE - CAPITAL OUT	0	.00	.00	.00	.00	.0%
101350 67507	CAPITAL OUTLAY EQUIPM	0	.00	.00	.00	.00	.0%
TOTAL	CIVIL EMERGENCY PREPARDN	700	.00	700.00	.00	700.00	.0%
101410 HIGHWAY							
101410 64000	HIGHWAY PERSONNEL SER	0	.00	.00	.00	.00	.0%
101410 64004	HIGHWAY 35% COMM SALA	26,250	.00	26,250.00	13,471.70	12,778.30	51.3%*



FOR 2018 06

	ORIGINAL APPROP	TRANSFERS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101410 64010	FULL TIME SALARIES	437,884	437,884.00	225,213.69		212,670.31	51.4%*
101410 64011	MANAGER SALARY	0	.00	.00		.00	.0%
101410 64015	ADMINISTRATIVE ASSIST	46,322	46,322.00	23,780.83		22,541.17	51.3%*
101410 64020	PART TIME WAGES	49,608	49,608.00	14,602.06		35,005.94	28.3%
101410 64029	OVERTIME - SNOW & STO	70,000	70,000.00	18,789.19		51,210.81	26.8%
101410 64030	OVERTIME	5,500	5,500.00	4,877.31		622.69	88.7%*
101410 64033	SICK TIME BUY BACK	0	.00	.00		.00	.0%
101410 64040	HOLIDAY/VACATION PAY	0	.00	.00		.00	.0%
101410 64049	HIGHWAY EMPLOYEE BENE	0	.00	.00		.00	.0%
101410 64050	MAINE STATE RETIREMEN	56,207	56,207.00	28,741.92		27,465.08	51.1%*
101410 64051	ICMA EMPLOYER SHARE	0	.00	.00		.00	.0%
101410 64060	FICA EMPLOYER SHARE	48,621	48,621.00	22,003.50		26,617.50	45.3%
101410 64070	WORKERS COMPENSATION	49,927	49,927.00	12,605.16		37,321.84	25.2%
101410 64091	MAJOR MEDICAL INSURAN	139,358	139,358.00	96,121.38		43,236.62	69.0%*
101410 64092	DENTAL INSURANCE	1,079	1,079.00	491.60		587.40	45.6%
101410 64100	DISABILITY INSURANCE	4,608	4,608.00	3,182.50		1,425.50	69.1%*
101410 65000	UNALLOCATED	0	.00	.00		.00	.0%
101410 65000	HIGHWAY EXPENSES	0	.00	.00		.00	.0%
101410 65010	POSTAGE	500	500.00	99.15		400.85	19.8%
101410 65020	TELEPHONE & INTERNET	4,000	4,000.00	2,096.23		1,903.77	52.4%*
101410 65030	TRANSPORTATION	750	750.00	250.00		500.00	33.3%
101410 65040	EDUCATIONAL/MEETING E	5,000	5,000.00	805.89		4,194.11	16.1%
101410 65060	PRINTING	600	600.00	228.88		371.12	38.1%
101410 65080	LEGAL NOTICES/OTHER A	1,000	1,000.00	.00		1,000.00	.0%
101410 65200	ELECTRICITY	4,000	4,000.00	1,466.38		2,533.62	36.7%*
101410 65220	WATER	2,000	2,000.00	1,099.09		900.91	55.0%*
101410 65230	FUEL OIL	7,000	7,000.00	1,787.19		5,212.81	25.5%
101410 65250	SEWER	350	350.00	150.00		200.00	42.9%
101410 65300	MACHINE & EQUIPMENT M	18,000	18,000.00	8,103.95		9,896.05	45.0%
101410 65302	PROTECTIVE & SAFETY E	2,500	2,500.00	1,588.63		911.37	63.5%*
101410 65303	FACILITY SAFETY INSPE	1,250	1,250.00	478.25		771.75	38.3%
101410 65310	VEHICLE MAINTENANCE	16,000	16,000.00	1,738.92		14,261.08	10.9%
101410 65311	GAS, GREASE, & OIL	48,600	48,600.00	12,830.68		35,769.32	26.4%
101410 65312	TIRES & TUBES	8,000	8,000.00	3,256.72		4,743.28	40.8%
101410 65450	TARRING & PATCHING	6,000	6,000.00	7,007.97		-1,007.97	116.8%*
101410 65452	SALT	110,000	110,000.00	50,613.39		59,386.61	46.0%
101410 65454	SAND	2,100	2,100.00	.00		2,100.00	.0%
101410 65456	GRAVEL & FILL	5,000	5,000.00	.00		5,000.00	.0%
101410 65458	DRAINAGE SUPPLIES	5,000	5,000.00	327.90		4,672.10	6.6%
101410 65460	SIGNS	10,000	10,000.00	9,637.65		362.35	96.4%*
101410 65462	STRIPING	30,000	30,000.00	28,125.45		1,874.55	93.8%*
101410 65464	ROAD SONSTRUCTION - M	0	.00	.00		.00	.0%
101410 65466	SNOW REMOVAL EQUIP/PA	18,300	18,300.00	6,548.27		11,751.73	35.8%
101410 65480	OTHER PROFESSIONAL SE	25,000	25,000.00	4,113.72		20,886.28	16.5%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101410 65500	MAINTENANCE OF BLDG/G	3,000	3,000.00	1,639.16	.00	1,360.84	54.6%*
101410 65501	OTHER PROF SVCS - STO	0	.00	.00	.00	.00	.0%
101410 65520	LAUNDRY SERVICES	0	.00	.00	.00	.00	.0%
101410 65521	UNIFORMS	4,400	4,400.00	3,600.00	.00	800.00	81.8%*
101410 65522	C.D.L PROGRAMS	950	950.00	214.00	.00	736.00	22.5%
101410 66000	HIGHWAY SUPPLIES	0	.00	.00	.00	.00	.0%
101410 66009	SHOP SUPPLIES	13,000	13,000.00	13,078.53	.00	-78.53	100.6%*
101410 66010	OFFICE SUPPLIES	800	800.00	330.55	.00	469.45	41.3%
101410 66011	HAND TOOLS	600	600.00	1,038.08	.00	-438.08	173.0%*
101410 66020	BOOKS/SUBSCRIPTIONS	600	600.00	497.28	.00	102.72	82.9%*
101410 66030	OTHER SUPPLIES	400	400.00	.00	.00	400.00	.0%
101410 66040	JANITORIAL SUPPLIES & HIGHWAY CAPITAL CONSTRUCTION	6,000	6,000.00	3,578.69	.00	2,421.31	59.6%*
101410 67513	BUILDING CONSTRUCTION	0	.00	.00	.00	.00	.0%
101410 67514	PLANT EQUIPMENT	1,000	1,000.00	.00	.00	1,000.00	.0%
101410 67518	RENTAL EQUIPMENT	3,000	3,000.00	698.85	.00	2,301.15	23.3%
101410 67520	OPERATING EQUIPMENT	1,500	1,500.00	.00	.00	1,500.00	.0%
101410 67530	VEHICLES	0	.00	.00	.00	.00	.0%
101410 67540	IMPROVEMENTS TO BLDGS	2,000	2,000.00	.00	.00	2,000.00	.0%
101410 67552	SIDEWALK PROGRAM CIP	0	.00	.00	.00	.00	.0%
101410 67561	DRAINAGE IMPROVEMENT	0	.00	.00	.00	.00	.0%
101410 67570	STORM DRAIN MAPPING	0	.00	.00	.00	.00	.0%
101410 67580	STREET SWEEPER	0	.00	.00	.00	.00	.0%
101410 67590	STORM WATER - PHASE 1	0	.00	.00	.00	.00	.0%
101410 67595	SEAPPOINT CAUSEWAY	0	.00	.00	.00	.00	.0%
101410 68500	TRANSFERS IN/OUT HIGH	0	.00	.00	.00	.00	.0%
TOTAL HIGHWAY		1,303,564	1,303,564.00	630,380.29	.00	673,183.71	48.4%
101520 GENERAL ASSISTANCE							
101520 65000	CONTRACTUAL SUPPORT O	0	.00	.00	.00	.00	.0%
101520 65480	OTHER PROF SERVICES-M	50,000	50,000.00	23,922.45	.00	26,077.55	47.8%
101520 68500	TRANSFERS IN/OUT SUPP	0	.00	.00	.00	.00	.0%
TOTAL GENERAL ASSISTANCE		50,000	50,000.00	23,922.45	.00	26,077.55	47.8%
101530 PUBLIC HEALTH SERVICE							
101530 64000	PUBLIC HEALTH PERSONN	0	.00	.00	.00	.00	.0%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101530 64020	PART TIME SALARIES	520	520.00	260.00	.00	260.00	50.0%
101530 64050	MAINE STATE RETIREMEN	0	.00	.00	.00	.00	.0%
101530 64051	ICMA EMPLOYER SHARE	31	31.00	15.60	.00	15.40	50.3%*
101530 64060	FICA EMPLOYER SHARE	40	40.00	20.28	.00	19.72	50.7%*
101530 64090	MAJOR MEDICAL INSURAN	0	.00	.00	.00	.00	.0%
101530 65000	PUBLIC HEALTH EXPENSE	0	.00	.00	.00	.00	.0%
101530 65380	HEALTH SERVICES COMPA	0	.00	.00	.00	.00	.0%
101530 65477	MOSQUITO & TICK PROGR	0	.00	.00	.00	.00	.0%
TOTAL PUBLIC HEALTH SERVICE	591	.00	591.00	295.88	.00	295.12	50.1%

101540 COMMUNITY AGENCIES

101540 65000	COMMUNITY AGENCIES	0	.00	.00	.00	.00	.0%
101540 65459	MAINE 4H FOUNDATION	0	.00	.00	.00	.00	.0%
101540 65468	KIDS FREE TO GROW	0	.00	.00	.00	.00	.0%
101540 65471	WOODFORDS FAMILY	0	.00	.00	.00	.00	.0%
101540 65472	UCP OF MAINE	0	.00	.00	.00	.00	.0%
101540 65473	NE CONTACT BETTER BUS	0	.00	.00	.00	.00	.0%
101540 65474	DAY ONE	0	.00	.00	.00	.00	.0%
101540 65479	FAIR TIDE	1,600	1,600.00	1,600.00	.00	.00	100.0%*
101540 65482	AIDS RESPONSE SEACOAS	965	965.00	965.00	.00	.00	100.0%*
101540 65483	AMERICAN RED CROSS	500	500.00	.00	.00	500.00	100.0%*
101540 65484	BIDDEFORD FREE CLINIC	0	.00	.00	.00	.00	.0%
101540 65485	SOUTHERN ME REGIONAL	0	.00	.00	.00	.00	.0%
101540 65486	COUNSELING SERVICES I	0	.00	.00	.00	.00	.0%
101540 65487	CARING UNLIMITED	1,000	1,000.00	.00	.00	1,000.00	100.0%*
101540 65488	AIDS RESPONSE SEACOAST	0	.00	.00	.00	.00	.0%
101540 65489	CHILD ABUSE PREVENTIO	0	.00	.00	.00	.00	.0%
101540 65491	HOSPICE OF YORK	0	.00	.00	.00	.00	.0%
101540 65492	YORK COUNTY COMMUNITY	2,500	2,500.00	2,500.00	.00	.00	100.0%*
101540 65494	SOUTHERN MAINE PARENT	0	.00	.00	.00	.00	.0%
101540 65495	VISITING NURSES OF SO	0	.00	.00	.00	.00	.0%
101540 65496	YORK COUNTY SHELTERS	500	500.00	.00	.00	500.00	100.0%*
101540 65497	SO MAINE AREA AGENCY	1,300	1,300.00	1,300.00	.00	.00	100.0%*
101540 65498	SEXUAL ASSAULT SUPPOR	0	.00	.00	.00	.00	.0%
101540 65499	CROSSROADS HOUSE, INC	2,000	2,000.00	.00	.00	2,000.00	100.0%*
101540 65526	GARDEN CLUB	300	300.00	.00	.00	300.00	100.0%*
101540 65527	MAINE PUBLIC	100	100.00	.00	.00	100.00	100.0%*
101540 65528	SO. MAINE VET MEM CEM	1,000	1,000.00	1,000.00	.00	.00	100.0%*
TOTAL COMMUNITY AGENCIES	11,765	.00	11,765.00	7,365.00	.00	4,400.00	62.6%

101610 SCHOOL WARRANTS

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMETS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101721 64017	ASSISTANT PLANNER	.00	46,280.00	18,188.10	.00	28,091.90	39.3%
101721 64018	ASST CODE ENFORCEMENT	.00	49,057.00	24,533.64	.00	24,523.36	50.0%*
101721 64020	SHORELAND RESOURCE OF	.00	18,512.00	9,078.00	.00	9,434.00	49.0%
101721 64030	OVERTIME	.00	800.00	67.66	.00	732.34	8.5%
101721 64040	HOLIDAY/VACATION PAY	.00	.00	.00	.00	.00	.0%
101721 64049	EMPLOYEE BENEFITS	.00	.00	.00	.00	.00	.0%
101721 64050	MAINE STATE RETIREMEN	.00	6,487.00	3,226.93	.00	3,260.07	49.7%
101721 64051	ICMA EMPLOYER SHARE	.00	13,302.00	6,344.73	.00	6,957.27	47.7%
101721 64060	FICA EMPLOYER SHARE	.00	21,039.00	10,369.39	.00	10,669.61	49.3%
101721 64070	WORKERS COMPENSATION	.00	3,785.00	1,045.32	.00	2,739.68	27.6%
101721 64090	MAJOR MEDICAL INSURAN	.00	84,491.00	40,527.79	.00	43,963.21	48.0%
101721 64091	DENTAL INSURANCE	.00	1,198.00	780.05	.00	417.95	65.1%*
101721 64092	DISABILITY INSURANCE	.00	1,920.00	1,147.93	.00	772.07	59.8%*
101721 65000	PLANNER EXPENSES	.00	.00	.00	.00	.00	.0%
101721 65010	POSTAGE	.00	125.00	.00	.00	125.00	.0%
101721 65020	TELEPHONE & INTERNET	.00	1,320.00	578.53	.00	741.47	43.8%
101721 65030	TRANSPORTATION	.00	1,100.00	.00	.00	1,100.00	.0%
101721 65040	EDUCATIONAL/MEETING E	.00	2,350.00	105.00	.00	2,245.00	4.5%
101721 65060	PRINTING	.00	600.00	151.97	.00	448.03	25.3%
101721 65080	LEGAL NOTICES & OTHER	.00	.00	300.00	.00	-300.00	100.0%*
101721 65300	MACHINE & EQUIPMENT M	.00	.00	3,686.21	.00	-3,686.21	100.0%*
101721 65309	VEHICLE PAYMENTS	.00	.00	.00	.00	.00	.0%
101721 65310	VEHICLE MAINTENANCE	.00	500.00	.00	.00	500.00	.0%
101721 65311	GAS, GREASE, & OIL	.00	600.00	163.22	.00	436.78	27.2%
101721 65400	LEGAL SERVICES	.00	10,000.00	2,070.00	.00	7,930.00	20.7%
101721 65410	COMPUTER SERVICES	.00	.00	.00	.00	.00	.0%
101721 65480	OTHER PROFESSIONAL SE	.00	5,000.00	9,970.35	.00	-4,970.35	199.4%*
101721 65521	UNIFORMS	.00	450.00	221.19	.00	228.81	49.2%
101721 66000	PLANNER SUPPLIES	.00	.00	.00	.00	.00	.0%
101721 66010	OFFICE SUPPLIES	.00	1,000.00	631.94	.00	368.06	63.2%*
101721 66020	BOOKS/SUBSCRIPTIONS/LD	.00	900.00	105.00	.00	795.00	11.7%
101721 66030	OTHER SUPPLIES	.00	500.00	57.45	.00	442.55	11.5%
101721 67500	PLANNER CAPITAL OUTLA	.00	.00	690.00	.00	-690.00	100.0%*
101721 67510	OFFICE FURNITURE & EO	.00	500.00	.00	.00	500.00	.0%
101721 67520	OPERATING EQUIPMENT	.00	.00	.00	.00	.00	.0%
101721 68500	TRANSFERS IN/OUT PLAN	.00	.00	.00	.00	.00	.0%
TOTAL PLANNING / CODE		.00	432,192.00	218,333.80	.00	213,858.20	50.5%
101730 IN TOWN PARKS		.00	.00	.00	.00	.00	.0%
101730 64000 PARKS PERSONNEL SERV		.00	.00	.00	.00	.00	.0%



FOR 2018 06

	ORIGINAL APPRO	TRANSFERS/ ADJUSTM	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101730 64007	PARKS 10% COMM SALARY	0	7,500.00	3,849.04	.00	3,650.96	51.3%*
101730 64010	FULL TIME SALARIES	0	44,278.00	22,441.95	.00	21,836.05	50.7%*
101730 64011	MANAGER SALARY	0	0.00	.00	.00	0.00	.0%
101730 64020	PART TIME SALARIES	0	28,080.00	19,069.93	.00	9,010.07	67.9%*
101730 64030	OVERTIME	800	800.00	559.16	.00	240.84	69.9%*
101730 64033	SICK TIME BUY BACK	0	0.00	.00	.00	0.00	.0%
101730 64040	HOLIDAY/VACATION PAY	0	0.00	.00	.00	0.00	.0%
101730 64049	PARKS EMPLOYEE BENEFIT	0	0.00	.00	.00	0.00	.0%
101730 64050	MAINE STATE RETIREMEN	4,251	4,251.00	2,577.66	.00	1,673.34	60.6%*
101730 64051	ICMA EMPLOYER SHARE	0	0.00	.00	.00	0.00	.0%
101730 64051	ICMA EMPLOYER SHARE	0	6,170.00	3,418.37	.00	2,751.63	55.4%*
101730 64070	WORKERS COMPENSATION	6,170	6,170.00	780.42	.00	1,883.58	29.3%*
101730 64090	MAJOR MEDICAL INSURAN	2,664	2,664.00	13,210.65	.00	6,080.35	68.5%*
101730 64091	DENTAL INSURANCE	19,291	19,291.00	79.00	.00	55.31	30.0%*
101730 64092	DISABILITY INSURANCE	79	79.00	259.21	.00	184.79	58.4%*
101730 64100	UNALLOCATED	444	444.00	.00	.00	0.00	.0%
101730 65000	PARKS EXPENSES	0	0.00	.00	.00	0.00	.0%
101730 65010	POSTAGE	0	0.00	.00	.00	0.00	.0%
101730 65020	TELEPHONE & INTERNET	0	0.00	.00	.00	0.00	.0%
101730 65040	EDUCATIONAL/MEETING E	200	200.00	.00	.00	200.00	.0%
101730 65060	PRINTING	200	200.00	.00	.00	200.00	.0%
101730 65080	LEGAL NOTICES/OTHER A	250	250.00	.00	.00	250.00	.0%
101730 65200	ELECTRICITY	1,500	1,500.00	9,977.99	.00	-8,477.99	665.2%*
101730 65300	MACHINE & EQUIPMENT M	7,000	7,000.00	2,672.99	.00	4,327.01	38.2%*
101730 65302	PROTECTIVE & SAFETY E	2,250	2,250.00	957.71	.00	1,042.29	47.9%*
101730 65303	FACILITY SAFETY INSP E	2,250	2,250.00	213.26	.00	36.74	85.3%*
101730 65310	VEHICLE MAINTENANCE	625	625.00	.00	.00	625.00	.0%
101730 65311	GAS, GREASE, & OIL	1,000	1,000.00	.00	.00	1,000.00	.0%
101730 65312	TIRES & TUBES	4,000	4,000.00	1,256.77	.00	2,743.23	31.4%*
101730 65457	LOAM & SOD	1,000	1,000.00	573.25	.00	426.75	57.3%*
101730 65480	OTHER PROFESSIONAL SE	3,000	3,000.00	742.56	.00	2,257.44	24.8%*
101730 65500	MAINTENANCE OF BLDG/G	25,000	25,000.00	8,844.01	.00	16,155.99	35.4%*
101730 65510	PAINTING	1,000	1,000.00	428.62	.00	571.38	42.9%*
101730 65521	UNIFORMS	0	0.00	.00	.00	0.00	.0%
101730 66000	PARKS SUPPLIES	400	400.00	800.00	.00	-400.00	200.0%*
101730 66011	HAND TOOLS	0	0.00	.00	.00	0.00	.0%
101730 66030	OTHER SUPPLIES	150	150.00	76.37	.00	73.63	50.9%*
101730 66040	JANITORIAL SUPPLIES &	100	100.00	110.55	.00	-10.55	110.6%*
101730 67500	PARKS CAPITAL OUTLAY	100	100.00	.00	.00	100.00	.0%
101730 67520	OPERATING EQUIPMENT	0	0.00	.00	.00	0.00	.0%
101730 67530	VEHICLES	1,000	1,000.00	494.95	.00	505.05	49.5%*
101730 67540	IMPROVEMENTS TO BLDGS	0	0.00	.00	.00	0.00	.0%
101730 67545	TREE PROGRAM	0	0.00	.00	.00	0.00	.0%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101730 67571	BUILDING CONSTRUCTION	.00	.00	.00	.00	.00	.0%
101730 67575	SEAPOINT BEACH	0	.00	.00	.00	.00	.0%
101730 67580	FF BATHHOUSE DO NOT U	0	.00	.00	.00	.00	.0%
101730 67581	FORT FOSTER BATHHOUSE	0	.00	.00	.00	.00	.0%
101730 68500	TRANSPERS IN/OUT PARK	0	.00	.00	.00	.00	.0%
TOTAL IN TOWN PARKS		162,332	162,332.00	93,339.11	.00	68,992.89	57.5%
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101735 FT FOSTER SEAPOINT & CRESCENT							
101735 64000	PERSONNEL SERVICES	0	.00	.00	.00	.00	.0%
101735 64007	PARKS 15% COMM SALARY	11,250	11,250.00	5,773.65	.00	5,476.35	51.3%*
101735 64010	FULL TIME SALARIES	48,366	48,366.00	24,494.41	.00	23,871.59	50.0%*
101735 64020	PART TIME SALARIES	54,014	54,014.00	25,233.39	.00	28,780.61	46.7%
101735 64030	OVERTIME	6,500	6,500.00	905.86	.00	5,594.14	13.9%
101735 64033	SICK TIME BUY BACK	0	.00	.00	.00	.00	.0%
101735 64040	HOLIDAY/VACATION PAY	0	.00	.00	.00	.00	.0%
101735 64049	EMPLOYEE BENEFITS	0	.00	.00	.00	.00	.0%
101735 64050	MAINE STATE RETIREMEN	0	.00	.00	.00	.00	.0%
101735 64051	ICMA EMPLOYER SHARE	4,643	4,643.00	2,973.78	.00	1,669.22	64.0%*
101735 64070	WORKERS COMPENSATION	9,190	9,190.00	4,216.98	.00	4,973.02	45.9%
101735 64090	MAJOR MEDICAL INSURAN	23,664	23,664.00	11,712.04	.00	1,951.96	26.7%
101735 64091	DENTAL INSURANCE	187	187.00	35.49	.00	12,499.47	47.0%
101735 64092	DISABILITY INSURANCE	444	444.00	259.21	.00	151.51	19.0%
101735 65000	DEPARTMENT EXPENSES	0	.00	.00	.00	184.79	58.4%*
101735 65010	POSTAGE	0	.00	.00	.00	.00	.0%
101735 65020	TELEPHONE & INTERNET	1,400	1,400.00	598.03	.00	801.97	42.7%
101735 65040	EDUCATIONAL/MEETING E	2,000	2,000.00	.00	.00	200.00	.0%
101735 65060	PRINTING	2,500	2,500.00	2,305.79	.00	194.21	92.2%*
101735 65080	LEGAL NOTICES/OTHER A	500	500.00	124.12	.00	500.00	.0%
101735 65200	ELECTRICITY	500	500.00	124.12	.00	375.88	24.8%
101735 65220	WATER	600	600.00	.00	.00	600.00	.0%
101735 65300	MACHINE & EQUIPMENT M	1,500	1,500.00	128.92	.00	1,371.08	8.6%
101735 65302	PROTECTIVE & SAFETY E	300	300.00	626.27	.00	-326.27	208.8%*
101735 65303	FACILITY SAFETY INSE	625	625.00	.00	.00	625.00	.0%
101735 65310	VEHICLE MAINTENANCE	1,000	1,000.00	403.38	.00	596.62	40.3%
101735 65311	GAS, GREASE, & OIL	4,000	4,000.00	525.19	.00	3,474.81	13.1%
101735 65312	TIRES & TUBES	700	700.00	.00	.00	700.00	.0%
101735 65457	LOAM & SOD	0	.00	.00	.00	.00	.0%
101735 65480	OTHER PROFESSIONAL SE	4,000	4,000.00	600.00	.00	3,400.00	15.0%
101735 65500	MAINTENANCE OF BLDG/G	4,500	4,500.00	1,500.88	.00	2,999.12	33.4%

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FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101735 65510 PAINTING	400	.00	400.00	450.00	.00	-50.00	112.5%*
101735 65521 UNIFORMS	700	.00	700.00	.00	.00	700.00	.0%
101735 66011 HAND TOOLS	150	.00	150.00	179.84	.00	-29.84	119.9%*
101735 66030 OTHER SUPPLIES	900	.00	900.00	114.94	.00	785.06	12.8%
101735 66040 JANITORIAL SUPPLIES &	3,750	.00	3,750.00	2,944.24	.00	805.76	78.5%*
101735 67500 EXPENSE	0	.00	.00	.00	.00	.00	.0%
101735 67520 OPERATING EQUIPMENT	1,200	.00	1,200.00	-100.00	.00	1,300.00	-8.3%
101735 67540 IMPROVEMENTS TO BLDGS	0	.00	.00	.00	.00	.00	.0%
101735 67545 TREE PROGRAM	0	.00	.00	.00	.00	.00	.0%
101735 67575 SEAPoint BEACH	200	.00	200.00	.00	.00	200.00	.0%
101735 68500 TRANSFERS IN / OUT	0	.00	.00	.00	.00	.00	.0%
TOTAL FT FOSTER SEAPoint & CRE	190,458	.00	190,458.00	86,081.94	.00	104,376.06	45.2%

101740 MISCELLANEOUS ACCOUNTS

101740 38436 WOOD ISLAND /STATE GR	0	.00	.00	.00	.00	.00	.0%
101740 38437 TREE PLANTING GRANT	0	.00	.00	.00	.00	.00	.0%
101740 64060 FICA EMPLOYER SHARE	0	.00	.00	.00	.00	.00	.0%
101740 65000 MISCELLANEOUS ACCOUNT	0	.00	.00	.00	.00	.00	.0%
101740 65001 SNOWBLowing PRIVATE R	0	.00	.00	.00	.00	.00	.0%
101740 65021 PARKS COMMISSION	0	.00	.00	.00	.00	.00	.0%
101740 65022 GROWTH MGMT/COMP PLAN	0	.00	.00	.00	.00	.00	.0%
101740 65023 EPA STORMWATER 4 PROG	18,750	.00	18,750.00	5,547.96	.00	13,202.04	29.6%
101740 65024 TOWN HALL STREAMING S	0	.00	.00	.00	.00	.00	.0%
101740 65025 COMPUTER REPAIR/REPLA	25,000	.00	25,000.00	16,686.04	.00	8,313.96	66.7%*
101740 65029 PUBLIC SAFETY - GMH R	0	.00	.00	.00	.00	.00	.0%
101740 65035 POLICE/FIRE RADIO REP	0	.00	.00	.00	.00	.00	.0%
101740 65038 EASTERN TRAIL MANAGEM	0	.00	.00	.00	.00	.00	.0%
101740 65039 SUB HOST PROGRAM	0	.00	.00	.00	.00	.00	.0%
101740 65043 FORESIDE PROJECT	0	.00	.00	.00	.00	.00	.0%
101740 65047 WAGE/BENEFITS HOLDING	0	.00	.00	.00	.00	.00	.0%
101740 65048 HOMELAND SECURITY GRN	0	.00	.00	.00	.00	.00	.0%
101740 65051 MUNICIPAL COMPLEX TEL	0	.00	.00	.00	.00	.00	.0%
101740 65054 GIS WORK PROGRAM	0	.00	.00	.00	.00	.00	.0%
101740 65057 MUN FACILITY MAINT RE	0	.00	.00	.00	.00	.00	.0%
101740 65065 VOLUNTEER RECOGNITION	0	.00	.00	.00	.00	.00	.0%
101740 65073 KITTERY FORESIDE	0	.00	.00	.00	.00	.00	.0%
101740 65074 GENERAL ASSISTANCE SO	0	.00	.00	.00	.00	.00	.0%
101740 65075 MEMORIAL FIELD FENCIN	0	.00	.00	.00	.00	.00	.0%
101740 65076 BRAC EXPENSES	0	.00	.00	.00	.00	.00	.0%
101740 65455 MEMORIAL DAY ACTIVITI	675	.00	675.00	.00	.00	675.00	.0%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101740 65476	POOL FILTER HOUSE	0	0	0	0	0	0%
101740 65482	EMERGENCY AMBULANCE S	0	0	0	0	0	0%
101740 65493	KITTERY CABLE REGULAT	0	0	0	0	0	0%
101740 65555	COMPENSATED ABSENCES	0	0	0	0	0	0%
101740 65560	OFFSET FY09 TAX RATE	0	0	0	0	0	0%
101740 65950	SEACOAST SHIPYARD ASS	0	0	0	0	0	0%
101740 65951	SHELLFISH CONSERVATIO	0	0	0	0	0	0%
101740 66036	CONSERVATION COMMISSI	1,600	1,600	0	0	1,600	0%
101740 67556	SNOWMOBILES/HANDICAP	500	500	15	0	485	3%
101740 67565	SCHOLARSHIPS (RECYCLI	0	0	0	0	0	0%
101740 68131	GENERAL ASSISTANCE PR	0	0	0	0	0	0%
101740 68425	HVAC UPGRADE ARTICLE	0	0	0	0	0	0%
101740 68427	SELF INSURANCE CLAIMS	0	0	0	0	0	0%
101740 68428	GRANT MATCHING FUNDS	0	0	0	0	0	0%
101740 68429	EMERGENCY FUEL ACCOUN	0	0	13,000	0	3,951	69.6%
101740 68432	COMPUTERIZED WEBSITE	0	0	0	0	0	0%
101740 68433	LG FORMAT COPIER/SCAN	0	0	0	0	0	0%
101740 68434	PUBLIC SAFETY SOFTWARE	0	0	0	0	0	0%
101740 68435	GENERATOR REPLACEMENT	0	0	0	0	0	0%
101740 68438	OUTFALL PIPE H2O TEST	0	0	0	0	0	0%
101740 68439	ECON DEV PLAN	0	0	0	0	0	0%
101740 68440	HARBOR ECON PLAN	0	0	0	0	0	0%
101740 68460	EMERGENCY FACILITY RE	0	0	0	0	0	0%
101740 68500	TRANSPERS IN / OUT	0	0	0	0	0	0%
101740 68520	TRAFFIC SIGNALS WARR	0	0	0	0	0	0%
101740 68521	SIDEWALK SNOWPLOW	0	0	0	0	0	0%
101740 68522	SEAPPOINT RD CAUSEWAY	0	0	0	0	0	0%
101740 68523	HALEY FIELD PROJECT	0	0	0	0	0	0%
101740 68524	FUEL DEPOT UPGRADE	0	0	0	0	0	0%
101740 68525	MOSQUITO/TICK CONTROL	0	0	0	0	0	0%
101740 68526	PICOTT/WILSON CULVERT	30,000	30,000	37,500	0	-7,500	125.0%*
101740 68527	TRAFFIC LIGHT RT236/M	0	0	0	0	0	0%
101740 68528	TRAFFIC LT RT236/MRTN	0	0	0	0	0	0%
101740 68529	TOWN PIER REPAIR	0	0	0	0	0	0%
101740 68530	BALLOT COUNTING MACHIN	0	0	0	0	0	0%
101740 68531	ALTERNATIVE ENERGY FU	0	0	0	0	0	0%
101740 68532	GTS WEB ACCOUNT	3,600	3,600	0	0	3,600	0%
101740 68533	FORT FOSTER RESTROOMS	0	0	0	0	0	0%
101740 68534	TRAIIP ACADEMY ROOF	0	0	0	0	0	0%
101740 68535	JAWS OF LIFE	0	0	0	0	0	0%
101740 68536	FIRE DEPT FLOORS	0	0	0	0	0	0%
101740 68537	MUNICIPAL CIP RESERVE	0	0	0	0	0	0%
101740 68538	FRISBEE STUDY PHASE 2	0	0	0	0	0	0%
101740 68539	PORT AUTH BOAT	0	0	0	0	0	0%

FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMNTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101740 69140	LAND USE DIV/TWN HALL	0	.00	.00	.00	.00	.0%
101740 69142	PIER CONDITION REPORT	0	.00	.00	.00	.00	.0%
101740 69143	PT FOSTER RD CULVERT/	0	.00	.00	.00	.00	.0%
101740 69145	ORDINANCE CODIFICATIO	0	.00	.00	.00	.00	.0%
101740 69200	PSAP PAID TO YORK PD	27,000	.00	.00	.00	27,000.00	.0%
101740 69201	FY 11 53RD PAY WEEK	0	.00	.00	.00	.00	.0%
101740 69411	OPEN SPACE RESERVE	0	.00	.00	.00	.00	.0%
101740 69414	SALARY SURVEY	0	.00	.00	.00	.00	.0%
101740 69977	STATE AID TO ROADS	0	.00	.00	.00	.00	.0%
101740 69978	MAINE SERVICE CENTER	0	.00	.00	.00	.00	.0%
TOTAL MISCELLANEOUS ACCOUNTS		107,125	13,000.00	68,798.00	.00	51,327.00	57.3%

101750 STATE/BANK FEES

101750 65952	OVERAGE/SHORTAGE	0	.00	.00	.00	.00	.0%
101750 65954	BANK FEES/CHARGES	600	.00	600.00	-30.00	630.00	-5.0%
TOTAL STATE/BANK FEES		600	.00	600.00	-22.90	622.90	-3.8%

101760 CAPITAL IMPROVEMENT PLAN

101760 68701	PMD-SW EQUIP DEP ACCT	0	.00	.00	.00	.00	.0%
101760 68702	PMD-SW FLEET DEPR ACC	0	.00	.00	.00	.00	.0%
101760 68703	PMD-SW ROAD MAINTENAN	0	.00	.00	.00	.00	.0%
101760 68704	PMD-PARK FLEET DEPREC	0	.00	.00	.00	.00	.0%
101760 68705	PMD DRAINAGE IMPROVE	0	.00	.00	.00	.00	.0%
101760 68706	PMD STATE AID TO ROAD	0	.00	.00	.00	.00	.0%
101760 68707	PMD FLEET DEPRECIATIO	0	.00	.00	.00	.00	.0%
101760 68708	PMD SIDEWALK REPLACEM	0	.00	.00	.00	.00	.0%
101760 68709	FIRE APPARATUS - DEPR	0	.00	.00	.00	.00	.0%
101760 68710	REC DEPRECIATION ACCT	0	.00	.00	.00	.00	.0%
101760 68720	CODIF/TELE/HARBOR/LOA	0	.00	.00	.00	.00	.0%
101760 68750	CIP HOLDING DEDICATED	434,750	.00	434,750.00	.00	.00	100.0%*
101760 68751	CIP DEPT CAPITAL RESE	967,167	.00	967,167.00	.00	.00	100.0%*
101760 68752	CIP CAP FUNDING REOU	107,386	.00	107,386.00	.00	.00	100.0%*
101760 68753	CIP CEILING	0	.00	.00	.00	.00	.0%
TOTAL CAPITAL IMPROVEMENT PLAN		1,509,303	.00	1,509,303.00	1,509,303.00	.00	100.0%

101770 FRISBEE SCHOOL TOWN

101770 65020	TELEPHONE & INTERNET	0	.00	.00	.00	.00	.0%
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FOR 2018 06

	ORIGINAL APPROP	TRANFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101770 65200 ELECTRICITY	0	.00	.00	.00	.00	.00	.0%
101770 65220 WATER	0	.00	.00	.00	.00	.00	.0%
101770 65230 FUEL OIL	0	.00	.00	.00	.00	.00	.0%
101770 65250 SEWER	0	.00	.00	.00	.00	.00	.0%
101770 65300 MACHINE & EQUIPMENT M	0	.00	.00	.00	.00	.00	.0%
101770 65500 MAINTENANCE OF BLDG/G	0	.00	.00	.00	.00	.00	.0%
101770 66010 OFFICE SUPPLIES	0	.00	.00	.00	.00	.00	.0%
101770 66040 JANITORIAL SUPPLIES &	0	.00	.00	.00	.00	.00	.0%
101770 67510 OFFICE FURNITURE & EQ	0	.00	.00	.00	.00	.00	.0%
TOTAL FRISBEE SCHOOL TOWN	0	.00	.00	.00	.00	.00	.0%
101810 LIBRARY							
101810 65000 LIBRARY - CONTRACTUAL	0	.00	.00	.00	.00	.00	.0%
101810 65480 OTHER PROF SERV - RIC	467,380	.00	467,380.00	311,586.66	.00	155,793.34	66.7%
101810 68500 TRANSFERS IN/OUT LIBR	0	.00	.00	.00	.00	.00	.0%
TOTAL LIBRARY	467,380	.00	467,380.00	311,586.66	.00	155,793.34	66.7%
101830 RECREATION							
101830 64000 RECREATION PERSONNEL	0	.00	.00	.00	.00	.00	.0%
101830 64008 RECREATION DIRECTOR S	78,561	.00	78,561.00	40,320.80	.00	38,240.20	51.3%
101830 64009 ASST DIRECTOR/GEN MGR	56,969	.00	56,969.00	28,485.63	.00	28,483.37	50.0%
101830 64010 EARLY CHILDHOOD SUPER	41,036	.00	41,036.00	20,756.01	.00	20,279.99	50.8%
101830 64011 MANAGER SALARY	0	.00	.00	.00	.00	.00	.0%
101830 64012 RECREATION SUPERVISOR	44,908	.00	44,908.00	22,453.62	.00	22,454.38	50.0%
101830 64013 ASST EARLY CHILDCARE	33,126	.00	33,126.00	16,556.80	.00	16,569.20	50.0%
101830 64014 LEAD TEACHERS	57,408	.00	57,408.00	25,691.46	.00	31,716.54	44.8%
101830 64015 SPORTS COORDINATOR	35,134	.00	35,134.00	17,565.61	.00	17,568.39	50.0%
101830 64016 RECEPTIONISTS	48,047	.00	48,047.00	25,310.02	.00	22,736.98	52.7%
101830 64017 BOOKKEEPER/SECRETARY	20,390	.00	20,390.00	10,057.52	.00	10,332.48	49.3%
101830 64018 KITCHEN/CAFE/EVENT CO	0	.00	.00	.00	.00	.00	.0%
101830 64020 PT SAFE SCHOOL YEAR S	20,000	.00	20,000.00	7,768.78	.00	12,231.22	38.8%
101830 64021 SAFE SUMMER SALARIES	30,000	.00	30,000.00	28,999.51	.00	1,000.49	96.7%
101830 64023 ADVENTURE SUMMER STAF	12,500	.00	12,500.00	7,098.13	.00	5,401.87	56.8%
101830 64024 FT CUSTODIANS	84,387	.00	84,387.00	39,478.40	.00	44,908.60	46.8%
101830 64025 PRE-SCHOOL STAFF SALA	116,873	.00	116,873.00	64,533.14	.00	52,339.86	55.2%
101830 64026 INSTRUCTORS STIPENDS	20,000	.00	20,000.00	11,996.00	.00	8,004.00	60.0%



FOR 2018 06

	ORIGINAL APPROP	TRANSRS/ ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101830 64027	CUSTODIAN WAGES	.00	30,798.00	13,470.44	.00	17,327.56	43.7%
101830 64028	THEATRE TECHNICIANS	.00	1,000.00	.00	.00	1,000.00	.0%
101830 64030	OVERTIME	.00	5,000.00	2,646.38	.00	2,353.62	52.9%*
101830 64040	HOLIDAY/VACATION PAY	.00	.00	.00	.00	.00	.0%
101830 64049	RECREATION EMPLOYEE B	.00	.00	.00	.00	.00	.0%
101830 64050	MAINE STATE RETIREMEN	.00	41,427.00	19,417.40	.00	22,009.60	46.9%
101830 64051	ICMA EMPLOYER SHARE	.00	.00	.00	.00	.00	.0%
101830 64060	FICA EMPLOYER SHARE	.00	56,315.00	27,905.30	.00	28,409.70	49.6%
101830 64070	WORKERS COMPENSATION	.00	18,315.00	5,175.88	.00	13,139.12	28.3%
101830 64090	MAJOR MEDICAL INSURAN	.00	158,067.00	92,861.25	.00	65,205.75	58.7%*
101830 64091	DENTAL INSURANCE	.00	758.00	408.71	.00	349.29	53.9%*
101830 64092	DISABILITY INSURANCE	.00	4,443.00	2,476.52	.00	1,966.48	55.7%*
101830 64100	UNALLOCATED	.00	.00	.00	.00	.00	.0%
101830 65000	RECREATION EXPENSES	.00	.00	.00	.00	.00	.0%
101830 65010	POSTAGE	.00	1,500.00	601.31	.00	898.69	40.1%
101830 65020	TELEPHONE & INTERNET	.00	5,000.00	2,336.02	.00	2,663.98	46.7%
101830 65030	TRANSPORTATION	.00	1,000.00	1,322.98	.00	-322.98	132.3%*
101830 65060	PRINTING	.00	7,800.00	3,593.75	.00	4,206.25	46.1%
101830 65080	LEGAL NOTICES/OTHER A	.00	.00	175.14	.00	-175.14	100.0%*
101830 65200	ELECTRICITY / UTILITI	.00	42,000.00	21,379.58	.00	20,620.42	50.9%*
101830 65220	WATER	.00	3,090.00	2,146.08	.00	943.92	69.5%*
101830 65230	NATURAL GAS	.00	40,000.00	9,308.41	.00	30,691.59	23.3%*
101830 65250	SEWER	.00	2,300.00	1,150.00	.00	1,150.00	50.0%*
101830 65300	MACHINE & EQUIPMENT M	.00	9,000.00	3,372.14	.00	5,627.86	37.5%*
101830 65310	VEHICLE MAINTENANCE	.00	1,000.00	112.66	.00	887.34	11.3%
101830 65400	LEGAL SERVICES	.00	.00	.00	.00	.00	.0%
101830 65410	COMPUTER SERVICES	.00	.00	.00	.00	.00	.0%
101830 65412	COMPUTER MAINTENANCE	.00	.00	.00	.00	.00	.0%
101830 65478	PROGRAM SERVICES	.00	8,000.00	5,926.84	.00	2,073.16	74.1%*
101830 65480	OTHER PROFESSIONAL SE	.00	3,000.00	625.00	.00	2,375.00	20.8%*
101830 65500	MAINTENANCE OF BLDG/G	.00	13,000.00	12,790.71	.00	209.29	98.4%*
101830 65510	PAINTING	.00	.00	.00	.00	.00	.0%
101830 65600	FIELD TRIPS	.00	.00	.00	.00	.00	.0%
101830 65610	SAFE SCHOOL YEAR PRO	.00	4,000.00	1,957.20	.00	2,042.80	48.9%*
101830 65615	SAFE SUMMER PROGRAM E	.00	20,000.00	17,532.11	.00	2,467.89	87.7%*
101830 65620	ADVENTURE ADOLESCENT	.00	18,000.00	19,405.72	.00	-1,405.72	107.8%*
101830 65625	ADVENTURE SUMMER PROG	.00	.00	.00	.00	.00	.0%
101830 65630	INSTRUCTORS-CONTRACTE	.00	2,500.00	1,071.00	.00	1,429.00	42.8%*
101830 65640	SPECIAL EVENTS	.00	10,000.00	4,065.68	.00	5,934.32	40.7%*
101830 65650	SENIOR PROGRAMS	.00	7,000.00	9,090.29	.00	-2,090.29	129.9%*
101830 65660	SCHOLARSHIPS	.00	.00	.00	.00	.00	.0%
101830 65670	TEAM EXPENSE	.00	8,000.00	2,742.38	.00	5,257.62	34.3%*
101830 65671	EARLY CHILDHOOD PROG	.00	.00	.00	.00	.00	.0%
101830 65680	PRESCHOOL PROGRAM EXP	.00	10,000.00	7,841.75	.00	2,158.25	78.4%*



FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101830 65801	CONTRACTED SERVICES	0.00	39,000.00	15,840.13	.00	23,159.87	40.6%
101830 65802	ANNEX UTILITIES	0.00	5,000.00	.00	.00	5,000.00	.0%
101830 65803	MISCELLANEOUS	0.00	9,080.00	6,426.22	.00	2,653.78	70.8%*
101830 65804	SPECIAL EVENTS	0.00	.00	.00	.00	.00	.0%
101830 66000	RECREATION SUPPLIES	0.00	.00	.00	.00	.00	.0%
101830 66010	OFFICE SUPPLIES	0.00	3,500.00	2,017.37	.00	1,482.63	57.6%*
101830 66020	BOOKS/SUBSCRIPTIONS	0.00	.00	.00	.00	.00	.0%
101830 66030	OTHER SUPPLIES	0.00	4,000.00	1,940.79	.00	2,059.21	48.5%
101830 66031	THEATRE SUPPLIES	0.00	2,000.00	155.96	.00	1,844.04	7.8%
101830 66040	JANITORIAL SUPPLIES & RECREATION CAPITAL OU	0.00	11,000.00	7,431.05	.00	3,568.95	67.6%*
101830 67500	RECREATION CAPITAL OU	0.00	.00	.00	.00	.00	.0%
101830 67510	OFFICE FURNITURE & EO	0.00	.00	.00	.00	.00	.0%
101830 67530	VEHICLES	0.00	.00	.00	.00	.00	.0%
101830 67572	SWIMMING POOL -MEMORI	0.00	.00	.00	.00	.00	.0%
101830 68500	TRANSFERS IN/OUT RECR	0.00	.00	.00	.00	.00	.0%
	TOTAL RECREATION	1,305,232	1,305,232.00	693,791.58	.00	611,440.42	53.2%
101840	PORT AUTHORITY						
101840 64000	PORT AUTHORITY PERSON	0.00	50,000.00	25,660.34	.00	24,339.66	51.3%*
101840 64010	HARBOR MASTER FULL TI	0.00	10,000.00	4,257.47	.00	5,742.53	42.6%
101840 64020	PART TIME SALARIES	0.00	.00	.00	.00	.00	.0%
101840 64030	OVERTIME	0.00	.00	.00	.00	.00	.0%
101840 64049	PORT AUTHORITY EMPLOY	0.00	4,800.00	.00	.00	4,800.00	.0%
101840 64050	MAINE STATE RETIREMEN	0.00	.00	.00	.00	.00	.0%
101840 64051	ICMA EMPLOYER SHARE	0.00	.00	.00	.00	.00	.0%
101840 64060	FICA EMPLOYER SHARE	0.00	4,590.00	2,102.87	.00	2,487.13	45.8%
101840 64070	WORKERS COMPENSATION	0.00	4,440.00	1,081.26	.00	3,358.74	24.4%
101840 64090	MAJOR MEDICAL INSURAN	0.00	18,798.00	11,059.35	.00	7,738.65	58.8%*
101840 64091	DENTAL INSURANCE	0.00	1,198.00	408.71	.00	789.29	34.1%
101840 64092	DISABILITY INSURANCE	0.00	384.00	259.21	.00	124.79	67.5%*
101840 64100	UNALLOCATED	0.00	.00	.00	.00	.00	.0%
101840 65000	PORT AUTHORITY EXPENS	0.00	.00	.00	.00	.00	.0%
101840 65010	POSTAGE	0.00	100.00	.00	.00	100.00	.0%
101840 65020	TELEPHONE & INTERNET	0.00	1,000.00	587.68	.00	412.32	58.8%*
101840 65030	TRANSPORTATION	0.00	500.00	.00	.00	500.00	.0%
101840 65080	LEGAL NOTICES/OTHER A	0.00	.00	126.76	.00	-126.76	100.0%*
101840 65200	ELECTRICITY	0.00	1,800.00	385.24	.00	1,414.76	21.4%
101840 65220	WATER	0.00	300.00	257.42	.00	42.58	85.8%*
101840 65240	DUMPSTERS/TRASH REMOV	0.00	1,300.00	600.00	.00	700.00	46.2%
101840 65250	SEWER	0.00	.00	.00	.00	.00	.0%



FOR 2018 06

	ORIGINAL APPROP	TRANSRS/ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101840 65305 BOAT EQUIPMENT MAINTN	750	.00	750.00	485.10	.00	264.90	64.7%*
101840 65311 GAS, GREASE, & OIL	1,000	.00	1,000.00	468.32	.00	531.68	46.8%*
101840 65330 RADIO MAINTENANCE	0	.00	.00	.00	.00	.00	.0%
101840 65452 SAFETY	1,000	.00	1,000.00	378.10	.00	621.90	37.8%*
101840 65460 SIGNS	500	.00	500.00	163.44	.00	336.56	32.7%*
101840 65461 TRASH REMOVAL	0	.00	.00	.00	.00	.00	.0%
101840 65462 RIGGING	6,500	.00	6,500.00	3,548.18	.00	2,951.82	54.6%*
101840 65463 SANITATION	3,900	.00	3,900.00	1,299.60	.00	2,600.40	33.3%*
101840 65467 CONTRACTED SERVICES	0	.00	.00	.00	.00	.00	.0%
101840 65469 SECURITY	0	.00	.00	.00	.00	.00	.0%
101840 65470 PROFESSIONAL DEVELOP	550	.00	550.00	275.00	.00	275.00	50.0%*
101840 65470 OTHER PROFESSIONAL/CO	2,500	.00	2,500.00	2,250.86	.00	249.14	90.0%*
101840 65500 MAIN BLDG/GROUNDS WHA	3,000	.00	3,000.00	1,564.11	.00	1,435.89	52.1%*
101840 65521 UNIFORMS	500	.00	500.00	278.10	.00	221.90	55.6%*
101840 65550 PUBLIC OFFICIALS LIAB	2,575	.00	2,575.00	2,678.00	.00	-103.00	104.0%*
101840 65551 MARINE OPERATORS LIAB	6,150	.00	6,150.00	5,785.00	.00	365.00	94.1%*
101840 66000 PORT AUTHORITY SUPPLI	0	.00	.00	.00	.00	.00	.0%
101840 66010 OFFICE SUPPLIES	1,250	.00	1,250.00	9.79	.00	1,240.21	.8%*
101840 66030 OTHER SUPPLIES	0	.00	.00	.00	.00	.00	.0%
101840 66040 JANITORIAL SUPPLIES &	500	.00	500.00	140.16	.00	359.84	28.0%*
101840 67500 PORT AUTHORITY CAPITA	0	.00	.00	.00	.00	.00	.0%
101840 67520 OPERATING EQUIPMENT	0	.00	.00	.00	.00	.00	.0%
101840 67530 VEHICLES	0	.00	.00	.00	.00	.00	.0%
101840 67540 IMPROVEMENTS TO BLDGS	0	.00	.00	.00	.00	.00	.0%
101840 67563 PORT AUTHORITY CAPITA	0	.00	.00	.00	.00	.00	.0%
101840 68500 TRANSFERS IN/OUT PORT	0	.00	.00	.00	.00	.00	.0%
TOTAL PORT AUTHORITY	129,885	.00	129,885.00	66,110.07	.00	63,774.93	50.9%*
101930 RESOURCE RECOVERY FACILITY							
101930 64000 SOLID WASTE PERSONNEL	0	.00	.00	.00	.00	.00	.0%
101930 64009 SOLID WASTE 40% COMM	30,000	.00	30,000.00	15,396.12	.00	14,603.88	51.3%*
101930 64010 FULL TIME SALARIES	126,734	.00	126,734.00	65,155.30	.00	61,578.70	51.4%*
101930 64011 MANAGER SALARY	0	.00	.00	.00	.00	.00	.0%
101930 64012 SHORELAND RESOURCE OF	0	.00	.00	.00	.00	.00	.0%
101930 64015 ADMIN ASSISTANT	0	.00	.00	.00	.00	.00	.0%
101930 64020 PART TIME SALARIES	28,080	.00	28,080.00	7,963.13	.00	20,116.87	28.4%*
101930 64030 OVERTIME	7,000	.00	7,000.00	1,491.07	.00	5,508.93	21.3%*
101930 64040 HOLIDAY/VACATION PAY	0	.00	.00	.00	.00	.00	.0%
101930 64049 SOLID WASTE EMPLOYEE	0	.00	.00	.00	.00	.00	.0%
101930 64050 MAINE STATE RETIREMEN	12,166	.00	12,166.00	7,883.78	.00	4,282.22	64.8%*



FOR 2018 06

	ORIGINAL APPROP	TRANSFERS/ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101930 64051	ICMA EMPLOYER SHARE	0	0	0	0	0	0%
101930 64060	FICA EMPLOYER SHARE	14,674	14,674	6,742.02	0	7,931.98	45.9%
101930 64070	WORKERS COMPENSATION	11,197	11,197	2,111.70	0	9,085.30	18.9%
101930 64090	MAJOR MEDICAL INSURAN	54,195	54,195	22,291.10	0	31,903.90	41.1%
101930 64091	DENTAL INSURANCE	498	498	94.69	0	403.31	19.0%
101930 64092	DISABILITY INSURANCE	1,611	1,611	703.57	0	907.43	43.7%
101930 64100	UNALLOCATED	0	0	0	0	0	0%
101930 65000	SOLID WASTE EXPENSES	0	0	0	0	0	0%
101930 65018	ALARMS	0	0	0	0	0	0%
101930 65020	TELEPHONE & INTERNET	2,000	2,000	437.79	0	1,562.21	21.9%
101930 65030	TRANSPORTATION	400	400	0	0	400.00	0%
101930 65040	EDUCATIONAL/MEETING E	1,500	1,500	0	0	1,500.00	0%
101930 65060	PRINTING	3,000	3,000	1,716.80	0	1,283.20	57.2%*
101930 65080	LEGAL NOTICES/OTHER A	0	0	0	0	0	0%
101930 65090	ZERO WASTE PROGRAM EX	2,500	2,500	0	0	2,500.00	0%
101930 65200	ELECTRICITY	11,000	11,000	5,270.47	0	5,729.53	47.9%
101930 65220	WATER	800	800	436.35	0	363.65	54.2%*
101930 65230	FUEL OIL	1,230	1,230	0	0	1,230.00	0%
101930 65300	MACHINE & EQUIPMENT M	3,500	3,500	2,342.81	0	1,157.19	66.9%*
101930 65302	PROTECTIVE & SAFETY E	1,000	1,000	463.55	0	536.45	46.4%
101930 65303	FACILITY SAFETY INSP E	1,250	1,250	631.40	0	618.60	50.5%*
101930 65310	VEHICLE MAINTENANCE	0	0	0	0	0	0%
101930 65311	GAS, GREASE, & OIL	10,000	10,000	2,609.35	0	7,390.65	26.1%
101930 65312	TIRES & TUBES	3,000	3,000	0	0	3,000.00	0%
101930 65465	ROAD MAINTENANCE	0	0	0	0	0	0%
101930 65480	OTHER PROFESSIONAL SE	239,000	239,000	103,351.23	0	135,648.77	43.2%
101930 65500	MAINTENANCE OF BLDG/G	10,000	10,000	65.62	0	9,934.38	7.1%
101930 65521	UNIFORMS	2,000	2,000	0	0	2,000.00	0%
101930 65525	HAZARDOUS WASTE COLLE	0	0	0	0	0	0%
101930 65690	RECYCLING	0	0	0	0	0	0%
101930 66000	SOLID WASTE SUPPLIES	0	0	0	0	0	0%
101930 66009	SHOP SUPPLIES	3,500	3,500	4,804.96	0	-1,304.96	137.3%*
101930 66010	OFFICE SUPPLIES	250	250	20.29	0	229.71	8.1%
101930 66011	HAND TOOLS	200	200	0	0	200.00	0%
101930 66030	OTHER SUPPLIES	250	250	0	0	250.00	0%
101930 66040	JANITORIAL SUPPLIES &	1,200	1,200	686.24	0	513.76	57.2%*
101930 67500	SOLID WASTE CAPITAL O	0	0	0	0	0	0%
101930 67516	PLANT EQUIPMENT MAINT	12,500	12,500	1,339.78	0	11,160.22	10.7%
101930 67520	OPERATING EQUIPMENT	0	0	0	0	0	0%
101930 67530	VEHICLES	0	0	0	0	0	0%
101930 67540	IMPROVEMENTS TO BLDGS	0	0	0	0	0	0%
101930 67553	ASPHALT SURFACE MAINT	7,500	7,500	0	0	7,500.00	0%
101930 67562	MERCURY & UW WASTE FA	0	0	0	0	0	0%
101930 68500	TRANSFERS IN/OUT SOLI	0	0	0	0	0	0%



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	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1111 43001	PROPERTY TAX REVENUE	-8,981,322	0	-8,981,322.00	-8,984,659.53	3,337.53	100.0%
1111 43002	PROPERTY TAX SCHOOL ALL	0	0	0.00	0.00	0.00	0%
1111 43003	PROPERTY TAX ABATEMENTS	0	0	0.00	3,890.70	-3,890.70	100.0%
1111 43004	PAYMENT IN LIEU OF TAXE	0	0	0.00	-3,002.84	3,002.84	100.0%
1111 43006	HOMESTEAD EXEMPT STATE	-170,000	0	-170,000.00	-2,469.00	36,469.00	121.5%
1111 43007	TREE GROWTH REVENUE	-2,758	0	-2,758.00	-2,967.51	209.51	107.6%
1111 43031	EXCISE TAX AUTOMOBILE	-1,700,000	0	-1,700,000.00	-961,150.85	-738,849.15	56.5%
1111 43032	EXCISE TAX BOAT	-27,500	0	-27,500.00	-3,112.00	-24,388.00	11.3%
1111 43109	SIGN PERMITS	-3,000	0	-3,000.00	-1,175.00	-1,825.00	39.2%
1111 43110	CODE ENFORCEMENT FEES	-203,000	0	-203,000.00	-251,977.85	48,977.85	124.1%
1111 43112	BUSINESS LICENSE FEE	-400	0	-400.00	0.00	-400.00	0%
1111 43113	BOARD OF ASSESSMENT REV	-4,400	0	-4,400.00	-2,582.50	-1,817.50	58.7%
1111 43114	ADDITIONAL LAND USE FEE	-14,000	0	-14,000.00	-8,900.41	-5,099.59	63.6%
1111 43115	PLANNING FEES (SUBDIVIS	0	0	0.00	-739.00	0.00	0%
1111 43116	CEO FEES TO OFFSET SALA	0	0	0.00	-13,590.60	-8,409.40	61.8%
1111 43120	TOWN CLERK FEES	-22,000	0	-22,000.00	-1,200.00	-847.00	29.4%
1111 43121	WILDLIFE AGENT FEE	-1,200	0	-1,200.00	-353.00	-861.00	46.2%
1111 43122	ANIMAL WELFARE AGENT FE	-1,600	0	-1,600.00	-739.00	0.00	0%
1111 43123	RECREATIONAL VEHICLE AG	0	0	0.00	-27,000.00	-13,763.00	49.0%
1111 43130	TOWN REGISTRATION FEES	-27,000	0	-27,000.00	-2,193.73	1,193.73	219.4%
1111 43135	HWY PERMITS & FEES	-1,000	0	-1,000.00	-47,716.00	-284.00	99.4%
1111 43140	SOLID WASTE PERMITS & F	-48,000	0	-48,000.00	-53,219.45	-86,780.55	38.0%
1111 43145	SOLID WASTE RECYCLING	-140,000	0	-140,000.00	0.00	-86,780.55	0%
1111 43146	SW RECYCLING EXPENSE	0	0	0.00	-435.00	-8,065.00	5.1%
1111 43147	DINGHY FEES	-8,500	0	-8,500.00	-710.00	-2,290.00	23.7%
1111 43148	TRANSIENT SLIP RENTAL	-3,000	0	-3,000.00	-200.00	-800.00	20.0%
1111 43149	KPA APPLICATION FEES	-1,000	0	-1,000.00	-2,369.00	-81,631.00	2.8%
1111 43150	MOORING FEES	-84,000	0	-84,000.00	-7,660.60	-339.40	95.8%
1111 43151	LAUNCH FEE	-8,000	0	-8,000.00	-3,710.00	-1,490.00	71.3%
1111 43152	TRANSIENT MOORING	-5,200	0	-5,200.00	-190.00	-560.00	25.3%
1111 43153	WAIT LIST FEE	-750	0	-750.00	-250.00	-10,750.00	2.3%
1111 43154	HARBOR & WATER USAGE FE	-11,000	0	-11,000.00	0.00	-10,750.00	0%
1111 43155	CIAM LICENSE FEE	0	0	0.00	-600.00	600.00	100.0%
1111 43156	PIER USAGE FEE	0	0	0.00	-123,523.40	-59,476.60	67.5%
1111 43160	FORT FOSTER FEES	-183,000	0	-183,000.00	-700.00	450.00	280.0%
1111 43165	SPRINKLER PERMITS	-250	0	-250.00	0.00	0.00	0%
1111 43190	MISCELLANEOUS LICENSES	0	0	0.00	-7,412.46	-22,587.54	24.7%
1111 43210	LIEN FEES	-30,000	0	-30,000.00	-24,277.47	-10,722.53	69.4%
1111 43220	PENALTY INTEREST	-35,000	0	-35,000.00	0.00	0.00	0%
1111 43310	SALE OF ORDINANCES, MAP	0	0	0.00	-874,355.00	-492,963.65	43.6%
1111 43320	RECREATION FEES	-874,355	0	-874,355.00	-1,227.00	-5,273.00	18.9%
1111 43330	ANIMAL CONTROL	-6,500	0	-6,500.00	-1,55	1.55	100.0%
1111 43335	POSTAGE	0	0	0.00	-100.00	-275.00	26.7%
1111 43336	PHOTO COPIES	-375	0	-375.00	0.00	0.00	0%



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1111 43349	DEA OVERTIME REIMBURSEM	-18,000.00	-18,000.00	-29,087.03	.00	-18,000.00	.0%*
1111 43350	OUTSIDE DETAIL REIMBURS	-15,000.00	-15,000.00	-1,117.00	.00	14,087.03	193.9%
1111 43351	ACCIDENT REPORTS	-3,000.00	-3,000.00	-7,110.00	.00	-1,883.00	37.2%*
1111 43352	PARKING TICKETS	-14,000.00	-14,000.00	-565.00	.00	-6,890.00	50.8%
1111 43353	GUN PERMITS	-2,000.00	-2,000.00	-91,350.00	.00	-1,435.00	28.3%*
1111 43354	ELIOT DISPATCHING SERVI	-91,350.00	-91,350.00	-400.00	.00	-45,675.00	50.0%
1111 43355	ORDINANCE FINES	-400.00	-400.00	-253.00	.00	-400.00	.0%*
1111 43356	WITNESS FEES	-500.00	-500.00	-460.00	.00	-247.00	50.6%
1111 43358	FALSE ALARMS	-1,110.00	-1,110.00	-8,000.00	.00	-650.00	41.4%*
1111 43359	AMBULANCE DISPATCH FEES	-16,000.00	-16,000.00	.00	.00	-8,000.00	50.0%*
1111 43370	PUBLIC HEALTH	0.00	0.00	.00	.00	.00	.0%
1111 43410	MDOT HWY MAINTENANCE RE	-11,500.00	-11,500.00	-203,841.72	.00	-11,500.00	.0%*
1111 43420	STATE REVENUE SHARING	-397,652.00	-397,652.00	.00	.00	-193,810.28	51.3%
1111 43421	STATE PARK FEE REV SHAR	-275.00	-275.00	.00	.00	-275.00	.0%*
1111 43430	BOND REFUNDS	0.00	0.00	-1,554.00	.00	.00	.0%
1111 43443	RESTITUTION INCOME/UNAP	-3,000.00	-3,000.00	.00	.00	-1,446.00	51.8%
1111 43444	ED BALANCE CARRIED FORW	0.00	0.00	.00	.00	.00	.0%
1111 43470	STATE OF MAINE GENERAL	-45,000.00	-45,000.00	-12,417.94	.00	-32,582.06	27.6%*
1111 43480	MARY SAFORD WILDES TRU	-30,000.00	-30,000.00	-15,000.00	.00	-15,000.00	50.0%
1111 43510	INTEREST ON INVESTMENTS	-30,000.00	-30,000.00	-15,378.30	.00	-14,621.70	51.3%
1111 43515	COP FAST GRANT	0.00	0.00	.00	.00	.00	.0%
1111 43520	SCHOOL RESOURCE OFFICER	0.00	0.00	.00	.00	.00	.0%
1111 43525	SEMER BETTERMENT FEE AC	-25,000.00	-25,000.00	-8,683.44	.00	-16,316.56	34.7%*
1111 43530	MISCELLANEOUS REVENUE/U	0.00	0.00	.00	.00	.00	.0%
1111 43535	MAINE EDUCATIONAL TAX R	-22,900.00	-22,900.00	-11,450.00	.00	-11,450.00	50.0%*
1111 43540	SPECIAL ED/DEDICATED AC	0.00	0.00	.00	.00	.00	.0%
1111 43555	SNOWMOBILE/HANDICAP/ELD	-655.00	-655.00	-111,187.10	.00	-655.00	.0%*
1111 43560	GMH HOUSING	-275,875.00	-275,875.00	.00	.00	-164,687.90	40.3%*
1111 43565	FEMA REIMBURSEMENTS	0.00	0.00	.00	.00	.00	.0%
1111 43570	HEALTH INS RETIREMENT R	0.00	0.00	.00	.00	.00	.0%
1111 43575	SUP APPRO FROM UNDESIGN	0.00	0.00	-13,000.00	.00	-13,000.00	.0%*
1111 43580	USE OF CARRY FORWARDS	0.00	0.00	-1,000.00	.00	-1,000.00	.0%*
1111 43585	POLICE SPECIAL REVENUE	0.00	0.00	.00	.00	.00	.0%
1111 43590	RECREATION SPECIAL REVE	0.00	0.00	.00	.00	.00	.0%
1111 45007	INTEREST REVENUE	0.00	0.00	.00	.00	.00	.0%
1111 45010	CABLE TV FRANCHISE REVE	-2,000.00	-2,000.00	.00	.00	-2,000.00	.0%*
1111 45015	FEMA REVENUE	0.00	0.00	.00	.00	.00	.0%
1111 45020	MMA W/C DIVIDEND	-9,000.00	-9,000.00	-8,556.00	.00	-444.00	95.1%
1111 45025	SCHOOL RESOURCE OFFICER	-40,000.00	-40,000.00	.00	.00	-40,000.00	.0%*
1111 45002	SEMER ENTERPRISE FUND R	0.00	0.00	.00	.00	.00	.0%
1111 73438	SCHOOL MISCELLANEOUS	0.00	0.00	.00	.00	.00	.0%
1111 73439	FEDERAL IMPACT AID	0.00	0.00	.00	.00	.00	.0%
1111 73440	STATE EDUCATION SUBSIDY	0.00	0.00	.00	.00	.00	.0%



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMNTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1111 73441 DEBT SERVICE (SCHOOL BO	0	.00	.00	.00	.00	.00	.0%
1111 73442 STATE ED TAX RELIEF BLO	0	.00	.00	.00	.00	.00	.0%
1111 73446 ADULT ED SUBSIDY	0	.00	.00	.00	.00	.00	.0%
TOTAL TOWN REVENUE	-13,652,327	-14,000.00	-13,666,327.00	-11,588,248.93	.00	-2,078,078.07	84.8%
TOTAL TOWN GENERAL FUND	0	.00	.00	-3,044,109.49	.00	3,044,109.49	100.0%
TOTAL REVENUES	-13,652,327	-14,000.00	-13,666,327.00	-11,588,248.93	.00	-2,078,078.07	
TOTAL EXPENSES	13,652,327	14,000.00	13,666,327.00	8,544,139.44	.00	5,122,187.56	
6000 SEWER FUND							
6000 SEWER FUND							
6000 43003 SEWER ADJUSTMENTS	0	.00	.00	.00	.00	.00	.0%
6000 43210 SEWER LIEN FEES	0	.00	.00	.00	.00	.00	.0%
6000 43220 PENALTY INTEREST	-5,000	.00	-5,000.00	-3,537.16	.00	-1,462.84	70.7%
6000 45001 REVENUE US NAVY	-580,695	.00	-580,695.00	-143,711.55	.00	-436,983.45	24.7%
6000 45002 REVENUE US NAVY HOUSING	-93,590	.00	-93,590.00	-29,670.10	.00	-63,919.90	31.7%
6000 45003 REVENUE OTHER	-40,000	.00	-40,000.00	-20,330.39	.00	-19,669.61	50.8%
6000 45004 REVENUE TOWN OF ELLIOT	-217,292	.00	-217,292.00	-61,632.63	.00	-155,659.37	28.4%
6000 45005 EXPANSION NEW SEWER	-1,229,399	.00	-1,229,399.00	-377,172.11	.00	-852,226.89	30.7%
6000 45006 REVENUE INTEREST	-64,000	.00	-64,000.00	3,470.53	.00	-67,470.53	-5.4%
6000 45007 SEWER INTEREST REVENUE	0	.00	0.00	-11,357.88	.00	11,357.88	100.0%
6000 45008 UNBILLED REVENUE SEWER	-193,613	.00	-193,613.00	.00	.00	-193,613.00	.0%
6000 68060 DEBT SERVICE	0	.00	0.00	.00	.00	.00	.0%
6000 68500 TRANSFRS IN/OUT SEWER	0	.00	0.00	.00	.00	.00	.0%
6000 71345 OLD ACCT DIVIDENDS	0	.00	0.00	.00	.00	.00	.0%
TOTAL SEWER FUND	-2,423,589	.00	-2,423,589.00	-643,941.29	.00	-1,779,647.71	26.6%
602702 SEWER LINES							
602702 64010 SEWER LINES LABOR	15,095	.00	15,095.00	12,012.03	.00	3,082.97	79.6%
602702 65480 OTHER PROF SERV/CONTR	22,050	.00	22,050.00	25,276.00	.00	-3,226.00	114.6%
602702 66300 SUPPLIES - SEWER LINE	4,500	.00	4,500.00	8,716.02	.00	-4,216.02	193.7%
TOTAL SEWER LINES	41,645	.00	41,645.00	46,004.05	.00	-4,359.05	110.5%
602710 PUMP STATION # 1							
602710 64010 PUMP STATION # 1 LABO	2,323	.00	2,323.00	2,149.52	.00	173.48	92.5%



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	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602710 PUMP STATION # 1							
602710 65015	0	.00	.00	.00	.00	.00	.0%
602710 65200	5,000	.00	5,000.00	2,329.25	.00	2,670.75	46.6%
602710 65220	0	.00	.00	.00	.00	.00	.0%
602710 65315	0	.00	.00	.00	.00	.00	.0%
602710 65480	1,000	.00	1,000.00	398.05	.00	601.95	39.8%
602710 65930	260	.00	260.00	133.65	.00	126.35	51.4%*
602710 66300	50	.00	50.00	50.00	.00	50.00	.0%
602710 66320	450	.00	450.00	184.28	.00	265.72	41.0%
TOTAL PUMP STATION # 1							
	9,083	.00	9,083.00	5,194.75	.00	3,888.25	57.2%
602711 PUMP STATION # 2							
602711 64010	4,647	.00	4,647.00	1,755.23	.00	2,891.77	37.8%
602711 65015	0	.00	.00	.00	.00	.00	.0%
602711 65200	3,800	.00	3,800.00	1,208.88	.00	2,591.12	31.8%
602711 65220	0	.00	.00	.00	.00	.00	.0%
602711 65315	0	.00	.00	.00	.00	.00	.0%
602711 65480	900	.00	900.00	398.13	.00	501.87	44.2%
602711 65930	300	.00	300.00	133.65	.00	166.35	44.6%
602711 66300	100	.00	100.00	100.00	.00	100.00	.0%
602711 66320	500	.00	500.00	184.40	.00	315.60	36.9%
TOTAL PUMP STATION # 2							
	10,247	.00	10,247.00	3,680.29	.00	6,566.71	35.9%
602712 PUMP STATION # 3							
602712 64010	3,098	.00	3,098.00	756.52	.00	2,341.48	24.4%
602712 65015	0	.00	.00	.00	.00	.00	.0%
602712 65200	2,000	.00	2,000.00	712.84	.00	1,287.16	35.6%
602712 65220	0	.00	.00	.00	.00	.00	.0%
602712 65315	0	.00	.00	.00	.00	.00	.0%
602712 65480	6,000	.00	6,000.00	3,632.63	.00	2,367.37	60.5%*
602712 65930	260	.00	260.00	133.65	.00	126.35	51.4%*
602712 66300	50	.00	50.00	50.00	.00	50.00	.0%
602712 66320	650	.00	650.00	249.17	.00	400.83	38.3%
TOTAL PUMP STATION # 3							
	12,058	.00	12,058.00	5,484.81	.00	6,573.19	45.5%
602713 PUMP STATION # 4							
602713 64010	2,323	.00	2,323.00	906.07	.00	1,416.93	39.0%



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602713 65015	0	.00	.00	.00	.00	.00	.0%
602713 65200	1,450	.00	1,450.00	436.46	.00	1,013.54	30.1%
602713 65220	0	.00	.00	.00	.00	.00	.0%
602713 65315	0	.00	.00	.00	.00	.00	.0%
602713 65480	1,200	.00	1,200.00	1,703.63	.00	-503.63	142.0%*
602713 65930	300	.00	300.00	133.65	.00	166.35	44.6%
602713 66300	25	.00	25.00	25.00	.00	25.00	100.0%
602713 66320	650	.00	650.00	184.40	.00	465.60	28.4%
TOTAL PUMP STATION # 4	5,948	.00	5,948.00	3,364.21	.00	2,583.79	56.6%
602714 PUMP STATION # 5							
602714 64010	2,323	.00	2,323.00	951.27	.00	1,371.73	41.0%
602714 65015	0	.00	.00	.00	.00	.00	.0%
602714 65200	1,400	.00	1,400.00	238.73	.00	1,161.27	17.1%
602714 65220	0	.00	.00	.00	.00	.00	.0%
602714 65315	0	.00	.00	.00	.00	.00	.0%
602714 65480	1,100	.00	1,100.00	398.13	.00	701.87	36.2%
602714 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602714 66300	50	.00	50.00	50.00	.00	50.00	100.0%
602714 66320	450	.00	450.00	184.40	.00	265.60	41.0%
TOTAL PUMP STATION # 5	5,583	.00	5,583.00	1,906.19	.00	3,676.81	34.1%
602715 PUMP STATION # 6							
602715 64010	6,196	.00	6,196.00	9,293.57	.00	-3,097.57	150.0%*
602715 65015	0	.00	.00	.00	.00	.00	.0%
602715 65200	16,000	.00	16,000.00	4,599.48	.00	11,400.52	28.7%
602715 65220	1,000	.00	1,000.00	264.50	.00	735.50	26.5%
602715 65315	800	.00	800.00	149.70	.00	650.30	18.7%
602715 65480	4,725	.00	4,725.00	2,719.50	.00	2,005.50	57.6%*
602715 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602715 66300	1,000	.00	1,000.00	199.99	.00	800.01	20.0%
602715 66320	3,050	.00	3,050.00	817.03	.00	2,232.97	26.8%
TOTAL PUMP STATION # 6	33,031	.00	33,031.00	18,177.43	.00	14,853.57	55.0%
602716 PUMP STATION # 7 (ELLIOT)							
602716 64010	4,647	.00	4,647.00	8,417.65	.00	-3,770.65	181.1%*



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602716 PUMP STATION # 7 (ELIOT)							
602716 65015	CELLULAR PHONE						
602716 65200	PUMP STATION # 7 ELEC	0	0	2,203.78	0	2,656.22	45.3%
602716 65220	PUMP STATION # 7 WATE	4,860	0	117.94	0	112.06	51.3%*
602716 65315	PUMP STATION GENERATO	230	0	425.00	0	425.00	0%
602716 65480	PUMP STATION # 7 CONT	4,784	0	24,425.07	0	-19,641.07	510.6%*
602716 65930	PUMP STATION # 7 ALAR	270	0	133.66	0	136.34	49.5%
602716 66300	PUMP STATION # 7 SUPP	50	0	251.99	0	50.00	0%
602716 66320	PUMP STATION # 7 PART	1,550	0	1,298.01	0	1,298.01	16.3%
TOTAL PUMP STATION # 7 (ELIOT)							
		16,816	0	35,550.09	0	-18,734.09	211.4%
602717 PUMP STATION # 8							
602717 64010	PUMP STATION # 8 LABO	6,196	0	4,103.04	0	2,092.96	66.2%*
602717 65015	CELLULAR PHONE	0	0	172.25	0	827.75	17.2%
602717 65200	PUMP STATION # 8 ELEC	10,000	0	263.50	0	36.50	87.8%*
602717 65220	PUMP STATION # 8 WATE	1,000	0	8,850.00	0	6,674.50	24.6%
602717 65315	PUMP STATION GENERATO	300	0	133.66	0	146.34	47.7%
602717 65480	PUMP STATION # 8 CONT	8,850	0	512.45	0	500.00	0%
602717 65930	PUMP STATION # 8 ALAR	280	0	1,537.55	0	1,537.55	25.0%
602717 66300	PUMP STATION # 8 SUPP	500	0				
602717 66320	PUMP STATION # 8 PART	2,050	0				
TOTAL PUMP STATION # 8							
		29,176	0	10,832.16	0	18,343.84	37.1%
602718 PUMP STATION # 9							
602718 64010	PUMP STATION # 9 LABO	6,196	0	1,883.72	0	4,312.28	30.4%
602718 65015	CELLULAR PHONE	0	0	270.97	0	329.03	45.2%
602718 65020	PUMP STATION #9 TELEP	600	0	2,302.34	0	7,697.66	23.0%
602718 65200	PUMP STATION # 9 ELEC	10,000	0	58.97	0	166.03	26.2%
602718 65220	PUMP STATION # 9 WATE	225	0	146.64	0	353.36	29.3%*
602718 65315	PUMP STATION GENERATO	500	0	3,619.21	0	2,440.79	59.7%*
602718 65480	PUMP STATION # 9 CONT	6,060	0	133.66	0	146.34	47.7%
602718 65930	PUMP STATION # 9 ALAR	280	0	70.00	0	50.00	0%
602718 66300	PUMP STATION # 9 SUPP	120	0	6.99	0	843.01	8%
602718 66320	PUMP STATION # 9 PART	850	0				
TOTAL PUMP STATION # 9							
		24,831	0	8,492.50	0	16,338.50	34.2%
602719 PUMP STATION #10							
602719 64010	PUMP STATION #10 LABO	2,323	0	2,100.42	0	222.58	90.4%*



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602719 65015	0	.00	.00	.00	.00	.00	.0%
602719 65200	500	.00	500.00	424.15	.00	75.85	84.8%*
602719 65220	0	.00	.00	.00	.00	.00	.0%
602719 65315	0	.00	.00	.00	.00	.00	.0%
602719 65480	1,000	.00	1,000.00	1,323.13	.00	-323.13	132.3%*
602719 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602719 66300	50	.00	50.00	50.00	.00	50.00	100.0%*
602719 66320	500	.00	500.00	1,005.59	.00	-505.59	201.1%*
TOTAL PUMP STATION #10	4,633	.00	4,633.00	4,986.95	.00	-353.95	107.6%
602720 PUMP STATION #11							
602720 64010	2,323	.00	2,323.00	1,148.51	.00	1,174.49	49.4%
602720 65015	0	.00	.00	.00	.00	.00	.0%
602720 65200	1,000	.00	1,000.00	298.26	.00	701.74	29.8%
602720 65220	0	.00	.00	.00	.00	.00	.0%
602720 65315	0	.00	.00	.00	.00	.00	.0%
602720 65480	1,000	.00	1,000.00	398.13	.00	601.87	39.8%*
602720 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602720 66300	25	.00	25.00	25.00	.00	25.00	100.0%*
602720 66320	550	.00	550.00	280.37	.00	269.63	51.0%*
TOTAL PUMP STATION #11	5,158	.00	5,158.00	2,258.93	.00	2,899.07	43.8%
602721 PUMP STATION #12							
602721 64010	2,323	.00	2,323.00	903.42	.00	1,419.58	38.9%
602721 65015	0	.00	.00	.00	.00	.00	.0%
602721 65200	700	.00	700.00	238.28	.00	461.72	34.0%
602721 65220	0	.00	.00	.00	.00	.00	.0%
602721 65315	0	.00	.00	.00	.00	.00	.0%
602721 65480	1,000	.00	1,000.00	398.13	.00	601.87	39.8%*
602721 65930	260	.00	260.00	678.66	.00	-418.66	261.0%*
602721 66300	25	.00	25.00	.00	.00	25.00	.0%*
602721 66320	400	.00	400.00	184.40	.00	215.60	46.1%
TOTAL PUMP STATION #12	4,708	.00	4,708.00	2,402.89	.00	2,305.11	51.0%
602722 PUMP STATION #13							
602722 64010	4,647	.00	4,647.00	1,581.82	.00	3,065.18	34.0%



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602722 65015	0	.00	.00	.00	.00	.00	.0%
602722 65200	5,700	.00	5,700.00	2,844.96	.00	2,855.04	49.9%
602722 65220	0	.00	.00	.00	.00	.00	.0%
602722 65315	0	.00	.00	.00	.00	.00	.0%
602722 65480	2,000	.00	2,000.00	793.13	.00	1,206.87	39.7%
602722 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602722 66300	50	.00	50.00	.00	.00	50.00	.0%
602722 66320	750	.00	750.00	214.40	.00	535.60	28.6%
TOTAL PUMP STATION #13	13,407	.00	13,407.00	5,567.97	.00	7,839.03	41.5%
602723 PUMP STATION #14							
602723 64010	2,323	.00	2,323.00	437.01	.00	1,885.99	18.8%
602723 65015	0	.00	.00	.00	.00	.00	.0%
602723 65200	750	.00	750.00	193.17	.00	556.83	25.8%
602723 65220	0	.00	.00	.00	.00	.00	.0%
602723 65315	0	.00	.00	.00	.00	.00	.0%
602723 65480	650	.00	650.00	398.13	.00	251.87	61.3%*
602723 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602723 66300	25	.00	25.00	.00	.00	25.00	.0%
602723 66320	400	.00	400.00	184.41	.00	215.59	46.1%
TOTAL PUMP STATION #14	4,408	.00	4,408.00	1,346.38	.00	3,061.62	30.5%
602724 PUMP STATION #15							
602724 64010	2,323	.00	2,323.00	491.81	.00	1,831.19	21.2%
602724 65015	0	.00	.00	.00	.00	.00	.0%
602724 65200	600	.00	600.00	148.74	.00	451.26	24.8%
602724 65220	0	.00	.00	.00	.00	.00	.0%
602724 65315	0	.00	.00	.00	.00	.00	.0%
602724 65480	1,000	.00	1,000.00	398.13	.00	601.87	39.8%
602724 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602724 66300	25	.00	25.00	.00	.00	25.00	.0%
602724 66320	400	.00	400.00	1,159.80	.00	-759.80	290.0%*
TOTAL PUMP STATION #15	4,608	.00	4,608.00	2,332.14	.00	2,275.86	50.6%
602725 PUMP STATION #16							
602725 64010	2,323	.00	2,323.00	405.61	.00	1,917.39	17.5%



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602725 PUMP STATION #16 LABO							
602725 65015	0	.00	.00	.00	.00	.00	.0%
602725 65200	700	.00	700.00	219.59	.00	480.41	31.4%
602725 65220	0	.00	.00	.00	.00	.00	.0%
602725 65315	0	.00	.00	.00	.00	.00	.0%
602725 65480	700	.00	700.00	398.13	.00	301.87	56.9%*
602725 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602725 66300	25	.00	25.00	25.00	.00	25.00	.0%
602725 66320	475	.00	475.00	184.41	.00	290.59	38.8%
TOTAL PUMP STATION #16	4,483	.00	4,483.00	1,341.40	.00	3,141.60	29.9%
602726 PUMP STATION #17							
602726 64010	2,323	.00	2,323.00	836.45	.00	1,486.55	36.0%
602726 65015	0	.00	.00	.00	.00	.00	.0%
602726 65200	800	.00	800.00	188.00	.00	612.00	23.5%
602726 65220	0	.00	.00	.00	.00	.00	.0%
602726 65315	0	.00	.00	.00	.00	.00	.0%
602726 65480	700	.00	700.00	780.63	.00	-80.63	111.5%*
602726 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602726 66300	25	.00	25.00	25.00	.00	25.00	.0%
602726 66320	525	.00	525.00	2,127.88	.00	-1,602.88	405.3%*
TOTAL PUMP STATION #17	4,633	.00	4,633.00	4,066.62	.00	566.38	87.8%
602727 PUMP STATION #18							
602727 64010	2,323	.00	2,323.00	571.57	.00	1,751.43	24.6%
602727 65015	0	.00	.00	.00	.00	.00	.0%
602727 65200	700	.00	700.00	206.74	.00	493.26	29.5%
602727 65220	0	.00	.00	.00	.00	.00	.0%
602727 65315	0	.00	.00	.00	.00	.00	.0%
602727 65480	1,368	.00	1,368.00	398.13	.00	969.87	29.1%
602727 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602727 66300	25	.00	25.00	25.00	.00	25.00	.0%
602727 66320	650	.00	650.00	184.41	.00	465.59	28.4%
TOTAL PUMP STATION #18	5,326	.00	5,326.00	1,494.51	.00	3,831.49	28.1%
602728 PUMP STATION #19							
602728 64010	2,323	.00	2,323.00	890.73	.00	1,432.27	38.3%



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	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602728 65015	0	.00	.00	.00	.00	.00	.0%
602728 65200	415	.00	415.00	117.99	.00	297.01	28.4%
602728 65220	0	.00	.00	.00	.00	.00	.0%
602728 65315	0	.00	.00	.00	.00	.00	.0%
602728 65480	900	.00	900.00	1,598.13	.00	-698.13	177.6%*
602728 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602728 66300	25	.00	25.00	.00	.00	25.00	.0%
602728 66320	450	.00	450.00	.00	.00	450.00	.0%
TOTAL PUMP STATION #19	4,373	.00	4,373.00	2,740.51	.00	1,632.49	62.7%
602729 PUMP STATION #20							
602729 64010	2,323	.00	2,323.00	486.72	.00	1,836.28	21.0%
602729 65015	0	.00	.00	.00	.00	.00	.0%
602729 65200	200	.00	200.00	59.32	.00	140.68	29.7%
602729 65220	0	.00	.00	.00	.00	.00	.0%
602729 65315	0	.00	.00	.00	.00	.00	.0%
602729 65480	600	.00	600.00	398.13	.00	201.87	66.4%*
602729 65930	260	.00	260.00	133.66	.00	126.34	51.4%*
602729 66300	25	.00	25.00	.00	.00	25.00	.0%
602729 66320	250	.00	250.00	.00	.00	250.00	.0%
TOTAL PUMP STATION #20	3,658	.00	3,658.00	1,077.83	.00	2,580.17	29.5%
602730 PUMP STATION #21							
602730 64010	3,098	.00	3,098.00	1,112.50	.00	1,985.50	35.9%
602730 65015	0	.00	.00	.00	.00	.00	.0%
602730 65200	2,400	.00	2,400.00	1,063.56	.00	1,336.44	44.3%
602730 65220	0	.00	.00	.00	.00	.00	.0%
602730 65315	0	.00	.00	.00	.00	.00	.0%
602730 65480	550	.00	550.00	80.71	.00	-80.71	100.0%*
602730 65930	260	.00	260.00	350.00	.00	200.00	63.6%*
602730 66300	25	.00	25.00	678.66	.00	-418.66	261.0%*
602730 66320	450	.00	450.00	.00	.00	25.00	.0%
TOTAL PUMP STATION #21	6,783	.00	6,783.00	3,982.29	.00	2,800.71	58.7%
602731 PUMP STATION #22							
602731 64010	4,647	.00	4,647.00	1,380.15	.00	3,266.85	29.7%



FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602731 65200	PUMP STATION # 22 ELE	1,200	1,200.00	410.05	.00	789.95	34.2%
602731 65480	PUMP STATION # 22 CON	600	600.00	387.17	.00	212.83	64.5%*
602731 65930	PUMP STATION # 22 ALA	260	260.00	133.66	.00	126.34	51.4%*
602731 66300	PUMP STATION # 22 SUP	25	25.00	35.25	.00	-10.25	141.0%*
602731 66320	PUMP STATION # 22 PAR	500	500.00	.00	.00	500.00	.0%
TOTAL PUMP STATION #22		7,232	7,232.00	2,346.28	.00	4,885.72	32.4%

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602732 64010	PUMP STATION # 23 LAB	2,323	2,323.00	1,365.20	.00	957.80	58.8%*
602732 65200	PUMP STATION # 23 ELE	1,600	1,600.00	230.98	.00	1,369.02	14.4%
602732 65480	PUMP STATION # 23 CON	550	550.00	970.00	.00	-420.00	176.4%*
602732 65930	PUMP STATION # 23 ALA	260	260.00	133.66	.00	126.34	51.4%*
602732 66300	PUMP STATION # 23 SUPP	25	25.00	.00	.00	25.00	.0%
602732 66320	PUMP STATION # 23 PAR	450	450.00	.00	.00	450.00	.0%
TOTAL PUMP STATION #23		5,208	5,208.00	2,699.84	.00	2,508.16	51.8%

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602733 64010	PUMP STATION # 24 LAB	3,098	3,098.00	716.94	.00	2,381.06	23.1%
602733 65200	PUMP STATION # 24 ELE	600	600.00	215.98	.00	384.02	36.0%
602733 65480	PUMP STATION # 24 CON	550	550.00	270.00	.00	280.00	49.1%
602733 65930	PUMP STATION # 24 ALA	260	260.00	133.66	.00	126.34	51.4%*
602733 66300	PUMP STATION # 24 SUP	25	25.00	.00	.00	25.00	.0%
602733 66320	PUMP STATION # 24 PAR	600	600.00	.00	.00	600.00	.0%
TOTAL PUMP STATION #24		5,133	5,133.00	1,336.58	.00	3,796.42	26.0%

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602750 64010	TREATMENT PLANT LABOR	173,130	173,130.00	86,476.94	.00	86,653.06	49.9%
602750 64019	PLANT MAINT LABOR	78,106	78,106.00	19,658.89	.00	58,447.11	25.2%
602750 64030	OVERTIME	43,294	43,294.00	11,390.98	.00	31,903.02	26.3%
602750 64050	MAINE STATE RETIREMEN	28,144	28,144.00	16,702.96	.00	11,441.04	59.3%*
602750 64060	FICA EMPLOYER SHARE	21,767	21,767.00	12,682.93	.00	9,084.07	58.3%*
602750 64090	MAJOR MEDICAL INSURAN	0	.00	.00	.00	.00	.0%



FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602750 65015	0	.00	.00	.00	.00	.00	.0%
602750 65020	3,276	.00	3,276.00	1,691.11	.00	1,584.89	51.6%
602750 65040	5,200	.00	5,200.00	1,698.50	.00	3,501.50	32.7%
602750 65200	100,000	.00	100,000.00	48,261.54	.00	51,738.46	48.3%
602750 65220	4,172	.00	4,172.00	1,881.46	.00	2,290.54	45.1%
602750 65230	15,792	.00	15,792.00	3,823.92	.00	11,968.08	24.2%
602750 65310	48,743	.00	48,743.00	17,811.86	.00	30,931.14	36.5%
602750 65316	2,240	.00	2,240.00	290.74	.00	1,949.26	13.0%
602750 65410	7,998	.00	7,998.00	1,552.16	.00	6,445.84	19.4%
602750 65480	49,600	.00	49,600.00	26,288.78	.00	23,311.22	53.0%
602750 65500	2,000	.00	2,000.00	372.55	.00	1,627.45	18.6%
602750 65700	2,000	.00	2,000.00	173.51	.00	1,826.49	8.7%
602750 65930	2,000	.00	2,000.00	133.60	.00	1,866.40	6.7%
602750 65940	0	.00	.00	.00	.00	.00	.0%
602750 65955	120,645	.00	120,645.00	46,984.21	.00	73,660.79	38.9%
602750 66010	24,670	.00	24,670.00	11,452.18	.00	13,217.82	46.4%
602750 66300	2,900	.00	2,900.00	1,719.17	.00	1,180.83	59.3%
602750 66340	11,945	.00	11,945.00	3,277.09	.00	8,667.91	27.4%
602750 66400	1,000	.00	1,000.00	896.31	.00	103.69	89.6%
602750 66410	20,000	.00	20,000.00	12,049.04	.00	7,950.96	60.2%
602750 66420	25,000	.00	25,000.00	22,570.60	.00	2,429.40	90.3%
602750 66450	100,000	.00	100,000.00	44,493.84	.00	55,506.16	44.5%
602750 66520	0	.00	.00	8,809.27	.00	-8,809.27	100.0%
TOTAL TREATMENT PLANT	893,622	.00	893,622.00	403,144.14	.00	490,477.86	45.1%
602760 SEWER GENERAL OPERATING							
602760 64011	29,540	.00	29,540.00	14,944.73	.00	14,595.27	50.6%
602760 64012	83,226	.00	83,226.00	42,700.00	.00	40,526.00	51.3%
602760 64013	45,698	.00	45,698.00	22,838.40	.00	22,859.60	50.0%
602760 64031	14,000	.00	14,000.00	.00	.00	14,000.00	.0%
602760 64050	12,377	.00	12,377.00	6,291.74	.00	6,085.26	50.8%
602760 64051	1,772	.00	1,772.00	889.55	.00	882.45	50.2%
602760 64060	12,122	.00	12,122.00	5,799.59	.00	6,322.41	47.8%
602760 64070	14,461	.00	14,461.00	5,009.54	.00	9,451.46	34.6%
602760 64090	130,540	.00	130,540.00	86,558.85	.00	43,981.15	66.3%
602760 64091	1,198	.00	1,198.00	710.58	.00	487.42	59.3%
602760 64092	3,999	.00	3,999.00	2,073.68	.00	1,925.32	51.9%
602760 65101	33,350	.00	33,350.00	25,226.00	.00	8,124.00	75.6%
602760 65350	22,900	.00	22,900.00	11,450.00	.00	11,450.00	50.0%

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FOR 2018 06

	ORIGINAL APPROP	TRANSFRS/ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602760 65430	ADDIT SERVICES	3,400	3,400.00	3,700.00	.00	-300.00	108.8%*
602760 65480	OTHER PROFESSIONAL SE	0	.00	.00	.00	.00	.0%
602760 68060	DEBT SERVICE	849,215	849,215.00	87,024.75	.00	762,190.25	10.2%
602760 68061	INTEREST EXP - SEWER	0	.00	.00	.00	.00	.0%
602760 68070	DEBT SERVICE - 2015 C	0	.00	.00	.00	.00	.0%
602760 68400	DEPRECIATION TOWN PIA	0	.00	.00	.00	.00	.0%
602760 68920	AMORTIZATION EXPENSE	0	.00	.00	.00	.00	.0%
TOTAL SEWER GENERAL OPERATING		1,257,798	1,257,798.00	315,217.41	.00	942,580.59	25.1%
TOTAL SEWER FUND		0	.00	253,087.86	.00	-253,087.86	100.0%
TOTAL REVENUES		-2,423,589	-2,423,589.00	-643,941.29	.00	-1,779,647.71	
TOTAL EXPENSES		2,423,589	2,423,589.00	897,029.15	.00	1,526,559.85	
GRAND TOTAL		0	.00	-2,791,021.63	.00	2,791,021.63	100.0%

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

Town of Kittery
Fund Balances - Capital Projects and Special Revenues
For the month ending December 31, 2017

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2017	Transfers YE FY17	Transfers FY18	CIP Appropriation 7/1/2017	YTD Expense	YTD Revenue	Ending Fund Balance
Special Revenues (Grants, Designated Accounts, etc)									
SR	2006	Additional Snow and Ice Expenses	1,504.29				(1,504.29)		-
SR	2012	Fire Hazmat Spill Recovery Fees	4,236.12				(485.98)		3,770.14
SR	2013	GMH Fire/Police Protection	482.75						482.75
SR	2014	Police Grants	24.18						24.18
SR	2028	Ballot Machines	6,078.00						6,078.00
SR	2032	ASA Applicant Code	30,285.54				(18,271.50)	46,101.18	58,095.22
SR	2038	Kittery Block Party	22,743.97				(23,311.73)	3,500.00	2,932.24
SR	2056	Concerts in the Park	2,846.91				(2,600.00)		246.91
SR	2059	KL T /Conservation Comm	972.02						972.02
SR	2060	Wetland mitigation	25,156.00						25,156.00
SR	2063	Kittery Community Center (KCC) Donations	13,617.29					14,873.62	28,490.91
SR	2066	Police Forfeiture	59,296.57					894.38	60,190.95
SR	2068	Fort Foster Bench Donations	12,635.11				(1,848.78)	25.00	10,811.33
SR	2069	Boaling Infrastructure Grant (BIG)	1,583.71						1,583.71
SR	2071	D.A.R.E	216.03						216.03
SR	2074-43603	TIF District #3	54,454.76				(6,961.24)		47,493.52
SR	2074-67502	TIF District #2	167,627.84						167,627.84
SR	2076	Wave Mitigation - Peppercall Cove	4,000.00						4,000.00
SR	2077	Brownfields Grant	(1,372.32)				(3,668.83)		(5,041.15)
SR	2079	Spruce Creek 319 PH4 Grant	687.35				(5,261.50)	6,926.23	2,352.08
SR	2081	Channel 22 (PEG) Capital Funding	431,999.99				(24,157.66)	56,231.93	464,074.26
SR	2082	KCC Playgrounds	20,000.00					64,618.36	64,618.36
SR	2091	FEMA Flood Maps Ins Rate Appeal	(1,000.00)				(23,825.00)		(3,825.00)
SR	2092	Dispatch Center	452,058.26						(1,000.00)
SR	4001-67500/43600	State Aid to Roads General	275,744.70		(128,597.50)		(2,400.00)	155,664.00	476,724.76
SR	4001-67502/43602	Whipple Road Improvements	233,109.44		27,292.10		(1,581.66)	301,455.14	301,455.14
SR	4001-67503/43603	Memorial Circle Improvements	-		10,000.00		(1,862,017.20)	952,787.27	(666,120.49)
SR	4001-67508/43608	Walker/Wentworth	61,461.04		91,305.40		(21,843.65)	47,403.23	87,020.62
SR	4030	Public Safety Impact Fees	41,230.54				(241,632.24)	41,615.27	(158,786.43)
SR	2093	LWCF Grant - Emery Field Phase 1	30,000.00				(2,400.00)		27,600.00
SR	2210	Ogden KCC Grant	1,951,660.09		-		(2,243,751.26)	1,390,640.47	1,098,549.30
Total Special Revenue									
CIP Bonds									
CP	2036	Kittery Community Center Bonds	373.48						373.48
CP	2085	2016 Municipal Projects	24,255.35					1,378.01	25,633.36
CIP Programs									
SR	2022	Compensated Absences	36,981.90	170,767.00					207,748.90
CP	2033	Property Revaluation	3,478.91						3,478.91
CP	2053	Pier Construction	(69,309.58)			35,646.00			(33,663.58)

Town of Kittery
Fund Balances - Capital Projects and Special Revenues
For the month ending December 31, 2017

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2017	Transfers YE FY17	Transfers FY18	GP Appropriation 7/1/2017	YTD Expense	YTD Revenue	Ending Fund Balance
CP	2057	Open space	59,047.00						59,047.00
CP	2078	Athletic Fields Master Plan (Design)	37,142.34			25,000.00			62,142.34
CP	2080	Comprehensive Plan Update	25,000.00						25,000.00
CP	4000	KCC Annex & Econ Dev	6,397.12						6,397.12
CP	4002	Right of Way Reserve (inc 4005, 4006, 4008, 2090)	813,921.17			200,000.00	(717,301.61)		296,619.56
CP	4011	KCC Vehicle Reserve	14,700.00			6,000.00			20,700.00
CP	4012	Public Works Vehicles/Equipment (inc. 4009, 4014, 4015, 4023)	114,335.79			500,000.00	(490,875.28)		123,460.51
CP	4013	Fire Apparatus Reserve	181,862.19			159,750.00	(40,242.00)		301,370.19
CP	4017	MS4 Compliance Reserve	104,869.40			10,000.00	(1,509.20)		113,360.20
CP	4018	KPA Boat Reserve	1,997.02			7,500.00		7,601.00	17,098.02
CP	4019	KCC Equipment Reserve	7,068.73			5,000.00			12,068.73
CP	4020	Municipal Technology Reserve	23,951.39			35,000.00	(30,478.39)		28,473.00
CP	4022	Police Vehicle/Equipment	4,450.94			113,000.00	(93,981.04)		23,469.90
CP	4026	Records Preservation	12.13			10,000.00	(800.00)		9,212.13
CP	4027	Municipal Facility Reserve (was Roof Maintenance)	170,772.47			50,000.00	(26,832.33)		193,940.14
CP	4031	Public Safety Base Station Radio Replace	20,845.45						20,845.45
CP	4037	Fire Dept SCBAs	493.02						493.02
CP	4043	Parks Building & Grounds (inc 4016)	3,875.47			20,000.00	(17,554.45)		6,321.02
CP	4051	KCC Facility Reserve	23,700.00			10,000.00			33,700.00
CP	4053	Pepperell Cove Paving/Utilities	21,461.88						21,461.88
CP	4055	Port Authority Equipment Reserve (inc 4052)	37,686.00			13,000.00			50,686.00
CP	4056	Fire Dept Equipment Reserve	85,217.32			57,667.00	(11,539.62)		131,344.70
CP	4057	RT 1 Bypass & RT 1 Two Way Plan	2,500.00						2,500.00
CP	4100	Fire Dept Facility Reserve (was Boiler Replacements)	36,340.00				(46,415.00)		(10,075.00)
CP	4110	PW Sign Shed	20.00						20.00
CP	4115	KPA Pepperell Cove Railings & Lights	1,057.00						1,057.00
CP	4116	KPA Facility Reserve (was Gov Pier)	6,386.50	10,473.00		50,000.00	(7,505.00)		59,354.50
CP	4122	Zoning Recodification and GIS Upgrade				45,000.00			45,000.00
CP	4120	Rice and Taylor Lighting				10,000.00			10,000.00
CP	4121	Rice Beam Replacement				6,740.00			6,740.00
Total Capital Projects			1,982,130.39	181,240.00		1,369,303.00	(1,485,033.92)	7,601.00	1,813,638.48
School Capital Projects									
SCH	1001	School Facility Reserve	128,330.13			50,000.00	(44,125.81)		134,204.32
SCH	1002	School Equipment Reserve	102,621.37			40,000.00	(25,202.00)		117,419.37
SCH	1003	School Technology Reserve	26,426.00			40,000.00	(4,746.00)		61,680.00
SCH	1004	School Vehicle Reserve	7,719.07			10,000.00			17,719.07
Total School Capital Projects			265,096.57	-		140,000.00	(74,073.81)	-	331,022.76
TOTAL GENERAL OPERATIONS			4,198,887.05	181,240.00		1,509,303.00	(3,802,858.99)	1,398,241.47	2,912,187.78

Town of Kittery
Fund Balances - Capital Projects and Special Revenues
For the month ending December 31, 2017

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2017	Transfers YE FY17	Transfers FY18	CIP Appropriation 7/1/2017	YTD Expense	YTD Revenue	Ending Fund Balance
Permanent Funds (Scholarship Funds/Trust Funds)									
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	12,168.65				(12,347.00)	9,250.00	9,071.65
PF	5005	Lester Raynes Fund	9,228.16					9,228.16	9,228.16
PF	5007	Thresher Memorial Fund	2,650.10				(1,381.00)	120.00	1,369.10
PF	5010	Recycling Scholarship Fund	6,073.60				500.00	4,548.65	11,122.25
PF	5021	Cemetery	5,297.35				(12,600.00)		(7,302.65)
		Total Permanent Funds	121,294.23	-	-	-	(25,828.00)	13,918.65	109,384.88
Enterprise Fund (Sewer)									
ER	2900	Sewer Impact fees	490,715.46				(3,375.00)	116,115.00	603,455.46
ER	2901	Sewer Betterment	116,946.97					18,636.08	135,583.05
ER	2902	Sewer Safety Grants	-				(1,756.00)	1,756.00	-
ECP	4900	Sewer Vehicle Reserve	166,938.33						166,938.33
ECP	4901	Sewer Depreciation (Capital Reserve)	239,300.51				(85,882.50)		153,418.01
		Total Enterprise Funds	1,013,901.27	-	-	-	(91,013.50)	136,507.08	1,059,394.85
		GRAND TOTAL ALL FUNDS	5,334,082.55	181,240.00	-	1,509,303.00	(3,919,700.49)	1,548,667.20	4,080,967.51

Customer Information			
Customer Name:	Town of Kittery	Phone:	(207) 475-1329
Contact:	Kendra Amaral	Email:	kamaral@kitteryme.org
Address:	200 Rogers Rd. Kittery ME 03904		
Account Information			
Utility:	Central Maine Power	Estimated Volume:	3,663,900
Pricing Zone:		Acct #'s/ESI#'s	61
Pricing Type:	New Request		
Current Provider:	Champion Energy		



Energy Advisor: Meredith Irvine

Direct Line: 781-497-5009

Fax Line:

Email: meredith.irvine@traditionenergy.com

Creation Date: January 23, 2018

Supplier Fixed Price Comparison / Savings and Budget Analysis *

Terms	12 months	24 months	36 months	48 months	
Start Date	Nov-18	Nov-18	Nov-18	Nov-18	
End Date	Nov-19	Nov-20	Nov-21	Nov-22	
KWH Usage	3,663,900	7,327,800	10,991,700	14,655,600	
AGERA ENERGY	0.0880	0.0849	0.0845		
Proj. Energy Budget	\$322,423	\$622,130	\$928,799		
CREDIT: Pending		SWING %: 100%		PAY TERM: Utility Billed	
CHAMPION ENERGY	0.0715	0.0698	0.0688	0.0674	
Proj. Energy Budget	\$261,969	\$511,480	\$756,229	\$987,787	
CREDIT: Pending		SWING %: 100%		PAY TERM: Utility Billed	
ENGIE RESOURCES	0.0742	0.0730	0.0722		
Proj. Energy Budget	\$271,861	\$534,929	\$793,601		
CREDIT: Approved		SWING %: 100%		PAY TERM: Utility Billed	
FIRSTPOINT POWER	0.0815	0.0814			
Proj. Energy Budget	\$298,608	\$596,483			
CREDIT: Approved		SWING %: 100%		PAY TERM: Utility Billed	
CONSTELLATION ENERGY	0.0748	0.0718	0.0708	0.0705	
Proj. Energy Budget	\$274,060	\$526,136	\$778,212	\$1,033,220	
CREDIT: Pending		SWING %: 100%		PAY TERM: Utility billed	

***Does Not Include taxes**

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**Kittery Town Council
Regular Meeting
September 25, 2017 – 7:00 p.m.
Council Chambers**

1. Call to Order: Chairperson Beers called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Beers read the introductory.
3. Pledge of Allegiance: Chairperson Beers led all present in the Pledge of Allegiance.
4. Roll Call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Judy Spiller, Kenneth Lemont, Vice-Chairperson Charles Denault and Chairperson Gary Beers.
5. Agenda Amendment and Adoption: Chairperson Beers said to remove the minutes from the agenda, they have none, and amend language on item “e” to read “on proposed Title 15.” Chairperson Beers asked if there were any other changes, and hearing none, cast one vote for the approval of the agenda as amended.
6. Town Manager’s Report: Town Manager Amaral gave an update on the Whipple Road Sidewalks Improvement Project. She said they had one public meeting on the project, which went very well. She said that the engineers are going back to re-engineer the right-of-way lines for the roadway so that we can understand where we need right-of-way easements and utility easements. She said they will provide a list of specific areas where we do not need easements. She said a lot of folks came out who abut the easements and we had great feedback on the design. She reported that MDOT said if they cannot get this issue resolved regarding the right-of-way and utility easements, they may need to re-direct the funding they put toward this project to other projects.

Town Manager Amaral informed Council that option 3 of the Walker /Wentworth Improvement Project has been reworked and they are waiting for the remainder of the design costs. She said it will cost \$600,000 more to put sidewalks on both sides of Wentworth and parking on one side. She said prior to option 3, it was either/or but we are pushing the envelope to see if we can get it all done. She said with that \$600,000 potential price tag, they are looking to see whether or not DOT will be able to provide a match, or K.A.C.T.S. can help offset this and what the town will be responsible for, if we decide. She said they will hold off on making a decision on option 3 until they see what the funding opportunities are.

Town Manager Amaral regarding the K.A.C.T.S. 2020 Planning, they are lining up funding for the next regional transportation projects. She said two projects they are proposing, which are: the replacement of the traffic signals on Route One at Burger King. She said they have had a lot of issues with the lights and what they determined, after researching this, is that DOT still controls the signals. She said they want the Town to accept it and we do not want to accept it until the signals are replaced. She said the second project is the preliminary engineering of the intersection of Route 236 and Fernald Road by Aroma Joe’s. She said it has not been determined to be warranted for a signal and there are other alternatives. She said we have requested K.A.C.T.S. do a further design of the project. She said that is in on this project and has

51 requested K.A.C.T.S. as well, so it is nice to know we have their support. She said they will not
52 know whether we get funding for this.

53
54
55 Town Manager Amaral said that Councilor Spiller brought up the Casino site. She said that she
56 has engaged in conversation with other communities which might be the site if it passes in
57 November. She said she has been speaking with a number of her colleagues in other York
58 County communities and no one has said if they are the community for this project. She said she
59 has spoken with a number of Town Managers who have indicated that their Select Boards may be
60 interested, but no one has claimed they are the site yet.

61
62 Town Manager Amaral said that Chairperson Beers has brought up the Conservation Easement
63 on the Yankee Settlement property. She said she is collecting comments from the Open Space
64 Committee and Atty. McEachern, and she is waiting for DOT comments. She has been informed
65 by MDOT they have sent off comments to the Atty. General's office for review and we expect to
66 hear back soon.

67
68 Town Manager Amaral said all have read the Shipyard report from the Government 's
69 Accountability office, which came out with comments citing that the United States' shipyards are in
70 poor shape as well as other findings. She thought she would clarify what that meant, from the
71 news reports that another B.R.A.C. may be coming. She said she placed a conference call to the
72 offices of Sen. King and Sen. Collins last week and they confirmed there are two funding bills that
73 have gone through both the House and the Senate, taking B.R.A.C. off the table, at least until
74 next year. She was told that the Senate bill has a significant amount of funding for the Navy Yard
75 for additional improvements. She said those bills are going into the Committee to resolve their
76 differences. She said the likelihood of the Ship Yard closing is low because so much has been
77 invested in it already.

78
79 Town Manager Amaral reported that the Maine Turnpike Authority has contacted the town to let
80 them know about the upcoming I 95-Dennett Road Bridge Project. She said this is the bridge that
81 goes over Dennett Road, and they will be doing major repairs and this is scheduled for this
82 coming Spring. She said north/south lanes will be reduced to three and there will be restrictions
83 on the Exit 1 Northbound and the southbound ramp. She said the MTA has included the town in
84 their discussions so we will be aware of their plans for detours and engineering plans over the
85 next several months. She said that MTA has offered to come to a Council meeting to give a
86 presentation.

87
88 Town Manager Amaral said that MTA has also listed their 2019 projects, which will include
89 replacing the guide signs along the turnpike. She said they will be removing signs along the
90 turnpike indicating {Kittery} malls and other attractions so that the only signs that will remain will
91 be for Kittery and the Shipyard. She asked if the Council wanted to push back so Kittery does not
92 lose visibility on the turnpike? She said she will be contacting other businesses and residents in
93 town for their input as well.

94
95 Town Manager Amaral said she has been contacted by two residents who were on the town's
96 Energy Committee. She has asked Maryann Place to reach out to the other members of the
97 Committee to hear from them and they will be meeting later on in the year. She said some
98 projects the residents suggested were solar panels and other energy-saving measures on town
99 buildings.

100
101 Town Manager Amaral said that Councilor Lemont brought up the Senior Circuit Breaker program.
102 She said she looked into it and the law allows it. She said she has included information in

103 Council's packet about the law and the Circuit Breaker program and an example from North
104 Yarmouth regulations and what they used. She said she will draft a program for Town Council's
105 consideration.

106

107 Town Manager Amaral said that the MMA Conference is October 4th and 5th and she will be
108 attending. She said Council has an agenda item to appoint voting delegates. She said she will
109 be

110

111 heading out-of-town from there on the 6th, and returning the 10th. She said she will be reachable
112 by phone except when the plane is taking off and landing.

113

114 Town Manager Amaral said that Vice-Chairperson Denault requested we post the 5-year
115 Pavement Management Program. She said they are currently updating that plan for the next two
116 years with what they have done through the bond.

117

118 Town Manager Amaral read upcoming dates: October 4th 6:00 p.m. is Candidate's Night in the
119 Chambers and asked Mrs. Place to read the list of candidates. Mrs. Place said for the Town
120 Council: Matthew Brock, Judy Spiller, Dennis Estes, and Kenneth Lemont and for the School
121 Committee: Nicholas Chalupa, Danielle Hoffman and Suzanne Sayer. She said October 16th,
122 there is a meeting of the Library Working Group at 6:00 p.m. at Traip Academy, which there is a
123 non-binding referendum on the ballot; absentee ballots are available October 10th; tax bills are
124 due October 31st and the Election is November 7th, from 8 a.m. until 8:00 p.m. at the Kittery
125 Community Center.

126

127 Chairperson Beers said he would like to note that, regarding the Yankee Settlement Conservation
128 Easement, he is no longer associated with Yankee Settlement since the first of July. He said if it
129 does come forward for consideration, he does not feel compelled to recuse himself; however, he
130 will abstain from voting due to the history he has had with that.

131

132 Chairperson Beers asked Councilors if they had any questions for the Town Manager.

133

134 Councilor Spiller asked, through the Chair, if she may ask a question of the Town Manager on the
135 issue of Aroma Joe's. She said it really is a problem and asked if there is any chance they could
136 fold in something around the Transfer Station. She said if you are coming in from the north and
137 turning into the transfer station, it is risky. She thought they have had accidents there and said
138 there may have been a couple of fatalities.

139

140 Vice-Chairperson Denault wanted to know, through the Chair, relating to #9, Energy Committee,
141 about the possibility of converting to LED street lights. He said it would save the Town of Kittery a
142 lot of money.

143

144 Chairperson Beers said like Vice-Chair Denault, he also would like to look into that.

145

146 Town Manager Amaral said they are actually embarking on this project and are meeting with the
147 Town of Eliot next week to start that. She said they are partnering with them on the project and
148 perhaps get a better price. She said the analysis has been done and we are meeting with the
149 Eliot project team to determine how we can move forward. She said we will probably be moving
150 that faster than the Energy Committee, but we are making progress.

151

152 Chairperson Beers asked if there were any other questions of the Town Manager?

153

154 Councilor Thomson, through the Chair, said he was under the impression, and maybe he read it
155 somewhere, that the upper deck level on the high-level bridge was supposed to start next March.
156 He wanted to know, if that is the case, how is the Dennett Road project going to be done prior to
157 that.

158
159 Town Manager Amaral replied it is her understanding that is looking more like the summer.
160

161 Councilor Thomson wanted to know, regarding the Guide Sign Replacement Project, if there is
162 not going to be any signage to mention the Mall area, Foreside or other Kittery attractions, then
163 what exactly is the guide signage going to be guiding people to?
164

165 Town Manager Amaral responded this is the signage that Maine has up on the highway, the
166 brown recreational signs. She said an entity can purchase advertising on the blue attraction sign.
167 She said she asked the same question and told them they are basically reducing Kittery to a stop
168 along the way between the Ship Yard and York. She said it is very challenging and she had to cut
169 her conversation short and figure out where we want to go.
170

171 Councilor Thomson said, along those lines, he has always been curious why they note the Ship
172 Yard as Exit 1 as opposed to being Exit 2 where people have more options – to the gates, malls,
173 and downtown, and State Road, which is a commercial travel way as opposed, for example,
174 driving by my house. He said if they are looking at signs, maybe they could look into if that is
175 more feasible. He thanked Town Manager Amaral.
176

177 Chairperson Beers said regarding the I-95 signage, he recalled how Council had to name the
178 outlet center "Mall Road" in order for it to be designated as a destination back in the late 80's. He
179 said six years ago, there was not a single sign on I-95 either North or South that actually said the
180 "Town of Kittery." He said you could go to Eliot, or to the Shipyard, or to the traffic circle, or Mall
181 Road or South Berwick, but you could not find a sign that read "Town of Kittery" and it was
182 changed, at Council's request to read what it says now.
183

184 7. Acceptance of Previous Minutes – Chairperson Beers said they have none.
185

186 8. Interviews for the Board of Appeals or Planning Board – Chairperson Beers said there are
187 none.
188

189 9. All items involving the town attorney, town engineers, town employees or other consultants or
190 requested officials – Chairperson Beers said they have none.
191

192 10. PUBLIC HEARINGS Chairperson Beers said they have none.
193

194 11. DISCUSSION

195 a) By members of the public

196 Chairperson Beers asked if anyone wished to speak to Council, please approach the lectern and
197 give your name. He said please keep your comments to three minutes per person.
198

199 Sue Johnson, Cromwell Street, said that three minutes is not enough time to contribute to a
200 project that will affect the town for generations. She said she would like to begin with a quote
201 from Martin Luther King, Jr. She said she is asking Council to stop and never encourage a Kittery
202 Town Board member or Town worker or affiliate to try to silence a resident by verbal threats and
203 do not allow them to talk over someone when he or she is offering a suggestion for improvement.
204

205 Ms. Johnson asked Council if they knew that polluting exhausts debris from restaurants, buildings
206 or industry can adversely affect the metabolism and health of those walking by or outside the
207 place. She said we want freedom from such impositions and all people and species deserve a
208 peaceful and long life. She said being respectful and understanding other's ideas is part of the
209 serious thing called ethics.

210
211 Ms. Johnson asked Council to apply for an educational grant which the State of Maine is providing
212 to assist in regional educational projects, the funds of which will provide free Adult Ed. classes.
213 She said that Kittery needs them for low-income people and senior citizens. She said a few
214 months ago, Council gave free entrance to Ft. Foster for all full-time and part-time employees of
215 the Kittery public schools, but the rest of us have to pay.

216
217 Ms. Johnson also asked Council to help develop an interest in preservation and conservation of
218 habitat for wildlife within the town. She concluded by reading a short poem she had written.

219
220 Vern Gardner, 2 Tucker Cove, said he would like to speak to the Procedure Manual/Code of
221 Ethics. He said he read both in the draft form and listened to last week's workshop.

222
223 Mr. Gardner wanted to remind everyone that the Town of Kittery avoided a lawsuit in the Federal
224 Court regarding the First Amendment. He said according to the newspaper, the Town avoided
225 trial by paying \$8500 and offering a public apology. He said if the town were to adopt the
226 document proposed by Chairperson Beers, it would be attempting to override the U.S.
227 Constitution by a municipal ordinance. He said unless the Town of Kittery is succeeding from the
228 United States of America, it is bound by the Constitution.

229
230 Mr. Gardner said that the Town Councilors took an oath to uphold the Constitution. He said that
231 Councilors, as elected officials, have been granted a lofty status, but it comes with obligations.
232 He said the first is to listen to, and take, verbal criticism of your constituents. He said during the
233 workshop, the Town Manager mentioned the reason that they need the proposed documents is
234 that there is nothing written on how to handle allegations as was brought forward by Vice-Chair
235 Denault.

236
237 Mr. Gardner said the Town Manager is mistaken, because in Roberts Rules of Order, Chapter 20
238 provides a step-by-step written procedure. He said to accept these new rules will complicate the
239 process even further, adding another layer. He cited a court case, Cutting Mays vs. City of
240 Portland regarding a municipal ordinance. He ended with a quote of what many have said "only
241 the unethical create a code of ethics."

242
243 Milton Hall, Bowen Road, wanted to speak about Bowen Road. He said in Council's review of
244 Title 10, line 466, - that is the dispute he has got going now with Public Works. He said was Norm
245 Albert was here, he supposedly paved Bowen Road. He said he told him before he did it to check
246 the distance he had to go. He said for some reason, he did not check it before he left.

247
248 Mr. Hall said the day Norm was leaving, he came down and measured it – 778 ft. He said that
249 Norm told him he got two figures – 778 ft. and 807 ft. He said to check 807 ft. because that went
250 right to his boundary line. He said Norm left and left it with his replacement and he told him the
251 same thing. He said he has not heard anything yet and what he is saying is when they paved
252 Bowen Road, it is 50 ft. short.

253
254 Mr. Hall said the other issue he has is that Council is eliminating Milton Hall, which is okay since
255 he won't be there forever, but it would be a better idea if you went to the lot lines. He said

256 everyone knows where their lot lines are, but no one knows where Whipple Rd. begins on the
257 side.

258

259

260

261 Mr. Hall said the other line is 469, which applies to McNally's lot line, and he would say to put a
262 Map and Lot line on that one.

263

264 Mr. Hall said the original 165 ft. you are eliminating was to put a stop sign at the corner of Bowen
265 Road and Ferry Lane. He said that was made there so trucks could turn, but if someone parks on
266 the corner, trucks cannot turn there.

267

268 Mr. Hall said, referring to line 827, they have "Town Wharf" and "Town Pier" and the wharf is the
269 parking lot. He said the pier is the wooden pier that goes out and he suggested Council just uses
270 "wharf."

271

272 Mr. Hall said line 849 should read Old Ferry Lane, not Old Ferry Road. He said the stop sign was
273 put in at the end of Bowen Rd. and Ferry Lane on the left side by Jon Carter and Police Chief
274 Strong about five years ago. He said it is illegal and never went through Council and is not listed
275 on their list.

276

277 Holly Zurer, Government St., had a question on the upcoming Candidate's Night. She said in the
278 past, the format was the high school students ask the questions, which is a great Civics lesson
279 and very interesting, but she is wondering if there will be an opportunity for the public to ask
280 questions. She said if not, could there be another night where the candidates would be available
281 for questions by the citizens.

282

283 c. Chairperson's response to public comments

284

285 Chairperson Beers said that apparently Ms. Johnson and Mr. Gardner did not stay, so he will
286 withhold any comments on their opinions.

287

288 Chairperson Beers thanked Mr. Hall for his clarification and said he will ask the Town Manager to
289 look into the issues that he had raised. He said tonight they are only hopefully scheduling the
290 public hearing for Oct. 11th and the opportunity to assure that the document is correct for the
291 public hearing.

292

293 Chairperson Beers thanked Ms. Zurer and told her he does not know who is sponsoring
294 Candidate's Night, but will ask the Town Manager to look into it and communicate that information
295 to the Town Council and to her.

296

297

298 12. UNFINISHED BUSINESS – Chairperson Beers said they have none tonight.

299

300

301 13. NEW BUSINESS

302

303 a. Donations/gifts received for Council disposition.

304

305 (090217-1) The Kittery Town Council moves to accept a donation in the amount of \$9,250
306 from York Hospital to be deposited in account #5003-62500 York Hospital Scholarship.

307

308 **COUNCILOR THOMSON MOVED, WITH THANKS, THAT THE TOWN COUNCIL ACCEPT A**
 309 **DONATION IN THE AMOUNT OF \$9,250 FROM YORK HOSPITAL TO BE DEPOSITED IN**
 310 **ACCT. #5003-62500 YORK HOSPITAL SCHOLARSHIP. COUNCILOR PELLETIER**
 311 **SECONDED THE MOTION. VOICE VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, AYE.**
 312 **SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**

313
 314
 315 b. (090217-2) The Kittery Town Council moves to accept a donation in the amount of \$200
 316 from Jill V. and Matthew A. McFarland to be deposited in account #2063-43600 Kittery
 317 Community Center, in memory of Richard Oglivie.

318
 319 **COUNCILOR SPILLER MOVED THAT THE TOWN COUNCIL ACCEPT A DONATION IN THE**
 320 **AMOUNT OF \$200 FROM JILL V. AND MATTHEW A. MCFARLAND, WITH THANKS, TO BE**
 321 **DEPOSITED IN ACCT. #5003-43600 KITTELY COMMUNITY CENTER, IN MEMORY OF**
 322 **RICHARD OGILVIE. COUNCILOR PELLETIER SECONDED THE MOTION. VOICE VOTE**
 323 **WAS TAKEN WITH ALL VOTING IN FAVOR, AYE. SEVEN IN AFFIRMATIVE, NONE IN**
 324 **NEGATIVE, MOTION CARRIES.**

325
 326 c. (090217-3) The Kittery Town Council moves to approve the disbursement warrants.

327
 328 Chairperson Beers read the disbursement warrants: Town = \$552,516.80 and \$57,932.00; Sewer
 329 = \$11,618.36; and School = \$224,836.11 for a total of \$846,903.27.

330
 331 Chairperson Beers said he reviewed the warrants and that the town and sewer payables are in
 332 due form. He asked Councilor Pelletier if the School payable was in due form. Councilor Pelletier
 333 replied yes.

334
 335 **COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID IN THE**
 336 **TOTAL AMOUNT OF \$846,903.27, SECONDED BY COUNCILOR SPILLER. ALL WERE IN**
 337 **FAVOR BY A VOICE VOTE, AYE. SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION**
 338 **CARRIES.**

339
 340 d. (090217-4) The Kittery Town Council moves to schedule a public hearing on October
 341 11th, 2017 on revisions to Title 10, Vehicles and Traffic and Title 12, Seapoint and Crescent
 342 Beaches, of the Kittery Town Code.

343
 344 **COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON OCT. 11TH AS**
 345 **PROPOSED. COUNCILOR PELLETIER SECONDED THE MOTION. VOICE VOTE WAS**
 346 **TAKEN, AYE. SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**

347
 348 e. (090217-5) The Kittery Town Council moves to schedule a public hearing for October 11,
 349 2017 on proposed amendments to Title 15, Code of Ethics.

350
 351 **COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON OCT. 11TH AS**
 352 **PROPOSED. COUNCILOR PELLETIER SECONDED THE MOTION. VOICE VOTE WAS**
 353 **TAKEN, AYE. SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**

354
 355 f. (090217-6) The Kittery Town Council moves to approve a renewal application from Cork
 356 Distributors Inc., 814 Sanford Rd., Wells, ME 04090 for a Malt, Vinous and Spirituous Liquor
 357 License for For the Love of Food & Drink, 120 Rogers Road.

358

359 **COUNCILOR THOMSON MOVED TO APPROVE THE RENEWAL APPLICATION FROM CORK**
360 **DISTRIBUTORS INC., 814 SANFORD ROAD, WELLS, ME FOR A MALT, VINOUS AND**
361 **SPIRITUOUS LIQUOR LICENSE FOR “FOR THE LOVE OF FOOD & DRINK” 120 ROGERS**
362 **ROAD. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS**
363 **TAKEN, 7-0. SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**

364
365

366 g. (090217-7) The Kittery Town Council moves to approve a renewal application from First
367 Serve Hospitality, P.O. Box 630, Kittery, ME 03904, for a Malt, Vinous and Spirituous Liquor
368 License for Robert’s Maine Grill, 326 U.S. Route 1.

369

370 **COUNCILOR THOMSON MOVED TO APPROVE THE RENEWAL APPLICATION FROM FIRST**
371 **SERVE HOSPITALITY, P.O. BOX 630, KITTEY, ME FOR A MALT, VINOUS AND**
372 **SPIRITUOUS LIQUOR LICENSE FOR ROBERT’S MAINE GRILL, 326 U.S. ROUTE ONE.**
373 **COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0.**
374 **SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**

375

376 h. (090217-8) The Kittery Town Council moves to approve a renewal application from The
377 Black Birch Inc., 2 Government St., Kittery, ME 03904 for a Malt, Vinous and Spirituous Liquor
378 License for The Black Birch, 2 Government St.

379

380 **COUNCILOR THOMSON MOVED TO APPROVE THE RENEWAL APPLICATION FROM THE**
381 **BLACK BIRCH INC., 2 GOVERNMENT STREET, KITTEY, ME FOR A MALT, VINOUS AND**
382 **SPIRITUOUS LIQUOR LICENSE FOR THE BLACK BIRCH, 2 GOVERNMENT STREET.**
383 **COUNCILOR SPILLER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0.**
384 **SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**

385

386 i. (090217-9) The Kittery Town Council moves to sign the warrant for the Municipal Election
387 to be held on November 7, 2017 at the Kittery Community Center, 120 Rogers Road.

388

389 **COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL SIGN THE**
390 **WARRANT FOR THE MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, AT THE**
391 **KITTEY COMMUNITY CENTER, 120 ROGERS ROAD. COUNCILOR PELLETIER**
392 **SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0. SEVEN IN AFFIRMATIVE,**
393 **NONE IN NEGATIVE, MOTION CARRIES.**

394

395 j. (090217-10) The Kittery Town Council moves to designate _____ as the voting
396 representative and _____ as an alternate, for the Maine Municipal Association Annual Business
397 Meeting, to be held on October 4, 2017.

398

399 Chairperson Beers asked if any Councilors were interested in accepting these roles. Hearing
400 none he nominated that Town Manager Amaral be appointed as voting representative.

401

402 Councilor Thomson asked the Town Manager if a second employee was attending.

403

404 Town Manager Amaral answered she did not believe so.

405

406 Chairperson Beers said that is why he is asking.

407

408 **COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL DESIGNATE**
409 **KENDRA AMARAL, TOWN MANAGER, AS THE VOTING REPRESENTATIVE FOR THE**
410 **MAINE MUNICIPAL ASSOCIATION ANNUAL BUSINESS MEETING TO BE HELD ON**

411 **OCTOBER 4, 2017. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL**
412 **VOTE WAS TAKEN, 7-0. SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES.**
413

414 k. (090217-11) The Kittery Town Council moves to adopt amendments to its Council Rules.
415

416 **VICE-CHAIRPERSON DENAULT MOVED THAT THE TOWN COUNCIL ADOPT**
417 **AMENDMENTS TO ITS' RULES, SECONDED BY CHAIRPERSON BEERS FOR DISCUSSION.**
418

419
420 Councilor Dennett said he is totally confused on this. He said the motion is to adopt revised
421 Council Rules but what he has been presented with is a Council Rules and Procedures manual.
422 He asked what have they got?
423

424 Chairperson Beers wanted to know if Councilor Dennett would like clarification that it is Council
425 Rules and Procedures.
426

427 Councilor Dennett said that is what he is working with, but "procedures" is spelled wrong.
428

429 Chairperson Beers asked Vice Chair Denault to amend his motion to include "and Procedures."
430

431 **VICE-CHAIRPERSON DENAULT AMENDED HIS MOTION TO ADOPT COUNCIL RULES AND**
432 **PROCEDURES. CHAIRPERSON BEERS AMENDED HIS MOTION AS SECOND.**
433

434 Councilor Dennett said he had some grave reservations about this, but asked for Council's
435 indulgence for a moment. He said line, number 743, is very minor, but would result in a big
436 problem. He read: "no ordinance, resolution or motion may be passed, or become effective,
437 without an affirmative vote." He said, according to the Town Charter, it must be four or more
438 Town Councilors voting in the affirmative, not four like votes. He said he has a problem with the
439 wording.
440

441 Chairperson Beers said the Town Charter overrides the language and asked Councilor Dennett if
442 he was proposing an amendment, would he kindly make a motion.
443

444 Councilor Dennett said if Council is going to approve the motion, let's make them right.
445

446 Chairperson Beers said Council has an opportunity for review and since they are at the final gasp
447 of making them right, kindly go forward.
448

449 Councilor Dennett said this was done at a prior workshop but nothing seems to have been done.
450

451 **COUNCILOR DENNETT MOVED TO AMEND THE WORDING TO STATE THAT "NO**
452 **ORDINANCE, RESOLUTION OR MOTION MAY BE PASSED, OR BECOME EFFECTIVE,**
453 **WITHOUT THE AFFIRMATIVE VOTE OF FOUR OR MORE COUNCIL MEMBERS.**
454 **CHAIRPERSON BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN ON**
455 **THE AMENDED MOTION. SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION**
456 **CARRIES.**
457

458 Chairperson Beers asked Councilor Dennett if he had anything further.
459

460 Councilor Dennett replied he won't go through it all, but addressed line 701, which actually starts
461 on line 700 and read: "Councilors recusing themselves must move to the public area of the
462 Chambers." He asked why don't we just put a dunce chair up here and we can look at the wall?
463

464 Chairperson Beers felt that Councilor Dennett's comment is not germane and wanted to know if
465 he had something conclusive to suggest for revised language.
466

467 Councilor Dennett replied that he did, and it is in our Ethics policy, which he said is under
468 consideration, for a recusal, a Councilor will remove himself or herself from their assigned seat.
469

470 **COUNCILOR DENNETT MOVED THAT THE LANGUAGE BE AMENDED TO READ:**
471 **COUNCILORS RECUSING THEMSELVES MUST REMOVE THEMSELVES FROM THEIR**
472 **ASSIGNED SEAT. CHAIRPERSON BEERS SECONDED THE MOTION FOR DISCUSSION.**
473

474 Councilor Pelletier said, unfortunately, if that is the vein we are going in, he would identify that if
475 that is the change they make, the Councilor could simply stand.
476

477 Chairperson Beers said he did not follow Councilor Pelletier's point.
478

479 Councilor Pelletier said if we change this to read that the Councilors remove themselves from
480 their assigned seat, they could just stand, but he did not think that is what they are looking for.
481

482 Chairperson Beers said Councilor Pelletier is correct. He said he thought in the workshop they
483 clarified the matter and asked if it had gotten changed.
484

485 Town Manager Amaral said she could print this out.
486

487 Councilor Thomson said, since they are nearing the end of this Council's term, and it appears that
488 Councilor Dennett has a number of other corrections, he made the following motion:
489

490 **COUNCILOR THOMSON MOVED THAT THIS ITEM BE POSTPONED UNTIL THE COUNCIL'S**
491 **ORGANIZATIONAL MEETING IN NOVEMBER, SECONDED BY COUNCILOR SPILLER.**
492 **ROLL CALL VOTE WAS TAKEN AND VOTED 3-4, THREE IN THE AFFIRMATIVE AND FOUR**
493 **IN THE NEGATIVE (COUNCILOR LEMONT, COUNCILOR PELLETIER, VICE-CHAIRPERSON**
494 **DENAULT AND CHAIRPERSON BEERS). MOTION DOES NOT CARRY.**
495

496 Chairperson Beers said he will return the opportunity for the amended motion to the floor and
497 recognized the Town Manager.
498

499 Town Manager Amaral said she wanted to speak to Council's question about what the wording is
500 in Title 15, which is: "the Councilor or Board Member must immediately remove themselves from
501 their regular seat as a member of the body."
502

503 Chairperson Beers thought that phrase would be usable and there is common sense prevailing
504 and removing themselves from the seat to an area would be resolved for consideration.
505

506 Councilor Dennett said the reason this was brought up is simple, and asked if there is going to be
507 a long, protracted discussion, why should the Councilor sit in the audience when maybe the
508 member would like to go outside?

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Chairperson Beers replied that Councilor Dennett's point was well taken and he should have made that at last Monday's workshop.

Councilor Dennett said he did make that point, but nothing was done.

Chairperson Beers said it was not in the context of this document, it was made in Title 15. He said Councilor Dennett did not offer a revision to this document. He asked if Councilor Dennett would like to revise his motion? Councilor Dennett said that he would.

**COUNCILOR DENNETT AMENDED HIS MOTION THAT THE LANGUAGE READ:
"COUNCILORS RECUSING THEMSELVES MUST REMOVE THEMSELVES FROM THEIR
REGULAR SEAT AS A MEMBER OF THE BODY." CHAIRPERSON BEERS SECONDED THE
AMENDED MOTION. ROLL CALL VOTE WAS TAKEN, 7-0. SEVEN IN AFFIRMATIVE, NONE
IN NEGATIVE, MOTION CARRIES.**

Chairperson Beers asked Councilor Dennett if he had any further amendments to the language.

Councilor Dennett replied line 868, but it is more a matter of interpretation. He asked who was to determine if disruption makes conducting the meeting unfeasible.

Chairperson Beers said first it would be the Chairperson, or the Council could choose to do so collectively by vote.

Councilor Dennett asked if that is a ruling, when the Chair determines when something is unfeasible?

Chairperson Beers answered that is his understanding.

Councilor Dennett said and it would be applicable to Council, is that correct.

Chairperson Beers replied correct.

Councilor Dennett said he could live with that. He said he had some problems with other things, but he will not bring them up because no one will go along with it. He said the final thing is, there is a provision, (and he was looking for it), but generally, which is he thought it ridiculous to go from 7 pages to 30 pages. He said we have to be a bunch of idiots if we can't live with 7 pages.

Chairperson Beers said that Councilor Dennett is welcome to his opinion, but his comments are not germane to this discussion on amendments to this document at hand. He asked Councilor Dennett to kindly limit his focus to that issue.

Councilor Dennett said he would prefer not to. He said that, looking at the wording in this document, Council can do anything it wants as long as it is in concert with the Constitution, Federal law, public law and the Charter. He said he did not know if it is enforceable or not if an item comes up before Council that is illegal under Federal law, and Council has passed it, but he is not going to worry about it.

557 Councilor Spiller mentioned line 347, Council/Town Attorney Relationship and wanted to know if it
558 covers outside counsel and legal opinions from MMA or is it just the Town Attorney.
559

560 Chairperson Beers replied he believed the intention of the article is to express that Council has no
561 direct authority over the Town Attorney, who works at the request of the Town Manager, who also
562 has the right to call for legal advice as well.
563

564 Councilor Spiller said okay, and thought that upon occasion, Council could ask the Town Manager
565 for opinions from MMA and asked if that is something Council would have to do as a group or
566 could she call the Town Manager tomorrow and say she would like a legal opinion from MMA.
567

568 Chairperson Beers said it is his understanding that, in some of the language, it would be Council
569 consensus or they could make a request for an outside legal opinion.
570

571 Councilor Spiller asked so no Council member may make a request for a legal opinion relative to
572 the town.
573

574 Chairperson Beers replied not individually, it would have to be requested by Council or the Town
575 Manager.
576

577 Councilor Spiller said she has a concern with line 763 regarding e-mails and communication and
578 how the e-mails can potentially constitute an illegal meeting.
579

580 Chairperson Beers said he would refer Councilor Spiller to page 8, beginning on line 232. He said
581 it does not clarify e-mail – but like any communication including e-mail, could potentially violate
582 the right-to-know law.
583

584 Councilor Thomson said that line 774 on meetings says all meetings are open to the public and a
585 Town Council meeting takes place when there are four or more members present, it could qualify
586 as a meeting. He said social functions, such as receptions and dinners do not fall under the Act
587 unless town business is discussed at public meetings. He said that this was because, believe it or
588 not, he cannot imagine at the time this happened, but this body used to have a holiday dinner with
589 spouses and so forth, but it was determined to be a violation under the Maine Right-to-Know law
590 and ended in the late 70's. He asked how does this relate? (hand gesture moving back and forth)
591

592 Chairperson Beers said it is his understanding that this language is imbedded in the language in
593 several municipalities in the State and apparently got left there. He said he will ask the Town
594 Manager to follow up because of a recent communication to a City Councilor taking a tour, in the
595 context of an invitation by the Navy Yard Commander to Council to attend a dinner and a tour of
596 the submarine and would it be a violation of the freedom of access and asked Town Manager
597 Amaral to contact the State Ombudsman to see if that is a violation of the Right-to-Know law. He
598 said it is his understanding, if that is the case, then all is required is that the public be notified of
599 the event.
600

601 Councilor Dennett asked wouldn't that include the right of the public to be present.
602

603 Chairperson Beers responded absolutely, and all they have to do is get themselves on the Ship
604 Yard.
605

606 Councilor Dennett said that would be okay if they can get a past. He said he read an article that 3
607 or more members of the Board were at Ft. Gorges harbor.

608
609 Chairperson Beers said that is correct, 3 or more constitutes the public's right to know. He said
610 clarification exists if transactions or functions of the body were addressed. He said fully social
611 functions do not fall under that category. He said that Council will get confirmation from the State
612 Ombudsman if a social event requires public notice or not.

613
614 Chairperson Beers asked if there was any further discussion. Hearing none, he asked for a roll
615 call. Councilor Pelletier asked if Chairperson Beers could please re-read the question.

616
617 Chairperson Beers said the motion is adopt the Council Rules and Procedures manual as
618 amended.

619
620 **ROLL CALL VOTE WAS TAKEN AND VOTED 3-4. THREE IN THE AFFIRMATIVE, FOUR IN**
621 **THE NEGATIVE (COUNCILOR DENNETT, COUNCILOR THOMSON, COUNCILOR SPILLER**
622 **AND VICE-CHAIRPERSON DENAULT). MOTION DOES NOT CARRY.**

623
624 14. COUNCILOR ISSUES OR COMMENTS

625
626 Councilor Thomson asked the Town Manager, through the Chair about the crosswalks on
627 Badgers Island.

628
629 Town Manager Amaral said they have gone through the design process and MDOT received a
630 quote for crosswalks improvements which is \$25,000 over what they anticipated to do the project.
631 She said the town is requesting three crosswalks. She said MDOT is going back to try to get the
632 numbers down to the \$80,000 they had budgeted for this project and she expects to hear back
633 soon.

634
635 Councilor Thomson said he is not a traffic engineer but he was under the assumption that it would
636 be simple to do as painting a crosswalk.

637
638 Town Manager Amaral said they have discussed that and you cannot just put down paint and be
639 done. She said the crossing to either side of the road must be ADA compliant, aligned, and tip
640 down and without those, the town cannot put down a legal crosswalk. She said the work to be
641 done is not so much painting, but addressing what the pedestrian is crossing to on either side of
642 the road. She said that is where the cost is and that is why, when the town gets a lot of requests
643 for crosswalks, it is not that simple.

644
645 Councilor Thomson said he understood about the ADA paths, but they are not talking about a
646 large area and it is in excess of \$80,000?

647
648 Town Manager Amaral replied yes.

649
650 Chairperson Beers asked if there were any other Councilors who wished to speak.

651
652 Vice-Chairperson Denault said he would like to recognize some people who have recently passed
653 away: Capt. Robert E. Foley, Eleanor Deschamps, and John H. Paisley, Sr. He said Council
654 offers our condolences to the families and our thoughts are with them.

655

656 Councilor Spiller said the York River Study Committee would like to come before the Council on
657 December 11th to give a brief update on what we have been doing.

658
659 Chairperson Beers said he will note that and whomever is Chair for that meeting will tend to it.
660

661 Councilor Spiller asked the Town Manager if she would be willing to do an overview of town
662 government for the public, either at the Community Center or as an adult ed. class. She said the
663 wonder of social media is that it points out that people are looking for information, and sometimes
664 she is too, but they don't know where to go to get that information. She thought maybe Town
665 Manager Amaral could do a presentation which would be helpful and they could have a link off the
666 town's website.

667
668 Councilor Spiller reminded everyone what the Town Manager had already mentioned – there will
669 be a discussion on the future of Rice Public Library on Oct. 16th at 6:00 p.m. at Traip Academy to
670 answer people's questions on the three options. She said it is an informational night and she
671 hopes there will be a good turnout for that.

672
673 15. COMMITTEE AND OTHER REPORTS

674
675 a. Communications from the Chairperson

676
677 Chairperson Beers said that he has provided the Town Manager's evaluation to Council and
678 requested that they fill it out and the details will be discussed in Executive Session on October
679 11th. He said also on October 11th at 6:00 p.m., a workshop is tentatively scheduled with either
680 the Planning Board or the Parks Commission, but he has not heard back from either of them
681 whether they are prepared to attend.

682
683 b. Committee Reports - none

684
685 16. EXECUTIVE SESSION - Chairperson Beers said they will not have an Executive Session.
686

687 17. ADJOURNMENT

688
689 **COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 8:00 P.M., SECONDED**
690 **BY COUNCILOR THOMSON. ALL WERE IN FAVOR BY A UNANIMOUS VOICE VOTE, AYE.**
691 **SEVEN IN AFFIRMATIVE, NONE IN NEGATIVE, MOTION CARRIES. MEETING**
692 **ADJOURNED.**

693
694
695
696 Respectfully submitted,

697
698 Barbara Boggiano
699 Recording Secretary

**KITTERY TOWN COUNCIL
SPECIAL MEETING
COUNCIL CHAMBERS
JANUARY 17, 2018**

- 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 all those present in the Pledge of Allegiance.
- 4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Jeffrey Thomson, Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth Lemont. Councilor Jeffrey Pelletier was excused absent.

5. EXECUTIVE SESSION:

(010218-1) The Kittery Town Council moves to go into executive session with the Town Attorney in accordance with 1 M.R.S. §405 (6) (E) to discuss a legal matter.

Chairperson Lemont noted that they will not be going into Executive Session.

6. NEW BUSINESS

- a. (010218-2) The Kittery Town Council moves, pursuant to Council Rules Section 10, to suspend the Rules governing the conduct of meetings in order to modify the order of conduct of this hearing in due form of quasi-judicial proceedings.

COUNCILOR BEERS MOVED, PURSUANT TO COUNCIL RULES SECTION 10, TO SUSPEND THE RULES GOVERNING THE CONDUCT OF MEETINGS IN ORDER TO MODIFY THE ORDER OF CONDUCT OF THIS HEARING IN DUE FORM OF QUASI-JUDICIAL PROCEEDINGS. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN AND ALL VOTED IN FAVOR. SIX IN FAVOR, NONE OPPOSED, MOTION CARRIES.

- b. (010218-2) The Kittery Town Council moves to hold a public hearing to receive evidence and make a determination, on whether the current Viewing Booths License issued to Capital Video Corporation is to be suspended or revoked, pursuant to Chapter 5.9.2.3 of the Kittery Town Code, and/or a fine is to be imposed upon Capital Video Corporation pursuant to Chapter 5.9.6 of the Kittery Town Code for violations of Chapter 5.9 of the Kittery Town Code.

Chairperson Lemont opened the hearing at 6:02 p.m.

Chairperson Lemont said, prior to hearing opening statements this evening, all witnesses those interested in being a witness, please come forward as you must be sworn in. Witnesses were sworn in by the Town Clerk, Mrs. Maryann Place.

Chairperson Lemont asked if either side wished to give an opening statement, and if so, the town will go first.

51 Atty. Bill Dale said he will give a brief opening statement.
52

53 Atty. Dale said that the presentation by the administration and I will be brief. He said the Police
54 Chief will be testifying that, earlier this Fall, he went over to Amazing.net, on complaints, to view the
55 viewing booths as shown on the diagram. He said the Police Chief entered the front door, came
56 down, pointing at the diagram, and had the occasion to look in the viewing booths.
57

58 Atty. Dale said there are eight viewing booths, set up like dressing rooms in a department store,
59 only with no doors or curtains, as shown on the diagram. He said that the Police Chief saw two
60 people in the viewing booths and the ordinance is quite clear that there cannot be two people in the
61 viewing booth. He said the Police Chief saw them with his own eyes, he will testify to that and that
62 will be our case.
63

64 Chairperson Lemont asked if the other side wished to give an opening statement.
65

66 Atty. Stephen Langsdorf, from Preti Flaherty in Augusta, said that his co-counsel is Ms. Kristin
67 Collins and they are representing Capital Video Corporation, which operates the business,
68 Amazing.net. He said this is more complicated than what Mr. Dale is letting on and Council will
69 have to make some decisions about the nature of the actions that were taken, and whether or not
70 there are violations under the town's ordinance in the way it is written.
71

72 Atty. Langsdorf said the first thing he was going to do was to ask that Chairperson Lemont, Vice-
73 Chairperson Denault and Councilor Thomson recuse themselves from hearing this case. He said
74 this is, as Chairperson Lemont noted, a quasi-judicial case and under due process in the
75 Constitution, which plays a significant role in this matter, you should be unbiased against an
76 organization and provide people and citizens with a fair hearing and due process.
77

78 Atty. Langsdorf said, under freedom of access, he requested and received copies of the renewal
79 records from the time the business was first licensed in 2006 up to the present, and is fairly replete
80 that some statements invoked by all three of these individuals show bias in this case. He said that
81 Councilor Thomson, on numerous occasions, said he would vote against this business, even
82 though there is no evidence in the record to support it. He said at one point, Councilor Thomson
83 made the following statement: "If yet another obstacle was placed in front of this business, they
84 might at some point feel it was not worth it and leave." He said that Councilor Thomson's statement
85 is strongly indicative of someone who is biased.
86

87 Atty. Langsdorf said that last year, in 2017, despite reports from staff stating there were no
88 violations, an inspection which did not indicate any violations, and no one testifying at the public
89 hearing to support denial of the license, both the Chairperson and Vice-Chairperson voted against
90 the license with no explanation, and that clearly indicates their bias. He said as this matter goes
91 forward, and they do not recuse themselves, he will be raising that as an issue. He said, frankly,
92 none of you {Councilors} should be hearing this case unless they think they could do so fairly and
93 not already be biased. He thought that, from the record, all of you {Councilors} are.
94

95 Chairperson Lemont asked if Council could have their attorney, Duncan McEachern, respond to
96 that statement.
97

98 Atty. McEachern thought that they should give the administration an opportunity to respond to that
99 and then he will respond to the Chairperson.
100

101 Atty. Dale said that this is the first he has heard of it, and if the three Councilors identified would like
102 to give their side of the story, they will all be pleased to hear it.
103

104 Atty. McEachern said in his opinion, if they feel they can hear this matter fairly and unbiased, he
105 thought that they can proceed. He said the three Councilors would have to make that judgement
106 themselves.
107

108 Chairperson Lemont said he felt that he can fairly listen to this case and, in an unbiased manner,
109 make a decision.
110

111 Councilor Thomson said he certainly felt that he can listen to the testimony and evidence this
112 evening and make an unbiased and fair decision. He said that he has served on the Town Council
113 for almost 21 years and over the years he is sure he has voted for and against many things, various
114 licenses and so forth. He stated that he has approached every matter that has gone before this
115 Council in a fair, and open-minded, way and has no issue of bias this evening.
116

117 Vice-Chairperson Denault said that he felt the same as Councilor Thomson and would be able to
118 hear this case as well. He said if the evidence supports the defendant's claim that the town's
119 standard has not been met, so be it. He said that he has been in law enforcement for over 30 years
120 and can certainly go either way in this particular case.
121

122 Atty. McEachern said he thought, based on that, and that Chairperson Lemont is deciding this as
123 Chair of a quasi-judicial case, as stated, and he can do it in a fair and unbiased way, as he heard
124 that Chairperson Lemont is capable of going forward. He asked if any of the other Councilors felt
125 they should not proceed. Hearing none, Atty. McEachern said he has no objection to them
126 proceeding under those circumstances.
127

128 Atty. Langsdorf thanked Atty. McEachern and noted that this business has been in Kittery for 20
129 years, and has been licensed for 12 years. He said prior to the November 2017 report, there had
130 been no violations, despite a number of "no" votes by the Councilors that he had identified. He said
131 the issue, however, is not as Mr. Dale told you, that, simply put, two people were found in the booth
132 together and that is a violation, and the end all and be all. He said that is not the way the ordinance
133 is written at all, and he would like to explain how it is written.
134

135 Atty. Langsdorf said the ordinance states specifically "that no more than one individual is allowed to
136 occupy a viewing booth at one time." He said it goes on to explain what it means and how it would
137 be necessary for the town to hold the owner or operator for that to become a violation, if it is. He
138 said by the way they are not contesting the facts, that the Police Chief came in and saw what he
139 saw on November 9th. He said what they are contesting is if it is a violation under the town's
140 ordinance. He said this is way it is written regarding the responsibility of the operator for
141 compliance: "every act or omission by an employee of the adult entertainment establishment
142 constituting or allowing a violation of the provisions of this ordinance is deemed the act or omission
143 of the operator if such act or omission occurs with the authorization, knowledge or approval of the
144 operator or as a result of the operator's negligent failure to supervise the employee's conduct to
145 insure compliance with this ordinance."
146

147 Atty. Langsdorf said there are a number of steps that have to be taken. He said what happened
148 here is, and he is sure the Police Chief saw this when he went in, is a violation of the clearly
149 conspicuous rules of the establishment, posted on walls in numerous locations, which states that
150 only one person per viewing booth and that anyone violating this policy will be asked to leave.
151

152 Atty. Langsdorf said the Customer Policy of Amazing.net states explicitly, and is posted on the wall
153 of the booths, that only one person is allowed in the viewing booth. He said further there is
154 significant employee training and a checklist which reviews all procedures included in the customer
155 policy. He said each employee of the store is specifically trained in how to identify, and deal with, a
156 violation of this nature and exclude people from the premises if this occurs.
157

158 Atty. Langsdorf said that they should understand that this violation has to be proven, that the
159 ordinance states "every act or omission by an employee..." and that they are looking at the conduct
160 of the employee working that evening and not two people who chose to violate the policy and
161 engage in whatever activity they were engaged in. He said the employee would have had to allow
162 or permit this and there is no evidence whatsoever that the employee gave permission or was even
163 aware of what was happening at that particular time.
164

165 Atty. Langsdorf said the town could hold the negligence of the employee responsible, but to hold
166 the company responsible for violating the ordinance, you have to have shown what happened that
167 day against the posted policy occurred with the authorization, knowledge or approval of the
168 operator. He said there is no evidence that the company had any knowledge of this incident or
169 authorized it, or approved it in any way. He said further, to prove this violation this would have to be
170 a result of the operator's negligent failure to supervise the employee's conduct under this
171 ordinance.
172

173 Atty. Langsdorf said there will be no evidence at all for Council to make this type of finding. He said
174 all the evidence is designed to include that all training, supervision and so forth is in compliance
175 with the ordinance including a pretty sophisticated closed-circuit video monitoring system located at
176 the front desk to allow whomever is operating the front desk to see all around the different parts of
177 the establishment and to see if customers have been violating the rules. He said it will be their
178 position that, unless the town is able to prove that, the Council has no basis for finding the company
179 liable.
180

181 Atty. Langsdorf said he will also be asking the Police Chief a few questions because they also
182 received some records, during the Freedom of Access, that the town has been singling out this
183 business in an improper way, to the point that they have an e-mail from the Town Manager who
184 indicates that "stepped up enforcement which is having the desired effect" is, unfortunately,
185 unconstitutional and an admission by staff that you are singling out this business and trying to drive
186 business away and to put this establishment out of business. He said they are prepared to respond
187 to whatever evidence the town puts forth.
188

189 Chairperson Lemont asked for the town to proceed in calling witnesses.
190

191 Atty. Dale called the Police Chief as his first witness.
192

193 Vice-Chairperson Denault asked if Council had a hand-out.
194

195 Atty. Dale asked if he wanted him to wait.
196

197 Chairperson Lemont asked Atty. Dale to wait a moment, then said to proceed.
198

199 Atty. Dale asked the Police Chief to state his name and position.
200

201 Chief Soucy responded "James Soucy, Chief of Police, Kittery."
202

203 Atty. Dale asked the Police Chief how long has he been the Chief.
204
205 Chief Soucy responded "almost two years."
206
207 Atty. Dale asked what Chief Soucy's background is in law enforcement.
208
209 Chief Soucy replied he has approximately 26 years in law enforcement experience.
210
211 Atty. Dale asked if that was here in Kittery or in other places.
212
213 Chief Soucy answered "in two other places" and that he spent 24 ½ years in the City of Manchester
214 and was a State Trooper in the State of Maryland.
215
216 Atty. Dale asked if that was Manchester, New Hampshire.
217
218 Chief Soucy responded yes, that is correct.
219
220 Atty. Dale wanted to know if Chief Soucy had ever been instructed by the Town Council or Town
221 Manager to take unfair, targeted inspections of this facility.
222
223 Chief Soucy replied no, he has not.
224
225 Atty. Dale said that a few moments ago, the licensee's attorney referenced some suggestion by the
226 Manager that Chief Soucy had stepped up enforcement or have caused the desire for you to step
227 up enforcement, or have you been instructed by her or anyone else to step up enforcement.
228
229 Chief Soucy answered no, he has not.
230
231 Atty. Dale said that he would like to show the Police Chief what he has marked as Exhibit "A" and
232 handed the document to the Police Chief.
233
234 Atty. Dale asked Chief Soucy if he could identify the document.
235
236 Chief Soucy responded that it is the Viewing Booth license.
237
238 Atty. Dale asked if the Police Chief could read the license aloud.
239
240 Chief Soucy replied the license says: "Know ye that Capital Video Corporation, Cranston, Rhode
241 Island, is duly licensed for 8 Viewing Booths at Amazing.net, 92 Route 236, Kittery for consideration
242 of \$160, and receipt is hereby acknowledged and having complied with all the requirements for
243 Viewing Booths and duly licensed in the Town of Kittery. The license is subject to strict observance
244 of all laws and regulations and may continue in force until the 9th day of June, 2018 unless sooner
245 revoked.
246
247 Atty. Dale said what is the date on that license.
248
249 Chief Soucy replied June 12, 2017.
250
251 Atty. Dale said that would be the license that was in effect this Fall.
252
253 Chief Soucy responded that is correct.

254 Atty. Dale said let me direct your attention to this exhibit. He said he will offer the exhibits all at
255 once. He asked Chief Soucy if he had occasion, in October and November to go to Amazing.net.

256
257 Chief Soucy answered he did.

258
259 Atty. Dale asked how so.

260
261 Chief Soucy replied it was in response to an incident that occurred in October. He had discussed
262 this with one of his detectives, who was investigating an incident that occurred at that location. He
263 said that he and Lt. Desjardins had an occasion in early November to conduct a compliance check
264 and to check-out this location as a result of a complaint. He said they did so on that date, and also
265 followed up with an additional compliance check the day after.

266
267 Atty. Dale said let's go back to the first date this past Fall and asked Chief Soucy if it was October
268 5th.

269
270 Chief Soucy replied yes, it was.

271
272 Atty. Dale asked what was the complaint and if Chief Soucy knew.

273
274 Chief Soucy responded not specifically, that is in the Police Report, but the general complaint was
275 two parties had gone into the business and had observed some indecent, or what appeared to be
276 indecent, conduct in the area of the Viewing Booths. He said they reported it to the Police Dept.
277 and we followed up on it.

278
279 Atty. Dale said that Chief Soucy had mentioned that last November 8th he and the Lieutenant had
280 occasion to go back to the facility and asked him to describe that.

281
282 Chief Soucy replied they went back and conducted a compliance check at that time. He said they
283 went back to the business and checked the Viewing Booth area and observed the conduct at that
284 time.

285
286 Atty. Dale put up a diagram of the facility, and labelled this "Exhibit E." He asked the Police Chief to
287 come around and asked him if his diagram looked generally like the inside of the building and was it
288 correct.

289
290 Chief Soucy answered yes, it does look generally like the diagram, that is correct.

291
292 Atty. Dale asked Chief Soucy how many times has he been in the building.

293
294 Chief Soucy said a handful of times, and that he could not tell Atty. Dale how many times he had
295 been in there since he has been employed by the town.

296
297 Atty. Dale handed Chief Soucy the pointer and asked him to walk us through what you and Lt.
298 Desjardins did on November 9th, the violation date.

299
300 Chief Soucy recounted how Lt. Desjardins was parked outside and he went inside first. Indicating
301 the path, he took on the diagram, he said he went through the front door, on the Rte. 236 side of the
302 building past where the clerk was.

303
304 Atty. Dale said he was pointing to the upper left of the building, in the corner.

305 Chief Soucy said that is correct, on the 236 side. He said at that point, he went to the rear of the
306 store where the viewing booths are, entered the hallway and stopped in the middle of the common
307 hallway.
308

309 Atty. Dale said the Viewing Booths are there, outlined in red, and the diagram shows, numbered 1-
310 8. He asked if that was correct.
311

312 Chief Soucy replied that is correct.
313

314 Atty. Dale wanted to know if that is a general description of the inside of the building.
315

316 Chief Soucy responded yes, it is.
317

318 Atty. Dale asked Chief Soucy what happened on November 9th.
319

320 Chief Soucy said that was the day of the violation. He said he made his way back to the Viewing
321 Booth area and observed the violation off to my right side.
322

323 Atty. Dale asked if Chief Soucy personally see, upon his inspection on November 9th, two people in
324 a single booth.
325

326 Chief Soucy answered yes, he did.
327

328 Atty. Dale asked him to point again, for the record, the Viewing Booth that Chief Soucy saw the two
329 people in at that time.
330

331 Chief Soucy said he could not tell, exactly, which booth it was, probably 6 or 7, but it was on the
332 right side, the Rte. 236 side.
333

334 Atty. Dale said there was no question there were two people in the booth.
335

336 Chief Soucy responded absolutely no question.
337

338 Atty. Dale asked if it wasn't the maintenance man, or the janitor, or anything like that.
339

340 Chief Soucy replied no, it was not.
341

342 Atty. Dale asked if either the Chief or the Lieutenant have occasion to write up a report on what you
343 just testified, 3 visits to the facility.
344

345 Chief Soucy said yes, his Lieutenant had offered that report.
346

347 Atty. Dale handed Chief Soucy a document and asked him if he could show them what he has
348 marked as Exhibit "B", and asked if he could tell, by taking a look, if that is the report the Lieutenant
349 wrote up.
350

351 Chief Soucy replied yes, that is correct, and that he was familiar with it.
352

353 Atty. Dale asked if on October 5th, the Police responded to this business on a complaint by an out-
354 of-town couple who had seen a man with his pants off.
355

356 Atty. Langsdorf objected to this comment that it is hearsay. He wanted to make it clear that this is
357 all related to the November 9th incident, and not what someone is talking about what someone else
358 said. He said it is not part of this case and the second hearing specifically only relates to what
359 happened on November 9th and he would say that the comment was improper.
360

361 Atty. Dale replied that this proceeding is likely governed by the Maine Administrative Procedure Act
362 which says "hearsay and other technical ruling of the Court do not apply and an administrative
363 hearing such as this under the APA, technically governed that they are allowed to consider
364 evidence that reasonable people would consider analogous should be looked at in conducting
365 serious affairs. He said with all due respect, that the Police Report by the Chief or the Lieutenant
366 constitutes an important matter that reasonable people would rely on in conducting important
367 affairs.
368

369 Atty. Dale said secondly, the licensee's counsel made a reference in his opening statement that we
370 are artificially giving up reasons to visit the place, driving up our efforts to drive this company out of
371 business. He said he thought this report shows that is not true. He said it is clear the report shows
372 that on October 5th, the Police went there because they got a complaint from an out-of-town couple.
373 He said he did not think this has been unfair, or prejudiced in that the Chief was answering a
374 response to allegations made by the licensee that we were out there unannounced to drive them
375 out of business. He said it should be discussed with the Chief and he will submit it as evidence.
376

377 Chairperson Lemont asked if, at this time, it would be appropriate to ask Atty. McEachern for his
378 opinion or is he expected to make a decision.
379

380 Atty. McEachern replied he thought that Chairperson Lemont make the decision as Chairman, but
381 make it based on each of the litigants have put forward that meets the facts. He said that
382 Chairperson Lemont was well within his right if he makes a decision that is fair and is relevant and
383 meets the facts it is within his right to allow it.
384

385 Chairperson Lemont thanked Atty. McEachern and told Atty. Dale to please proceed.
386

387 Atty. Dale said on Exhibit B, the Lieutenant's Exhibit that on October 5th the Police Chief and
388 Lieutenant responded to a complaint that was received.
389

390 Chief Soucy said that his patrol officers responded and that they did not personally respond on
391 October 5th.
392

393 Atty. Dale said that your patrol officers did, and it says, on October 5th this was in response to a
394 complaint by a couple of citizens, is that right.
395

396 Chief Soucy replied that is correct.
397

398 Atty. Dale said, the next date, November 8th, which the Chief had already testified, was a follow up
399 to the visit that his officers had made a month earlier, is that correct.
400

401 Chief Soucy responded yes.
402

403 Atty. Dale asked Chief Soucy if he could read aloud the sentence highlighted in yellow on the
404 Lieutenant's Report.
405

406 Chief Soucy read: "the on-duty staff member was notified and she seemed to have no knowledge of
407 what had been occurring in the private viewing booth area. She was advised that incidents like
408 these could jeopardize the business license."
409

410 Atty. Dale asked if the Chief was there on that date.
411

412 Chief Soucy replied yes.
413

414 Atty. Dale asked if Chief Soucy was the one who told the employee that this prohibitive conduct
415 could result in the revocation of their license.
416

417 Chief Soucy replied that his Lieutenant did.
418

419 Atty. Dale asked if Chief Soucy was there when the Lieutenant said that to her.
420

421 Chief Soucy responded yes.
422

423 Atty. Dale said the final date, November 9th, was the date that Chief Soucy and Lt. Desjardins went
424 back, and as was testified, he saw two people in the viewing booth, and asked is that correct.
425

426 Chief Soucy answered yes.
427

428 Atty. Dale asked Chief Soucy if he was generally familiar with Chapter 5.9 of the Kittery ordinance
429 on Viewing Booths Licenses.
430

431 Chief Soucy replied yes, he has seen this.
432

433 Atty. Dale said he wanted to direct the Chief's attention to page 2 and asked him to read aloud,
434 Sec. 5.9.3.3.
435

436 Chief Soucy read: "Occupants. No more than one individual is allowed to occupy a viewing booth
437 at any one time."
438

439 Atty. Dale asked the Chief is that the allegation that is brought forward against the licensee, correct.
440

441 Chief Soucy responded that is correct.
442

443 Atty. Dale said as the Police Chief has testified already, in his opinion, there is no question that the
444 two people he saw in the Viewing Booth were not there for janitorial or any other purpose other than
445 for sexual purposes.
446

447 Chief Soucy replied that is correct.
448

449 Atty. Dale said the ordinance the Police Chief was talking about, Sec. 5.9 on Viewing Booths makes
450 a reference to another one of the Sections in the ordinance, Sec. 16.2.2 and asked the Police Chief
451 to read aloud the section he had highlighted in yellow.
452

453 Chief Soucy read: "16.2.2 Definitions, Adult Entertainment Establishment means any business in
454 any use category, with a substantial or significant portion of which consists of selling, renting,
455 leasing, exhibiting, displaying or otherwise dealing in materials, actions, and/or devices of any kind

456 which appeal to prurient interest and which depict or describe specified sexual activities, including
457 but not limited to..."

458

459 Atty. Dale asked Chief Soucy if that is what his understanding of the business is, that Amazing.net
460 is an Adult Entertainment Establishment.

461

462 Chief Soucy responded yes, that is his understanding.

463

464 Atty. Dale asked Chief Soucy if he was sent on a series of visits to this property by the Town
465 Manager or any member of the Town Council for the specific purpose of unfairly investigating their
466 business, or by design, in order to get their license revoked.

467

468 Chief Soucy replied no, he was not.

469

470 Atty. Dale thanked Chief Soucy and said he would like to offer these Exhibits A, B, C, D, and "E",
471 the poster board.

472

473 Atty. McEachern asked if Atty. Langsdorf had a copy.

474

475 Atty. Dale said that he had sent Atty. Langsdorf copies.

476

477 Chairperson Lemont asked if the town had any more witnesses.

478

479 Atty. Dale said no, there are no more witnesses.

480

481 Chairperson Lemont asked if Atty. Langsdorf wanted to cross-examine the town's witness.

482

483 Atty. Langsdorf answered yes, and asked Chief Soucy if he had been to Amazing.net and were you
484 aware of the signs that are posted on the walls of the establishment and showed him copies of the
485 signs.

486

487 Chief Soucy replied that this one does not look familiar, but he has seen signs there, and this one
488 looks somewhat familiar.

489

490 Atty. Langsdorf said that the Chief would agree then that there are signs posted that state there can
491 only be one person allowed in the Viewing Booth, which make it clear to the customer.

492

493 Chief Soucy said without looking at them directly, yes, he believes that they are posted.

494

495 Atty. Langsdorf said when Chief Soucy went to the location on November 9th, did he speak to the
496 female employee who was working there that day.

497

498 Chief Soucy replied yes, he did.

499

500 Atty. Langsdorf said from Chief Soucy's observation, did she say anything to him, or do anything
501 indicating that she had allowed someone to occupy the Viewing Booth.

502

503 Chief Soucy asked for Atty. Langsdorf to repeat the question.

504

505 Atty. Langsdorf wanted to know if Chief Soucy had any knowledge that specifically the attendant
506 gave permission for two people to be in the Viewing Booth, or is there any evidence that she knew
507 about it and "yes, it's okay" for the people to be in the booth.

508
509 Chief Soucy replied he did not hear her give permission to anyone.

510
511 Atty. Langsdorf asked if Chief Soucy had any knowledge that she allowed the people to be in the
512 booth in any way.

513
514 Chief Soucy answered he has no knowledge of that.

515
516 Atty. Langsdorf asked if the Chief's knowledge or observation that day was he saw two people in
517 the Viewing Booth and he spoke with the attendant and she was unaware that there was anyone in
518 the Viewing Booth together at that moment, and asked Chief Soucy if that is correct.

519
520 Chief Soucy responded yes.

521
522 Atty. Langsdorf asked the Police Chief what was the act or omission of that employee whom you
523 saw, or that she knew about that constituted or allowed a violation. He wanted to know what was
524 the Chief saying the employee did to allow the violation to occur for two people to be in the Viewing
525 Booth contrary to posted rules. He asked Chief Soucy what was he saying that the employee did,
526 or didn't do.

527
528 Chief Soucy asked what is it I am saying that they did.

529
530 Atty. Langsdorf said that the Chief understands that this is a case where it is necessary for you to
531 prove all these elements of the ordinance.

532
533 Atty Dale said he knows the ordinance but does not agree _____ opposes or requires _____?

534
535 Atty. Langsdorf said he is reading from the ordinance and asked if he may proceed.

536
537 Chairperson Lemont replied yes, if he would switch at reading the ordinance.

538
539 Atty. Langsdorf asked if there is any indication that this particular employee, that the Police Chief is
540 aware of, that constitutes she allowed the violation of the ordinance. He asked if the Police Chief
541 could identify any act that he knows of.

542
543 Chief Soucy responded he could surmise that she had knowledge that people were out back in the
544 Viewing Booths and it is their responsibility to insure their rules are being followed, the rules that are
545 posted.

546
547 Atty. Langsdorf said when Chief Soucy says "surmise" that means "guess".

548
549 Chief Soucy said based on their allowed activity and postings, but he has not seen their Standard
550 Operating Procedure so he does not know what they tell their employees.

551
552 Atty. Langsdorf said so what the Police Chief is saying is that because someone had violated the
553 rules he is assuming somehow someone had allowed that, and asked if that is what he is saying.

554

555 Chief Soucy responded no, he is not saying that and that what he is stating is there was a violation
556 that occurred inside that he witnessed, and that is what he is saying.
557 Atty. Langsdorf said that the Chief understands the ordinance requires something more than just
558 seeing two people inside a booth, is that correct.
559
560 Atty. Dale objected saying that is mischaracterizing the law.
561
562 Atty. Langsdorf stated that the law is clear and he is not blatantly mischaracterizing the law, he is
563 reading the law.
564
565 Atty. Langsdorf asked the Police Chief if he has identified specifically, that he knows of, that the
566 employee did, or did not do, or allowed for those two people to be in the booth, and wanted to know
567 if that is correct.
568
569 Chief Soucy answered he observed the violation.
570
571 Atty. Langsdorf asked if Chief Soucy had any evidence that the owner or operator of the
572 establishment either authorized, or was aware of, or approved of there being two people in the
573 booth at that moment, contrary to their own company policy and stated rules, at the time the Chief
574 went to the store on November 9th.
575
576 Chief Soucy replied he has no knowledge of that.
577
578 Atty. Langsdorf asked Chief Soucy if he had any knowledge whatsoever that the owner negligently
579 failed to supervise its employee's conduct or any facts that the owner negligently supervised their
580 employee.
581
582 Chief Soucy asked the owner and not the employee in the store?
583
584 Atty. Langsdorf stated that the owner or the operator themselves, the company, was negligent with
585 respect to the supervision of that employee.
586
587 Chief Soucy replied he has no knowledge.
588
589 Atty. Langsdorf asked the Chief if he observed, when he was in the store, that there is a closed-
590 circuit video monitoring screen, visible directly from where the employee stands as cashier at the
591 front desk.
592
593 Chief Soucy replied yes, it is at the front counter.
594
595 Atty. Langsdorf said and it has cameras which do show all different angles inside and outside of the
596 store which the employee would not be able to see all of without the cameras, and asked Chief
597 Soucy if that is correct.
598
599 Chief Soucy answered it does show several views, but he did not know if it showed all views. He
600 said there is substantial coverage.
601
602 Atty. Langsdorf said if someone is operating the cash register, or stocking goods and so forth, he or
603 she is not going to be able to see whether someone has gone quickly from one booth to another
604 and asked if that is fair to say.
605

606 Chief Soucy replied he did not know their policies.
607

608 Atty. Langsdorf said he is not asking him about policies. He wanted to know if someone was
609 working the cash register and looked down to put money in the drawer, is it possible that someone
610 could go from one booth to another without anyone seeing him or her?
611

612 Chief Soucy replied if the person was not in the middle by the viewing booths and was not looking
613 directly at the camera, that is correct.
614

615 Atty. Langsdorf said if someone was working the cash register, by necessity and looked down to put
616 money in.
617

618 Chief Soucy said he did not know, he is not working the cash register.
619

620 Atty. Langsdorf said that he knows how they work, the person has to look down.
621

622 Chief Soucy said it depends where the cash register is.
623

624 Atty. Langsdorf asked Chief Soucy if he knew where the one he observed was.
625

626 Chief Soucy replied he did not know where the register was.
627

628 Atty. Langsdorf said he would like to show Chief Soucy an e-mail provided to him in his Freedom of
629 Access request, from the Town Manager, Kendra Amaral to the Town Attorney, Duncan McEachern
630 and he wanted to make sure that he was reading it correctly: "We are currently conducting frequent,
631 on-going, unannounced compliance checks to make sure the code is being followed. It is having
632 the expected effect."
633

634 Atty. Langsdorf asked Chief Soucy did he have any communication with the Town Manager that he
635 agreed the Police were conducting frequent, on-going, unannounced compliance checks.
636

637 Chief Soucy replied yes, he believed at some point they had discussed increased enforcement.
638

639 Atty. Langsdorf asked if there are any other business in town where the Police are conducting
640 frequent, on-going, unannounced compliance checks.
641

642 Chief Soucy replied yes, there are.
643

644 Atty. Langsdorf asked if the Police Chief is personally conducting those checks as he has been
645 doing with this business.
646

647 Chief Soucy responded he has not conducted very many checks at all with regard to the other
648 businesses. He said he tries to do as much as he can, but his other duties take him away.
649

650 Atty. Langsdorf said sure, and asked Chief Soucy why is it that he is allowed to personally do
651 compliance checks on Amazing.net.
652

653 Chief Soucy answered because the first compliance check that was conducted they uncovered this
654 activity in early November – which happened to be conducted by himself and his Lieutenant and the
655 Lieutenant and he followed up and he graciously spared his employees since he started it.
656

657 Atty. Langsdorf asked Chief Soucy when he did the unannounced compliance check on Thursday
658 of last week, what did he find.
659
660 Chief Soucy responded that they were in compliance.
661
662 Atty. Langsdorf asked other than in November, how many other times has Chief Soucy been to the
663 store since November 9th.
664
665 Chief Soucy asked since November 9th?
666
667 Atty. Langsdorf answered correct.
668
669 Chief Soucy responded two – three times.
670
671 Atty. Langsdorf asked if at any of those times did he observe any violations.
672
673 Chief Soucy said he only went in once and he did not observe any violations.
674
675 Atty. Langsdorf said that is all his questions, thank you.
676
677 Atty. Dale said he would like to redirect. He asked the Police Chief to take the marker and indicate
678 on the diagram where the cash register is, if he knew.
679
680 Chief Soucy replied he did not know, and that he has never seen the cash register.
681
682 Atty. Dale asked if there is an area where the attendant stands and appears to be working a cash
683 register.
684
685 Chief Soucy responded yes.
686
687 Atty. Dale asked where that is, generally, and if Chief Soucy could indicate that on the diagram.
688 Chief Soucy did so.
689
690 Atty. Dale said that Chief Soucy has marked an “X” in the upper left-hand corner.
691
692 Atty. Dale asked Chief Soucy did he observe if there is a TD monitoring system there.
693
694 Chief Soucy answered yes, he did see it.
695
696 Atty. Dale asked if there were other customers in the store on November 9th when Chief Soucy and
697 Lt. Desjardins went in.
698
699 Chief Soucy answered yes.
700
701 Atty. Dale asked if they all stayed in the store or was it just the two men running out, buttoning up
702 their pants.
703
704 Chief Soucy responded two fled, and he was not sure how many were inside the store.
705
706 Atty. Dale said okay, and asked if the employee the Chief had met the day before is the same
707 employee that was at the store the day of the event.

708
709 Chief Soucy said he believed so.
710
711 Atty. Dale said he believed he testified that in Exhibit B, the Lieutenant's Report, you told her
712 previously that any violation of the ordinance could result in the loss of the license, is that correct.
713 Chief Soucy responded his Lieutenant spoke with her, yes.
714
715 Atty. Dale asked him if he was there when the Lieutenant spoke with her.
716
717 Chief Soucy replied yes.
718
719 Atty. Dale said let me ask you a hypothetical question. He said he is driving down one of the roads
720 in Kittery, Rte. 236 and he is speeding, and one of the police officers pulls him over. He asked if
721 the fact that I was not caught speeding in a while does that effect if I have violated speeding laws.
722
723 Atty. Langsdorf said he objected and that this case is not about speeding laws.
724
725 Chief Soucy responded no.
726
727 Atty. Dale said the fact that he has had a clean record the last several years does not mean that his
728 going 80 mph down Rte. 236 is permissible.
729
730 Chief Soucy replied that is correct.
731
732 Atty. Dale said that Atty. Langsdorf referenced an e-mail from the Town Manager reporting that
733 "increased enforcement" is "having the expected effect" means compliance with the ordinances.
734
735 Chief Soucy said that is correct.
736
737 Atty. Dale wanted to know how does he read into that Chief Soucy is unfairly trying to shut the
738 business down.
739
740 Chief Soucy said he takes offense to that, that is not the case.
741
742 Atty. Dale asked Chief Soucy, since he spoke to a couple of the employees, is it his understanding
743 that the employees set up the floor arrangement as shown on Exhibit E.
744
745 Chief Soucy said he did not have any knowledge of that.
746
747 Atty. Dale said that Chief Soucy should give it his best guess that it is the owner or operator that set
748 up the floor arrangement.
749
750 Chief Soucy replied that would be his best guess.
751
752 Atty. Dale said he has no other questions, thank you.
753
754 Chairperson Lemont asked if there were any town, but then asked Atty. Langsdorf if he wanted to
755 cross examine the witness.
756
757 Atty. Langsdorf replied yes, thank you.
758

759 Atty. Langsdorf asked the Police Chief if the town approved how the booths would be set up in the
760 location they are in as part of the license.
761
762 Chief Soucy said he has no knowledge of that.
763
764 Atty. Langsdorf said thank you, no other questions.
765
766 Atty. Dale said he has nothing further.
767
768 Chairperson Lemont asked if there any Town Councilors who wished to question the Police Chief.
769
770 Vice-Chairperson Denault thanked the Chair and asked the Chief if he could briefly explain
771 vicarious liability.
772
773 Chief Soucy asked with regard to the store, the owner, or the employee and the activity.
774
775 Atty. Langsdorf objected, saying it is not the company, the ordinance is very specific as to what has
776 to be proved. He said it has to be shown that there is a violation and the concept of vicarious liability
777 does not apply.
778
779 Chairperson Lemont said he thought that any Town Councilor can be afforded the opportunity to
780 ask any question they care to ask.
781
782 Councilor Beers said to Chairperson Lemont that he would prefer that the Town Attorney answer
783 that question rather than the Police Chief.
784
785 Atty. McEachern said if he is asking for a legal opinion on a legal therapy, then he thought they are
786 limited to what the town ordinance says.
787
788 Vice-Chairperson Denault said thank you, he appreciated Atty. McEachern's remarks. He said his
789 question is brought on by Atty. Langsdorf to the Police Chief that the store owner is held
790 accountable for their employee who is not following the rules. He said he brought up vicarious
791 liability which is when a need creates a problem which climbs to the top and he wanted to see if the
792 Chief understood that question about the business being responsible because of the employee and
793 he thought it goes to that. He asked the Chief if he would give his definition of vicarious liability.
794
795 Chief Soucy asked to the store.
796
797 Atty. Langsdorf objected.
798
799 Atty. McEachern said he thinks the ordinance speaks to that and if the Police Chief wants to bring in
800 facts, it is permissible. He said that Sec. 5.9.4 covers two streams, first is the authorization,
801 knowledge and approval, OR (and he urged them to read this) is it a result of the negligent failure to
802 supervise an employee's conduct, to assure – and they have to interpret the word, assure
803 compliance with the Chapter. He said that is what the ordinance says.
804
805 Chairperson Lemont thanked Atty. McEachern and asked if there were any other Councilors who
806 wanted to ask questions.
807

808 Councilor Thomson said he had a few questions for the Police Chief. He asked the Chief if, in the
809 times he has visited this establishment, did he ever see the employee anywhere else other than
810 behind the counter in the corner.
811
812 Chief Soucy responded yes.
813
814 Councilor Thomson asked where.
815
816 Chief Soucy replied on one occasion the person was not behind the counter when there were
817 patrons in the store, and was in the restroom and on another occasion, he believed there were one
818 or two stocking shelves and not behind the front counter.
819 Councilor Thomson asked if he was correct in assuming that, in stocking shelves, they would not be
820 able to observe the conduct in the establishment.
821
822 Chief Soucy said that they would not be able to view any activity that may be happening in the
823 viewing booths.
824
825 Councilor Thomson said he guesses that he would need to know the company's training, or
826 extensive training as was mentioned is such that, for example, every time there is only one
827 employee on site, that employee should be doing nothing other than walking through the Viewing
828 Booth area observing or watching the camera. He said if there are two then one should be
829 manning the station for security. He asked if he can find out if there is extensive training or not.
830
831 Atty. Langsdorf said he will give Councilor Thomson that information.
832
833 Vice-Chairperson Denault said that Atty. Langsdorf mentioned the e-mail from the Town Manager
834 and is concerned about it. He asked Chief Soucy how many other adult book stores or video stores
835 similar to this establishment are there in the Town of Kittery.
836
837 Chief Soucy replied none.
838
839 Vice-Chairperson Denault wanted to know if that is the only store of that type in this town.
840
841 Chief Soucy answered yes.
842
843 Councilor Brock said from where Chief Soucy indicated the cash register is located, he wanted to
844 know is that where the TV monitors are.
845
846 Chief Soucy replied yes.
847
848 Councilor Brock asked if the employees can observe what goes on in the Viewing Booths.
849
850 Chief Soucy responded they can see the activity in the hallway, but not what goes on in the Viewing
851 Booths.
852
853 Councilor Brock asked if they can tell whether or not there is more than one person in the Viewing
854 Booth from those angles.
855
856 Chief Soucy answered he did not believe so, no.
857

858 Councilor Brock said so the only way they can is to go back and look in the Viewing Booths
859 themselves.

860
861 Chief Soucy said unless they see two people entering the Viewing Booth, that is correct.
862

863 Councilor Brock said he wants to make sure he understands the sequence. He asked Chief Soucy
864 if he could summarize what happened on November 8th.

865 Chief Soucy responded they received a complaint and one of his officers went down and took a
866 report and as a result of the complaint forwarded this to the detectives assigned. He said as a
867 follow-up, he made his first visit with the Lieutenant on November 8th and November 9th, the second
868 visit, was when he observed the violation. He said October 5th was the date of the complaint.

869 Councilor Brock asked if at the second visit on November 8th was when the employee was warned
870 that the licensed could be revoked for violation of the ordinance.

871
872 Chief Soucy answered yes.
873

874 Councilor Brock said that Chief Soucy went in the next day and saw, in your opinion, the violation of
875 the ordinance.

876
877 Chief Soucy replied yes.
878

879 Councilor Brock said okay, he had nothing further.
880

881 Chairperson Lemont asked if there were any other questions.
882

883 Atty. Langsdorf said he had one and asked the Police Chief what was the violation of the ordinance
884 that he observed on November 8th.

885
886 Chief Soucy responded he did not observe the violation on November 8th.
887

888 Chairperson Lemont said that is it, and thanked the Chief.
889

890 Chairperson Lemont asked if Capital Video wished to call any witnesses at this time.
891

892 Atty. Langsdorf replied yes, he does and asked his witness to state her full name.
893

894 Witness replied Judy Lolly.
895

896 Atty. Langsdorf asked who is her employer.
897

898 Ms. Lolly replied Amazing.net.
899

900 Atty. Langsdorf asked Ms. Lolly what is her employment position.
901

902 Ms. Lolly replied she is the District Sales Manager.
903

904 Atty. Langsdorf asked if Ms. Lolly could generally describe what her duties are as District Sales
905 Manager.
906

907 Ms. Lolly replied she oversees the operations of multiple retail locations.
908

909 Atty. Langsdorf said okay and asked if she could tell him a little bit about the store and where they
910 are located.
911
912 Ms. Lolly said they have over 25 retail locations.
913
914 Atty. Langsdorf asked approximately how many employees does the company have.
915 Ms. Lolly replied about 150 retail employees.
916
917 Atty. Langsdorf asked if part of her responsibilities is to train and manage the employees such as
918 Kittery's.
919
920 Ms. Lolly replied yes.
921
922 Atty. Langsdorf showed Ms. Lolly a document entitled "3 Day Employee Training Checklist" and
923 asked her if she could tell him what this is and explain how the training works.
924
925 Ms. Lolly said this is the Employee Training Checklist which specifically outlines the first three days
926 of employment and goes over various things such as orientation, job expectation, description,
927 general operational procedures, how to ring in the point-of-sale, booth procedures as set forth by
928 our Procedure and Policy Manual.
929
930 Atty. Langsdorf asked if part of the orientation includes training with respect to customer policy.
931
932 Ms. Lolly said Day 1, Job Expectations, describes the culture of the company and customer policy
933 for booth procedures.
934
935 Atty. Langsdorf said he would like to show her the document, Customer Policy, and asked if it was
936 applicable to all locations.
937
938 Ms. Lolly replied yes.
939
940 Atty. Langsdorf asked what is the date of your policy.
941
942 Ms. Lolly responded June 1, 2014.
943
944 Atty. Langsdorf said under "Viewing Room Policies" asked her what does it state.
945
946 Ms. Lolly read one person per booth.
947
948 Atty. Langsdorf asked if this is part of the training that Ms. Lolly goes over with the employees.
949
950 Ms. Lolly answered that is correct.
951
952 Atty. Langsdorf said also, as part of the training includes how to be able to run the cash register,
953 stock the store, use of the video and walking around the facility to prevent violations of the rules, is
954 that correct.
955
956 Ms. Lolly replied yes, that is correct.
957

958 Atty. Langsdorf asked if there is anything under this ordinance, or otherwise, that requires an
959 employee's entire job is to be looking down the hallway where the booths are to insure no one ever
960 violates the rules.
961
962 Ms. Lolly responded no.
963
964 Atty. Langsdorf asked what happens when an employee observes a violation of the rules.
965
966 Ms. Lolly said the customer is asked to leave the establishment.
967
968 Atty. Langsdorf said other than physically restraining people, is there any way an employee working
969 could prevent someone from quickly walking from one booth to another without somebody noticing.
970
971 Ms. Lolly answered no, there would be no way.
972
973 Atty. Langsdorf wanted to know if there is a system, or is there not, where the employee knows if
974 the booth is being used and how does that work.
975
976 Ms. Lolly responded when a booth is occupied, and the video player is operable, a light will
977 illuminate that will show the Manager or the person on duty that the booth is occupied.
978
979 Atty. Langsdorf asked if there is any way Amazing.net would authorize, have knowledge of, or
980 approve of there being two people in a viewing booth at any one time.
981
982 Ms. Lolly said no, they don't approve of that.
983
984 Atty. Langsdorf said in terms of the responsibilities of the supervisor, one of the duties is to make
985 sure that the employee complies with the ordinance.
986
987 Ms. Lolly replied yes, that is absolutely correct.
988
989 Atty. Langsdorf asked if Ms. Lolly felt that she makes the very best efforts to work with the
990 employees and train them so that they can do the best possible job and follow the rules of the
991 company.
992
993 Ms. Lolly replied yes, she does.
994
995 Atty. Langsdorf asked if that is important to the company and applies to all locations.
996
997 Ms. Lolly responded yes, it does.
998
999 Atty. Langsdorf asked if the employee had to sign off on this because they receive this type of
.000 training.
.001
.002 Ms. Lolly responded yes, they do have to sign off or they will not be able to be employed with this
.003 company if this is not completed.
.004
.005 Atty. Langsdorf asked how often does the District Manager, which Ms. Lolly says she is, visit each
.006 of the individual stores.
.007
.008 Ms. Lolly answered once every two weeks, minimum.

.009
.010 Atty. Langsdorf asked when Ms. Lolly is in the individual stores every two weeks, is she there to, at
.011 least in part, get in training or deal with any issues to get in compliance with company rules.
.012
.013 Ms. Lolly replied yes.
.014
.015 Atty. Langsdorf asked does the company care of enforcing the rules.
.016
.017 Ms. Lolly answered yes, very much so.
.018
.019 Atty. Langsdorf showed Ms. Lolly an Exhibit of the Viewing Booth rooms and asked her if they were
.020 pictures at the Kittery location.
.021
.022 Ms. Lolly replied yes.
.023
.024 Atty. Langsdorf said okay, thank you and that was all of his questions.
.025
.026 Atty. Dale asked Ms. Lolly if she has been in the Kittery store?
.027
.028 Ms. Lolly responded yes, she has.
.029
.030 Atty. Dale asked if there always have two or more employees in the Kittery store.
.031
.032 Ms. Lolly answered no, they do not.
.033
.034 Atty. Dale said he went in there Saturday and there was only one young woman in there. He asked
.035 Ms. Lolly if that is more typical.
.036
.037 Ms. Lolly replied yes.
.038
.039 Atty. Dale wanted to know if there are two employees on Friday and Saturday nights.
.040
.041 Ms. Lolly responded she cannot speak to what their schedule looks like, perhaps there might be.
.042
.043 Atty. Dale wanted to know if there is a company-wide rule that on Fridays and Saturdays you
.044 always have at least two employees?
.045
.046 Ms. Lolly replied no.
.047
.048 Atty. Dale asked what is the purpose of the TV monitoring system with the monitor panel on Exhibit
.049 E, marked where the "X" is in the upper left-hand corner if the camera is only shooting the hallway
.050 of the Viewing Booths and not into each of the individual booths?
.051
.052 Ms. Lolly responded to assist the employee who is working should she be at the register cashing
.053 out a customer, she can monitor any activity in the back.
.054
.055 Atty. Dale said he was going to go around to the diagram, and Ms. Lolly could watch him, and put a
.056 "Y" here and a "Z" here on the right-hand side. He said when he went in, he saw shelves of X-rated
.057 videos or movies, generally in this area marked "Y" and "Z", is that correct.
.058
.059 Ms. Lolly replied yes.

.060
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Atty. Dale thought that Ms. Lolly had said that occasionally the employees are stocking shelves, is that correct?

Ms. Lolly answered yes.

Atty. Dale said would Ms. Lolly explain to Council and us how can the employee – if she is in area “Y” or “Z” see either directly into the Viewing Booths, where there is a wall or the monitor if she is stocking shelves? He asked how would she see what is going on in the Viewing Booths?

Ms. Lolly responded she would not be able to.

Atty. Dale said okay and asked Ms. Lolly if this is the layout from the company. He said he assumed no individual designed the layout of the store.

Ms. Lolly said she assumed it is the company and she did not know who laid out the store.

Atty. Dale said that Ms. Lolly stated that she {company} has 25 shops.

Ms. Lolly replied yes.

Atty. Dale asked if they are all stand-alone facilities or are some of them in shopping centers.

Ms. Lolly replied some are in shopping centers, yes.

Atty. Dale said he went online and looked and each one he saw was in a shopping center except this one.

Ms. Lolly asked really?

Atty. Dale asked Ms. Lolly if she disagreed with that.

Ms. Lolly said she cannot speak for every location as she has not seen all 25 locations.

Atty. Dale asked if she has been in any one of them in Texas?

Ms. Lolly responded no.

Atty. Dale asked if she has been in any ones in New York?

Ms. Lolly replied no.

Atty. Dale asked if the ones in Connecticut or Massachusetts, they are not stand-alone or are they in shopping centers.

Ms. Lolly replied no, they are stand alone.

Atty. Dale asked if all 25 of the stores, from Ms. Lolly’s knowledge, do they all have Viewing Booths?

Ms. Lolly answered no, they do not all have Viewing Booths.

.111
.112 Atty. Dale asked if any of the ones that are in strip shopping centers have Viewing Booths.
.113
.114 Ms. Lolly responded yes, some do.
.115
.116 Atty. Dale said what is an example of that, which one in a shopping center has Viewing Booths.
.117 Ms. Lolly said Groton, Connecticut is in a shopping plaza and they have Viewing Booths.
.118
.119 Atty. Dale said and they are an inline store with other shops.
.120
.121 Ms. Lolly answered that is correct.
.122
.123 Atty. Dale said when he looked online, he also noted that it seems like many of your shops had,
.124 what he would call, adult-oriented gifts such as what adults might have for a New Years' Eve party,
.125 hats, streamers and wanted to know if that is common in most of your shops.
.126
.127 Ms. Lolly replied yes, she did think that most of them carried that type of merchandise.
.128
.129 Atty. Dale asked of your 25 shops, how many are solely carrying adult entertainment products.
.130
.131 Atty. Langsdorf objected and said he does not understand why Atty. Dale is analyzing everything
.132 going on at other locations which is not even remotely relevant to the decision of whether or not
.133 there was a violation of this ordinance.
.134
.135 Chairperson Lemont said he also wanted to ask that question why Atty. Dale was going down that
.136 path.
.137
.138 Atty. Dale said okay, if she answers that question, he will be done.
.139
.140 Ms. Lolly asked Atty. Dale to repeat the question.
.141
.142 Atty. Dale asked if this is the only one that does not have regular adult-oriented party favors.
.143
.144 Ms. Lolly said she is not aware if that is the case.
.145
.146 Atty. Dale questioned her that she did not know one way or the other?
.147
.148 Ms. Lolly said she did not know if this particular location has party favors or not, as some others do.
.149
.150 Atty. Dale said thank you, and he had no further questions.
.151
.152 Atty. Langsdorf asked if their employees are required to walk around the store in the evening to
.153 inspect the Viewing Booth area.
.154
.155 Ms. Lolly replied yes.
.156
.157 Atty. Langsdorf asked how often are the employees required to walk around the store, including
.158 walking through and checking on the booths.
.159
.160 Ms. Lolly responded they should be walking around the store consistently unless they are assisting
.161 a customer.

.162

.163 Atty. Langsdorf said okay, so there would be frequent times – as part of the employee’s training –
.164 where their job is to walk into the area to insure compliance with the ordinance, correct?

.165

.166 Ms. Lolly answered yes.

.167

.168 Atty. Langsdorf said thank you, no further questions.

.169

.170 Chairperson Lemont asked if any Councilors had any questions of the witness? He said he just
.171 had one.

.172

.173 Chairperson Lemont said they have heard a lot about observing the Viewing Booths and asked Ms.
.174 Lolly what has happened in the past when an employee has found more than one person in the
.175 Viewing Booth and wanted to know what is the company’s protocol for that - is that reported to the
.176 Corporate Office or dealt with in-house or is a report made out.

.177

.178 Ms. Lolly replied, generally, it is dealt with in the store than the District Manager, which is her
.179 position, is partnered in that finding.

.180

.181 Vice-Chairperson Denault asked Ms. Lolly could someone sitting in a booth, as was described in
.182 the Kittery store, be using the booth, and as she indicated, there was an indicator light that they
.183 were using the video, but could they be in the booth without using the video, and without the light
.184 being on.

.185

.186 Ms. Lolly said they would consider that loitering because they are not watching the video and, at
.187 that point, we would ask the person to either leave or to start watching the video.

.188

.189 Vice-Chairperson Denault said they would need to make a purchase.

.190

.191 Ms. Lolly said yes.

.192

.193 Vice-Chairperson Denault asked if she thought it would be fair to say if she asked her employees to
.194 occasionally pop in and check out that area, it would be a deterrent for those who want to engage in
.195 activities that are not conducive to the store’s policy it would help deter that if the employee could
.196 go in. He said potentially if they are (engaged in activity) you would know that. He said you would
.197 have to trust them.

.198

.199 Ms. Lolly replied she monitors that from the CCTV, and whether or not the employee is, in fact,
.200 making the rounds throughout the store.

.201

.202 Vice-Chairperson Denault wanted to know how often does a Quality Assurance (QA) person within
.203 the business review the video? He said Ms. Lolly and he both know that the time, every two weeks
.204 or whatever, times the distance from the store – do you periodically check in with the stores?

.205

.206 Ms. Lolly said from her computer she can do that throughout the day. She said from a retaining
.207 standpoint, she does not generally go back more than what is available to look at. She responded
.208 yes, she checks in on her stores daily.

.209

.210 Vice-Chairperson Denault asked Ms. Lolly that if there was an incident, she certainly could say she
.211 could recall it.

.212

.213 Ms. Lolly replied yes.
.214
.215 Vice-Chairperson Denault said this is not related to this hearing, but wanted to know does
.216 shoplifting occur in your store.
.217
.218 Ms. Lolly replied yes.
.219 Vice-Chairperson Denault asked if sometimes someone gets caught and sometimes the person
.220 doesn't?
.221
.222 Ms. Lolly responded yes.
.223
.224 Councilor Brock said he believed Ms. Lolly indicated that, when somebody is watching the video in
.225 the Viewing Booth, there will be a light that illuminates that indicates that but wanted to know where
.226 does that show up, is it around the cash register?
.227
.228 Ms. Lolly replied yes, but systems are different, it will show on the monitor.
.229
.230 Councilor Brock wanted to know if the light would indicate which booth number it is.
.231
.232 Ms. Lolly replied yes, you can see which booth number is illuminated so you can see which booth is
.233 occupied.
.234
.235 Councilor Brock said so you know that someone is watching the video.
.236
.237 Ms. Lolly said yes.
.238
.239 Councilor Brock asked if she could tell if there were two people in the booth watching a video.
.240
.241 Ms. Lolly replied no, not from that system.
.242
.243 Councilor Brock said he believed Ms. Lolly also indicated that if an employee observes a violation,
.244 like two people in a booth, you would handle that internally and be alerted to that, and asked if that
.245 is correct?
.246
.247 Ms. Lolly responded hmmm-hmmm.
.248
.249 Councilor Brock asked if Ms. Lolly has been alerted to that kind of violation at the Kittery store
.250 before.
.251
.252 Ms. Lolly replied she is not the supervisor of the Kittery Store so she was not personally aware of
.253 that.
.254
.255 Councilor Brock asked if that was not part of her job duties – to know what happened at the Kittery
.256 store?
.257
.258 Ms. Lolly answered no, in that regard.
.259
.260 Councilor Brock said nothing further.
.261

.262 Councilor Thomson said a couple of minutes ago, Ms. Lolly said it was the responsibility of, and
.263 how the employee was trained, is that if they are not ringing up a sale, they are to be moving about
.264 the premises.
.265
.266 Ms. Lolly replied yes.
.267
.268 Councilor Thomson wanted to confirm that the only video panel for the cameras is behind the
.269 counter area.
.270 Ms. Lolly responded hmmm hmmm.
.271
.272 Councilor Thomson said if they are moving about the establishment and she is behind the row of
.273 products where "Y" and "Z" are indicated, as Atty. Dale just described, then she cannot see the
.274 monitors.
.275
.276 Ms. Lolly replied no, they cannot, but she would assume that if they are stocking shelves or doing
.277 such things like that, they would not be monitoring any activity in the booth area. She said the
.278 Booth area is not always occupied, so maybe it is empty.
.279
.280 Councilor Thomson said we have to be careful of what we assume and the Police Chief was told
.281 that.
.282
.283 Ms. Lolly answered hmmm.
.284
.285 Councilor Thomson wanted to know if someone walks into that establishment and there is no one
.286 making a purchase, your employee should not be behind the counter.
.287
.288 Ms. Lolly wanted to confirm if there was no one making a purchase.
.289
.290 Councilor Thomson replied yes.
.291
.292 Ms. Lolly said no – not necessarily – they can be behind the counter, yes. She said they can be
.293 watching what is going on the video. Absolutely, or they could also be going in the back into the
.294 Viewing Booth area.
.295
.296 Councilor Thomson said that is what he is saying, if no one is making a purchase, the employee
.297 should not be behind the counter.
.298
.299 Ms. Lolly replied no, not necessarily.
.300
.301 Councilor Thomson asked how is it physically possible for an employee to monitor what is
.302 happening in the establishment if he or she is using the restroom?
.303
.304 Ms. Lolly asked Councilor Thomson to repeat the question.
.305
.306 Councilor Thomson wanted to know how is it possible, if there is only one employee working, for he
.307 or she to use the restroom, and close the door, to monitor what is happening in the establishment?
.308
.309 Ms. Lolly responded that what she has instructed her stores to do, when the employee has to use
.310 the restroom, is to use the restroom when there is no customer in the store, and to lock the store
.311 and put a sign up when they use the restroom so they are not opening themselves up to...
.312

.313 Councilor Thomson said that clearly did not happen when the Police Chief visited at the time when
.314 he came in.

.315
.316 Ms. Lolly answered she did not know.

.317
.318 Councilor Thomson said so that was a violation of company policy.

.319
.320 Ms. Lolly replied she did not know if the person was in the bathroom. She thought the Police Chief
.321 assumed the employee was in the bathroom.

.322 Councilor Thomson said thank you.

.323
.324 Chairperson Lemont asked if there were any other questions

.325
.326 Vice-Chairperson Denault said with disciplinary actions within the store (and turning to look at Atty.
.327 Langsdorf said "feel free to object"), Ms. Lolly had said earlier that she is the District Manager, he
.328 asked is that what you said or did I miss that?

.329
.330 Ms. Lolly replied yes, that is what she said, she is the District Manager.

.331
.332 Vice-Chairperson Denault said that then Ms. Lolly said "unbeknownst to me" and thought she said
.333 there was a supervisor involved.

.334
.335 Ms. Lolly responded there is a Store Manager and the District Manager, but she is not the District
.336 Manager for this particular store location.

.337
.338 Vice-Chairperson Denault asked if the Store Manager was here tonight?

.339
.340 Ms. Lolly replied no.

.341
.342 Vice-Chairperson Denault said okay, and wanted to know if it is incumbent upon your employee to
.343 pass this information along to the store manager and it is incumbent upon the store manager to let
.344 you know that there was an incident, is that correct?

.345
.346 Ms. Lolly answered the store manager, if there was any incident in her store, should let her District
.347 Manager know, yes.

.348
.349 Vice-Chairperson Denault asked him or her? He said he is concerned about the one in Kittery, not
.350 in the malls.

.351
.352 Ms. Lolly responded hmmm mmmm, yes.

.353
.354 Vice-Chairperson Denault asked how many times, in the last couple of years, has Ms. Lolly been
.355 told about incidents within the store, that are similar to this, and he did not mean employee
.356 behavior, mostly shoplifting or this Viewing Booth information.

.357
.358 Ms. Lolly answered a handful, a few, not many.

.359
.360 Vice-Chairperson Denault said a few, and asked would be four?

.361
.362 Ms. Lolly answered she would say about that.

.363

.364 Vice-Chairperson Denault said outside of that, asked Ms. Lolly if she is regularly briefed by her
.365 Store Manager of other incidents, over runs, underruns, missing items?
.366
.367 Ms. Lolly replied always, she has conference calls weekly and she communicates daily with all the
.368 Store Managers.
.369
.370 Chairperson Lemont asked if there were any more questions? Hearing none, he thanked Ms. Lolly
.371 and she stepped away from the podium.
.372
.373 Chairperson Lemont asked if there are any other witnesses?
.374
.375 Atty. Langsdorf said to please state your full name.
.376
.377 Mr. Santamaria stated "David Santamaria."
.378
.379 Atty. Langsdorf asked who is his employer?
.380
.381 Mr. Santamaria stated Capital Video.
.382
.383 Atty. Langsdorf asked what is Mr. Santamaria's position within the company.
.384
.385 Mr. Santamaria replied Loss Prevention.
.386
.387 Atty. Langsdorf asked if he could describe what his job duties are and what he does.
.388
.389 Mr. Santamaria responded he does basic employee thefts, shoplifting, CCTV issues and review and
.390 training.
.391
.392 Atty. Langsdorf asked what is the reason that you have CCTV, Closed Circuit TV monitoring at your
.393 stores.
.394
.395 Mr. Santamaria replied they have CCTV to monitor activity in the stores and for law enforcement
.396 purposes for shoplifting.
.397
.398 Atty. Langsdorf asked if Mr. Santamaria goes to the individual stores yourself to set them up to
.399 assure that they are in compliance with your security protocol.
.400
.401 Mr. Santamaria replied that he does.
.402
.403 Atty. Langsdorf asked if he had that net at the Kittery location.
.404
.405 Mr. Santamaria answered yes, he does.
.406
.407 Atty. Langsdorf asked him, as part of his duties, is he involved with training employees as to how to
.408 follow security procedures to insure compliance with his own company protocol and with local
.409 ordinances such as the ordinance here in Kittery.
.410
.411 Mr. Santamaria replied yes, I have.
.412
.413 Atty. Langsdorf said to tell him what kinds of things Mr. Santamaria does when training employees
.414 and working with them in that respect.

.415

.416 Mr. Santamaria replied he does basic CCTV training, how to use the system and make sure that
.417 they know if they are not doing other things in the store, they need to make sure that they are
.418 always keeping an eye on what is going on in the store for potential shoplifters or any kind of booth
.419 issues.

.420

.421 Atty. Langsdorf asked is it the company policy, regardless of the ordinance here in Kittery, to only
.422 allow one person at a time in a Viewing Booth.

.423

.424 Mr. Santamaria said yes, it is.

.425

.426 Atty. Langsdorf asked as part of your training with the employees with CCTV, is it oriented toward
.427 those employees making their very best efforts to insure compliance with the rules.

.428

.429 Mr. Santamaria answered that is correct.

.430

.431 Atty. Langsdorf asked how many video cameras would Mr. Santamaria say he has provided for all
.432 25 stores.

.433

.434 Mr. Santamaria replied probably close to 400.

.435

.436 Atty. Langsdorf said it is not possible for one person, like yourself to be consistently monitoring 400
.437 video cameras, is that correct?

.438

.439 Mr. Santamaria replied that is correct.

.440

.441 Atty. Langsdorf asked Mr. Santamaria, when there is a question about an incident, is he called upon
.442 to look at the video to determine if he sees whether there has been any violation of protocol by the
.443 employee?

.444

.445 Mr. Santamaria replied yes.

.446

.447 Atty. Langsdorf said obviously you have a tremendous amount of video footage and asked how
.448 long does Mr. Santamaria retain that data?

.449

.450 Mr. Santamaria asked for Kittery?

.451

.452 Atty. Langsdorf responded yes, totally Kittery.

.453

.454 Mr. Santamaria replied one to three days.

.455

.456 Atty. Langsdorf said if the company has been advised that there has been some sort of incident and
.457 Mr. Santamaria learns about it within 1-3 days of its happening, then he can save the video to look
.458 at later and review it to determine what actually has happened at that time, is that correct?

.459

.460 Mr. Santamaria answered that is correct.

.461

.462 Atty. Langsdorf asked if the video security cameras are set up in Kittery to give all the best angles
.463 that one can give in the store to observe whether or not people are going back and forth accessing
.464 the different booths and all the other angles in the store.

.465

.466 Mr. Santamaria replied yes.
.467
.468 Atty. Langsdorf said the only thing Mr. Santamaria does not have is 8 more cameras looking directly
.469 into each of the booths, but you can see whether or not two people enter the booth or go back and
.470 forth between the booths, is that correct?
.471
.472 Mr. Santamaria responded yes that is correct.
.473
.474 Atty. Langsdorf asked is it important for the company to oversee the employees to insure the
.475 protocol of those rules.
.476
.477 Mr. Santamaria replied yes.
.478
.479 Atty. Langsdorf asked what happens if the company is aware that an employee has allowed a
.480 violation to take place? What happens to those employees?
.481
.482 Mr. Santamaria answered the retail side would speak to the employee and some kind of discipline
.483 would be handed down.
.484
.485 Atty. Langsdorf said okay, that is all he has.
.486
.487 Atty. Dale asked Mr. Santamaria what his last name is.
.488
.489 Mr. Santamaria responded "Santamaria."
.490
.491 Atty. Dale asked if Mr. Santamaria was familiar with the Kittery store.
.492
.493 Mr. Santamaria replied yes, he is.
.494
.495 Atty. Dale asked Mr. Santamaria to go up to the diagram with a marker and indicate where the
.496 video cameras are with an "A" – which he did.
.497
.498 Atty. Dale said that you have marked an "A" in the upper left-hand corner of the store behind the
.499 counter, is that correct.
.500
.501 Mr. Santamaria replied correct.
.502
.503 Atty. Dale asked Mr. Santamaria if he can put a "B" where the camera is that shoots down the aisle
.504 of the Viewing Booths, which he did.
.505
.506 Atty. Dale asked if these cameras are for loss prevention, which is Mr. Santamaria's principle job, or
.507 are they in there to monitor ordinance compliance.
.508
.509 Mr. Santamaria said he would say they are there to monitor for both.
.510
.511 Atty. Dale said okay, for these incidents, shown on Exhibit B, the October incident when a couple
.512 complained there were two people in a booth and the November 8th and 9th incidents, he assumed
.513 that Mr. Santamaria has gone back and looked at those tapes, right?
.514
.515 Mr. Santamaria responded yes, I have.
.516

.517 Atty. Dale said now when the Police Chief testified the second time November 9th he went in and
.518 saw two people in a booth is that correct.
.519
.520 Mr. Santamaria replied yes.
.521
.522 Atty. Dale asked if he had gone back to look at that tape, is that correct.
.523 Mr. Santamaria replied correct.
.524
.525 Atty. Dale asked Mr. Santamaria to confirm that two people went into a single booth.
.526
.527 Mr. Santamaria responded yes.
.528
.529 Atty. Dale wanted to know if Mr. Santamaria said he saw other instances where two people went
.530 into a booth.
.531
.532 Mr. Santamaria replied no I did not.
.533
.534 Atty. Dale said on that date, because the Chief had a complaint, you went and checked the tape
.535 and that is what the tape showed.
.536
.537 Mr. Santamaria said correct.
.538
.539 Atty. Dale asked him if these were clearly two adult entertainment customers, correct?
.540
.541 Mr. Santamaria responded correct.
.542
.543 Atty. Dale said with all these cameras, 400 Mr. Santamaria said, what is preventing you from putting
.544 a camera in each of the eight Viewing Booths so the person at the counter could actually see inside
.545 each of the 8 booths.
.546
.547 Mr. Santamaria replied he can not really speak on that. He said he is not sure what the laws are on
.548 something like that.
.549
.550 Atty. Dale asked if Mr. Santamaria thought there may be a legal prohibition?
.551
.552 Mr. Santamaria replied he honestly was not sure.
.553
.554 Atty. Dale said that is good because he did not know the answer either.
.555
.556 Atty. Dale said he assumed it is not a cost prohibition to put a camera in each of the 8 booths?
.557
.558 Mr. Santamaria replied he did not believe there is a cost prohibition, no.
.559
.560 Atty. Dale said thank you, he had nothing further.
.561
.562 Atty. Langsdorf said with respect to the Oct. 5th incident, the Chief indicated there was a report from
.563 a couple that they had observed some kind of indecent conduct, and asked did Mr. Santamaria go
.564 back and look at the tape to determine what happened in the store.
.565
.566 Mr. Santamaria responded yes.
.567

.568 Atty. Langsdorf said Mr. Santamaria was given the exact time and date, correct?
.569
.570 Mr. Santamaria replied correct.
.571
.572 Atty. Langsdorf asked when Mr. Santamaria looked at the tape, did he observe what the couple
.573 reported.
.574 Mr. Santamaria replied yes. Atty. Langsdorf asked if saw any other violation when they came into
.575 the store.
.576
.577 Mr. Santamaria said when they first came into the store they were shopping around a bit. There
.578 might have been another customer in the retail side of the store.
.579
.580 Atty. Langsdorf said when they went into the booth area, there was nobody occupying any of the
.581 booths.
.582
.583 Mr. Santamaria said that is correct.
.584
.585 Atty. Langsdorf asked when it was reported that two people were in a booth engaged in indecent
.586 conduct, you considered that to be a false report?
.587
.588 Mr. Santamaria replied yes.
.589
.590 Atty. Langsdorf asked Mr. Santamaria if he reported to the company that was a false report,
.591 correct?
.592
.593 Mr. Santamaria responded yes, that is correct.
.594
.595 Atty. Langsdorf said he had nothing further.
.596
.597 Atty. Dale asked did the company (inaudible – could be consider this or determine that this?) was a
.598 false report made by an honest couple?
.599
.600 Mr. Santamaria said he was not sure what the company has done with that report.
.601
.602 Atty. Dale said okay, thank you.
.603
.604 Chairperson Lemont asked if there any other questions by Council?
.605
.606 Vice-Chairperson Denault said Mr. Santamaria said he has 400 cameras, and that is a lot of
.607 cameras to look at, but we are really focused on the date the Chief caught two people in the booth,
.608 and he believed that date to be Oct. 5th?
.609
.610 Chairperson Lemont corrected him and said no, it was November.
.611
.612 Vice-Chairperson Denault asked Mr. Santamaria did he see that particular incident on the CCTV?
.613
.614 Mr. Santamaria replied correct.
.615
.616 Vice-Chairperson Denault asked if the incident that he viewed was from Mr. Santamaria's security
.617 office.
.618

.619 Mr. Santamaria responded yes, he is able to dial into a store. He said when something, an incident,
.620 happens, he can take a look.

.621
.622 Vice-Chairperson Denault said that Mr. Santamaria got to see the incident so there is no question
.623 that the incident occurred based on what Mr. Santamaria so in the tape of what the Chief testified.
.624

.625 Mr. Santamaria replied correct.
.626

.627 Vice-Chairperson Denault said that is the same view that you saw and asked Mr. Santamaria is it a
.628 static or dynamic camera, can it move back and forth or is it stationary?
.629

.630 Mr. Santamaria answered it is just stationary.
.631

.632 Vice-Chairperson Denault asked if that same view that Mr. Santamaria saw in the camera is that
.633 the same view on the screen in the store? He asked Mr. Santamaria if the camera is a multiplexer,
.634 with multiple views.
.635

.636 Mr. Santamaria responded yes, she had the same view that he had.
.637

.638 Vice-Chairperson Denault said all of the cameras sometimes they roll through, or is this a static
.639 picture of all the cameras.
.640

.641 Mr. Santamaria responded this is a static picture of all the cameras.
.642

.643 Vice-Chairperson Denault wanted to know if Mr. Santamaria had driven up to that day, and had
.644 pulled up that camera view, he could pull up that camera view with your security level.
.645

.646 Mr. Santamaria replied yes.
.647

.648 Vice-Chairperson Denault asked there is no question that the same view in Mr. Santamaria's office
.649 is what the employee would have seen, two people going into that booth, if she was watching the
.650 camera, is that correct?
.651

.652 Mr. Santamaria replied yes.
.653

.654 Vice-Chairperson Denault asked if that employee was working out on the floor could she see that
.655 camera?
.656

.657 Mr. Santamaria responded no.
.658

.659 Vice-Chairperson asked absolutely not? He asked Mr. Santamaria to look at the drawing where "Y"
.660 and "Z" had been marked by Atty. Dale, and the monitors that are facing 236, asked would it not be
.661 visible to customers.
.662

.663 Mr. Santamaria replied correct.
.664

.665 Vice-Chairperson Denault asked if she went over to #5, the left-hand side on that wall, would she
.666 be able to see it, or would that still be an angle that would not be advantageous for her to watch?
.667

.668 Mr. Santamaria asked for the booths?
.669

.670 Vice-Chairperson Denault replied yes, assuming there are items for sale between 5 and 6, it is all
.671 retail space.
.672

.673 Mr. Santamaria said there is all retail space here, indicating that on the diagram.
.674

.675 Vice-Chairperson Denault said there is no monitor check in the Bathroom, so if someone violated
.676 the company policy and went into the bathroom there would be no way to see the cameras,
.677 correct?
.678

.679 Mr. Santamaria replied that is correct.
.680

.681 Vice-Chairperson asked if the store employee is standing out front to the right-hand side of the
.682 store and was smoking a cigarette, there would be no way she would be able to see the monitor as
.683 well?
.684

.685 Mr. Santamaria replied that is correct.
.686

.687 Vice-Chairperson Denault wanted to know if there was an ashtray to the right of the door for
.688 smoking?
.689

.690 Mr. Santamaria said not that he was aware of.
.691

.692 Vice-Chairperson asked Mr. Santamaria if there were any incidents he has become aware of in that
.693 store that came after the fact – and what he means is that Mr. Santamaria found out from either
.694 word-of-mouth or from an employee or follow-up that was not reported at that time on that date.
.695

.696 Mr. Santamaria replied no, their Store Managers are told if an incident happens they need to report
.697 it to their District Managers. He said once the District Manager gets the information, he will take a
.698 look and they work together to figure out what happened.
.699

.700 Vice-Chairperson Denault asked if what he was telling him is it the incident that he has been told of
.701 or are all incidents in that store that involve this type of activity in the Viewing Booths?
.702

.703 Mr. Santamaria answered he would like to think our employees do notify us.
.704

.705 Vice-Chairperson Denault asked if that is a “yes” or “no”?
.706

.707 Mr. Santamaria said no.
.708

.709 Vice-Chairperson Denault said thank you, he had nothing further.
.710

.711 Chairperson Lemont asked if Atty. Langsdorf had any further witnesses?
.712

.713 Atty. Langsdorf replied no.
.714

.715 Chairperson Lemont said they will hear closing statements and asked Atty. Dale to go first.
.716

.717 Atty. Dale said Mr. Chairman, administration has the following closing argument: the ordinance is
.718 clear, not allowed to have two people in a viewing booth, you heard testimony by the Chief, and he
.719 saw them for himself, you heard testimony from Mr. Santamaria, the Loss Prevention Manager who
.720 looked back on the tape and sure enough, two people were in the view.

.721

.722 Atty. Dale said he does not think there is a knowledge requirement, he thinks there is a "scianta"
.723 requirement it might be in a criminal law, but the ordinance is clear, it does not allow two people to
.724 be in a Viewing Booth at any one time. He said considering the facts produced, is it possible that
.725 two employees, and one would be at the monitor could monitor the hallway of 8 booths and could
.726 tell if there are two people and could address it.

.727

.728 Atty. Dale said it is pretty clear they do not have two employees there, clear the way the store is laid
.729 out, and if the employee is out stocking shelves, as shown on Exhibit E, or going to the bathroom or
.730 whatever, he or she is not going to be able to see whether there are two customers in the Viewing
.731 Booth. He said our case is that simple.

.732

.733 Atty. Dale said that on November 9th the Police Chief said he witnessed what their employee said it
.734 was. Thank you.

.735

.736 Atty. Langsdorf said he would like to offer four exhibits that he has been referring to in the course of
.737 this hearing and handed them to Atty. Dale who perused them.

.738

.739 Atty. Dale said he had no objection.

.740

.741 Atty. Langsdorf said they are labelled one through four and gave each packet to the Town Council
.742 and Atty. McEachern.

.743

.744 Atty. Langsdorf said as he has stated since the beginning of this matter, Atty. Dale is misreading
.745 your ordinance by the simple fact that two people sneaking into the booth unbeknownst to our
.746 company, violating the posted rules is automatically a violation. He said most definitely it is not. He
.747 said it is extremely clear that what is says is that required to hold the owner or the operator – the
.748 case is not against the employee. He said a very specific standard has been set up. He said first
.749 Mr. Dale had to prove that there was an act or omission by the employee which constituted or
.750 allowed the violation, either the employee violated the ordinance or did something or failed to do
.751 something that allowed the violation to occur.

.752

.753 Atty. Langsdorf asked the Police Chief if he had any evidence of what he saw that pointed to, or
.754 was there something this employee either did or condoned or allowed and it was quite the contrary.
.755 He said the employee was not aware and there were two people in the booth. He said if they had
.756 an act or omission by the employee allowing the violation, which they do not have, then the case is
.757 over. He said they have zero evidence.

.758

.759 Atty. Langsdorf said beyond that it would have had to have been that an act or omission constituted
.760 or allowed the violation or an act or omission of the company and it was clear it did not act
.761 "vicariously liable." He said the language is not automatic, it is similar with cases where the
.762 employee gets into an accident and that is not what the ordinance says. He said the town has to
.763 prove that the operator or company authorized or knew about or approved that those two people
.764 violated company policy and they have zero evidence. He said they had no knowledge of what
.765 happened. He asked if the company negligently failed to supervise the employee's conduct to
.766 insure compliance with the ordinance. He said someone fails to do something that a reasonable
.767 person would do under the circumstances.

.768

.769 Atty. Langsdorf said there is not one word in the ordinance that cameras have to look into the booth
.770 as the attorney acknowledged that he was not sure if that is legal. He said there is nothing in the
.771 ordinance that says from the time the employee is in the store, he or she must be looking down the

.772 hallway to make sure no person is walking into the booth to engage in the courageous conduct of
.773 being next to another human being.

.774
.775 Atty. Langsdorf said that this business is like any other business, they make the very best efforts to
.776 run their business. He said the town cannot have an ordinance that says you have to have eight
.777 employees to make sure that nothing ever happens, nothing is ever stolen, or no one goes in the
.778 wrong bathroom or breaks any rules. He said that is not how business works. He said they have to
.779 have appropriate regulations.

.780
.781 Atty. Langsdorf said it may be reasonably appropriate to have one or two people working in the
.782 store. He said they have heard the evidence, they are walking up and down the hall, they have
.783 frequent inspections, monitors – there is definitely no negligent failure. He said he did not know,
.784 other than literally stationing a full-time employee in the hallway, nothing is standard, sometimes
.785 people quickly shoplift things like Vice-Chairperson Denault said.

.786
.787 Atty. Langsdorf asked what if the town had an ordinance that shoplifting cannot occur. He said that
.788 cannot be the case. He said if you had a clean driving record for 12 years and was caught
.789 speeding, chances are the Chief would give you a warning, but that is not this case. He said this is
.790 a law-abiding company that does not have a bad history and is protected by the Constitution. He
.791 said the only proof in the case that we can agree is at the time there two people who came in and
.792 violated the company policy. He said there is no way the town can find all the things they would
.793 have to find and the way the ordinance was written it was not violated.

.794
.795 Atty. Dale said he had proposed decisions, one provides for a fine and the other provides for a fine
.796 and suspension, but Council can up with their own – and handed them to Atty. McEachern.

.797
.798 Chairperson Lemont closed the public hearing. He said he sees this as two parts, whether or not
.799 there is a violation and reach a decision and would like to talk about that amongst Councilors. He
.800 opened the floor for Council discussion.

.801
.802 Councilor Beers said he would like to distill the question to its essentials that there is uncontested
.803 evidence that Chief Soucy's report states there were two individuals in a Viewing Booth at one time,
.804 and two people in a Viewing Booth at one time is a violation of this ordinance.

.805
.806 Councilor Beers said Sec. 5.9.4 of the ordinance states: "an act or omission by the employee..."
.807 and he suggested that, by the physical nature of the layout, the number of employees, and the
.808 monitoring of the various activities and locations, that it is physically impossible for an employee to
.809 maintain 100% awareness of the occupancy of the booths all the time. He said that the violation
.810 occurred when the employee who is responsible to enforce the policy, and the rules, is an act of
omission, in his mind.

.811
.812 Councilor Beers said the next part relates to the operator's requirement "to assure compliance" and
.813 that may be deemed physically impossible to do so, but the operator does not have the means to
.814 assure compliance with their own policy and the ordinance, and without having the physical means
to do so, he would consider this to be negligent.

.815
.816 Councilor Brock said he agrees in part with Councilor Beers, and using 100% awareness by the
.817 employee did not think that is the standard that should be applied here. He said it is reasonable
.818 that we find a violation with the facts presented. He said he agrees with Councilor Beers and that
he would say that it is negligent failure by the company to supervise its employee when there is only

.819 one employee, which is common practice, who cannot see the booths from the TV monitors and
.820 cannot tell if there is one or two people in the booths.

.821 Councilor Brock said that when the illumination, the light is on indicating the booth is occupied, but
.822 the employee cannot tell if there is one or two people in the booths, and that the employee, the
.823 same employee, was warned by the Police Chief, and they heard his testimony, on November 8th,
.824 and the Chief came back the next day and found two people in the booth.

.825 Councilor Brock said, looking at those facts, this is not a system which is really set up to insure
.826 reasonable compliance with the ordinance. He said that there was an act of omission by the
.827 employee, but it was really triggered by the policy of the company to under-staff this facility in a way
.828 that there was likely going to be a violation. He said this discussion has exposed a weakness in the
.829 staffing and monitoring by this company.

.830 Vice-Chairperson Denault said the issue we have policy in writing that the regional manager works
.831 with the employees and the facility to know if something is happening and we have Sec. 5.9.4 and
.832 the responsibility of the operator for compliance but puts a lot on the store employee. This
.833 establishment has known for many years there are issues there. The town years ago changed the
.834 ordinance and the doors of the viewing booths were removed by the company to meet the
.835 ordinance. The store does know there is an issue.

.836 Vice Chairperson Denault said there are cameras in the stores wherever you go, and you can see
.837 yourself in them as well. He said it is the responsibility of the operator and it is important to look at
.838 that there was an issue, the employee was told about it. He said one day does not make a
.839 difference, but there was time for the company to initiate a plan. He said, in looking at the cameras
.840 or the layout of the booths it could be addressed, and he thought there is some responsibility on the
.841 part of the company in this case.

.842 Councilor Thomson cited Title 5 Business Licenses and Regulations, 5.9 Adult Entertainment
.843 Establishments – viewing booths. As Atty. Langsdorf said numerous times his position and that of
.844 his client was Kittery is involved in unfair excessive enforcement, but you are the only one in town,
.845 so whether the Police go there once a day, once a week or once a month for enforcement of the
.846 ordinance Amazing.net is the only established involved with this ordinance and he does not see
.847 how this can be viewed as unfair or excessive enforcement.

.848 Councilor Thomson said the ordinance deals with terms “act or omission” and who is responsible.
.849 He said he would submit that it could be interpreted as the business being culpable when only one
.850 employee is working at any one time and that is an omission that allows a potential violation. He
.851 said or if only one employee is working who uses the restroom that may or may not be very well
.852 authorized, having training and it still happens that allows for a violation of the ordinance. He said
.853 signs are not enough and we have seen the exhibits of signs in the establishment.

.854 He said the town also has signs displayed throughout the town in our green spaces asking people
.855 to pick up after their dogs, which is required, but not everybody does, so we cannot rely just on
.856 signs.

.857 Atty. Langsdorf makes the argument for his client, and what it comes down to for me is that Kittery
.858 Police Dept. made a deliberate visit on a deliberate day and observed a random, never occurring
.859 before act. Pretty significant leap.

.860 Councilor Dennett said he agrees that they have an uncontested violation brought out by the Police
.861 Chief which did occur, but there has been no refutation presented. He said Sec. 5.9.4 is what
.862 everyone is honing in on, but mine is a little more technical “an act or omission by the operator’s
.863 negligent failure to supervise an employee’s conduct to assure compliance with the Chapter” is
.864 tough and was very carefully crafted by someone.

.865 Councilor Dennett said an act or omission as a result of the operator’s negligent failure to supervise
.866 employee’s conduct to assure compliance with this chapter is guilt before you start. He said to
.867 assure compliance, very technically if there is no violation, compliance assurance has been given
.868 and if not, there is no compliance and failure to supervise employee’s conduct is negligent, yes, as
.869 opposed to intentional could be argued as well.

.870 Councilor Dennett said there is no compliance because of the operator’s negligent failure to
.871 supervise.

.872 Councilor Beers asked Chairperson Lemont if Atty. McEachern could respond and the Chair
.873 agreed.

.874 Atty. McEachern said, along the lines that Councilor Dennett pointed out, he has the word “insure”
.875 mentioned several times and the ordinance says “assure.” He said he can give you the definition
.876 found in Black’s Dictionary and read: “to make certain and put beyond doubt.” He said it is a heavy
.877 burden that they will have to discuss, the failure to supervise the conduct to assure. He said under
.878 the law, if the ordinance does not define a term, Council is permitted to go to a dictionary to look up
.879 the definition of that word. He said this is what it says in Black’s Dictionary and Council has to
.880 determine that burden.

.881 Chairperson Lemont thanked Atty. McEachern.

.882 Councilor Beers thought that Councilor Brock had articulated his points in a better fashion. He said
.883 he is getting the general sense that Council agrees a violation has occurred and the operator is
.884 responsible. He would like to speak for a moment to the idea of “retributed justice” or “progressive
.885 disciplinary,” which says that the penalty be proportionate to the transgression or the crime.”
.886 Councilor Beers said this company has been in Kittery for 20 years and this is the first formal
.887 complaint that has been brought forth, it is one instance. He said he saw nothing more than a
.888 single \$200 fine as being appropriate.

.889 Chairperson Lemont asked if anyone else wanted to speak.

.890 Vice-Chairperson Denault said he was also going to say progressive discipline, which goes to what
.891 Councilor Beers said, but thought he would like to see doing something, some corrective,
.892 preventive things, perhaps changing the design or putting up more cameras in the facility to assure
.893 compliance with the Code.

.894 Councilor Beers stated a point of order Mr. Chairman in that the Town Council does not have the
.895 authority to initiate any changes, all they have is the clause in Sec. 5.9.4.

.896 Vice-Chairperson Denault asked Chairperson Lemont if he may speak.

.897 Chairperson Lemont replied certainly.

.898 Vice-Chairperson Denault said he did not say he wanted to do that, he was just going along with
.899 what Councilor Beers had said. He said now that he has trouble with that. I was not saying I was
.900 going to do that. He said he has an issue with a \$200 fine and it does seek what it should be.

.901 Chairperson Lemont asked if there was any more discussion and that they do have to have the
.902 Findings of Fact. He said he thinks he speaks for everyone that there is a violation in that no more
.903 than one individual is allowed to occupy a Viewing Booth at any one time, Sec. 5.9.3.

.904 Atty. McEachern said they should make a decision first, before the Findings of Fact.

.905 Chairperson Lemont said that is what he just said, and that Council has a consensus.

.906 Councilor Beers said we need a motion to make that finding.

.907 Atty. McEachern said Council should find that there is a violation, that is the motion you should be
.908 making.

.909 Chairperson Lemont said he would appreciate a motion on the violation.

.910 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL, IN THIS HEARING**
.911 **THIS EVENING HEARD EVIDENCE AND TOOK TESTIMONY AND HAS FOUND THAT A**
.912 **VIOLATION UNDER SEC. 5.9.2.3. OF THE KITTERY TOWN CODE DEALING WITH THE**
.913 **NUMBER OF OCCUPANTS IN A VIEWING BOOTH HAS OCCURRED ON NOVEMBER 9, 2017.**
.914 **COUNCILOR BEERS SECONDED THE MOTION.**

.915 Councilor Dennett said maybe he misheard, and asked if Councilor Thomson said Sec. 5.9.3.3, as
.916 that is the correct section.

.917 Councilor Thomson said he would amend his motion to state he: **MOVED THAT THE KITTERY**
.918 **TOWN COUNCIL, IN THIS HEARING THIS EVENING HEARD EVIDENCE AND TOOK**
.919 **TESTIMONY AND HAS FOUND THAT A VIOLATION UNDER SEC. 5.9.3.3. OF THE KITTERY**
.920 **TOWN CODE DEALING WITH THE NUMBER OF OCCUPANTS IN A VIEWING BOOTH HAS**
.921 **OCCURRED ON NOVEMBER 9, 2017. COUNCILOR BEERS SECONDED THE MOTION.**

.922 Councilor Brock said he agreed with the violation, but also maybe seek counsel, that fact alone
.923 does not establish the responsibility fully and that was the point of the defendant's counsel's
.924 discussion. He said we have engaged in a discussion about the responsibility and we made that
.925 connection and he did not want to limit that thread in the motion to Sec. 5.9.3.3 because he was
.926 thinking that Sec. 5.9.4 the responsibility of the operator for compliance was made and the Findings
.927 of Fact to establish that as well, either individually, or collectively.

.928 Atty McEachern agreed totally with what Councilor Brock said. He thought that Council would be
.929 making this a two-step process here.

.930 Chairperson Lemont said he was.

.931 Atty. McEachern said that section of the ordinance has been met, there is a violation, then you go
.932 on to the other section, the responsibility of the operator and compliance.

.933 Chairperson Lemont asked if Councilor Thomson moved suspension or revocation of the license.

.934 Councilor Thomson said he did not. He just said there was a violation of Sec. 5.9.3.3.

.935 Chairperson Lemont said this has to do with the number of occupants in a Viewing Booth.

.936 Councilor Thomson said we are establishing Findings of Fact that after hearing testimony that a
.937 violation occurred on November 9th 2017 and we heard testimony and admission by the defendant's
.938 counsel that a violation occurred as per Sec. 5.9.3.3.

.939 Chairperson Lemont asked for a roll call.

.940 **ROLL CALL VOTE WAS TAKEN, 6-0, WITH SIX IN FAVOR, NONE OPPOSED, MOTION**
.941 **CARRIES.**

.942 **COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL FINDS, IN ACCORDANCE**
.943 **WITH SEC. 5.9.4 IN THAT THE OWNER/OPERATOR IS RESPONSIBLE FOR ANY ADULT**
.944 **ENTERTAINMENT ESTABLISHMENT VIOLATIONS AND SEC. 5.9.5 WHICH EXPRESSLY**
.945 **PROVIDESTHAT THE ESTABLISHMENT IS SUBJECT TO POLICE DEPT. INSPECTION OF**
.946 **THE LICENSED PREMISES TO DETERMINE COMPLIANCE WITH THE ORDINANCE.**

.947 **CHAIRPERSON LEMONT SECONDED THE MOTION FOR DISCUSSION.**

.948 Councilor Beers said they have found a violation and now we are finding that the owner/operator is
.949 responsible for the violation. He said another finding could be that the licensed premises were, in
.950 fact, subject to Police Dept. inspection.

.951 Atty. McEachern said that Councilor Beers may want to expand on that. He said there was a
.952 violation of Sec. 5.9.4. by saying there was a violation in that, as a result of the operator's negligent
.953 failure to supervise the employee's conduct to assure compliance with this chapter and incorporate
.954 that under the text of this section was not met.

.955 Councilor Beers said he has a little bit of a problem with my past experience on the Planning Board
.956 and the Board of Appeals where a motion was made and after that determination, then the Findings
.957 of Fact were articulated, and this motion includes those provisions. He said his contention is they
.958 found the owner/operator is responsible and that would be included in the Findings of Fact for the
.959 record.

.960 Councilor Brock agrees with what he has heard both from Councilor Beers and the helpful
.961 clarification from Atty. McEachern, but he wanted to restate that they make sure that they find the
.962 responsibility of the operator for compliance under 5.9.4. because of the omission of the operator
.963 for the negligent failure to supervise the employee's conduct.

.964 Councilor Dennett added to assure compliance.

.965 Councilor Brock said with that expansion, he would support the motion.

.966 Councilor Beers concurred, and Chairperson Lemont, as the seconder to the motion, concurred.

.967 **COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL FINDS, IN ACCORDANCE**
.968 **WITH SEC. 5.9.4 IN THAT THE OWNER/OPERATOR IS RESPONSIBLE, BECAUSE OF THE**
.969 **OMISSION OF THE OPERATOR DUE TO THE OPERATOR'S NEGLIGENT FAILURE TO**
.970 **SUPERVISE THE EMPLOYEE'S CONDUCT TO ASSURE COMPLIANCE, FOR ANY ADULT**
.971 **ENTERTAINMENT ESTABLISHMENT VIOLATIONS AND SEC. 5.9.5 WHICH EXPRESSLY**
.972 **PROVIDESTHAT THE ESTABLISHMENT IS SUBJECT TO POLICE DEPT. INSPECTION OF**
.973 **THE LICENSED PREMISES TO DETERMINE COMPLIANCE WITH THE ORDINANCE.**
.974 **SECONDED BY CHAIRPERSON LEMONT.**

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

.976 **COUNCILOR BEERS MOVED ADDING THE FINDINGS OF FACT FOR THE RECORD:**

- .977 **1. THE MATTER WAS BROUGHT FORWARD TO THE TOWN COUNCIL FOR HEARING**
- .978 **ON A COMPLAINT TO THE POLICE DEPT. ALLEGING A VIOLATION OF ORDINANCE**
- .979 **SEC. 5.9.3.3 OF CHAPTER 5.9, LINCES FOR VIEWING BOOTHS IN ADULT**
- .980 **ENTERTAINMENT ESTABLISHMENTS, A.E.E.**

- .981
- .982 **2. THE PROPERTY IS APPROVED FOR A SMALL BUILDING AND IS OWNED BY**
- .983 **CAPITAL VIDEO CORP., CRANSTON, RHODE ISLAND AND IS LOCATED AT 92**
- .984 **ROUTE 236. IT OPERATES UNDER THE BUSINESS NAME AS AMAZING.NET. IT HAS**
- .985 **A TOWN-ISSUED VIEWING BOOTH LICENSE DATED JUNE 12, 2017, #17-1, COPY**
- .986 **ATTACHED FOR THE RECORD AS EXHIBIT "A" FOR EIGHT VIEWING BOOTHS.**
- .987
- .988 **3. THE INSIDE OF THE BUILDING HAS MULTIPLE ROWS OF VIDEOS AND OTHER**
- .989 **MERCHANDISE FOR SALE. AT THE REAR OF INTERIOR IS A SEPARATE SECTION,**
- .990 **WITH A ROW OF VIEWING BOOTHS, ARRANGED AS IF CHANGING ROOMS IN A**
- .991 **CLOTHING STORE EXCEPT THAT THERE ARE NO DOORS ON THE INDIVIDUAL**
- .992 **VIEWING BOOTHS. EACH OF THE EIGHT VIEWING BOOTHS IS OUTFITTED WITH A**
- .993 **VIDEO PLAYER.**
- .994
- .995 **4. THE SPECIFIC INCIDENT IS ALLEGED TO HAVE OCCURRED ON THURSDAY,**
- .996 **NOVEMBER 9TH, 2017 AND PERSONALLY WITNESSED BY POLICE CHIEF SOUCY.**
- .997 **HIS REPORT OF THE SAME IS ATTACHED AS EXHIBIT "B" AND DESCRIBES CHIEF**
- .998 **SOUCY AS FINDING TWO MEN IN A SINGLE VIEWING BOOTH ENGAGED TOGETHER**
- .999 **IN INDECENT CONDUCT AS DEFINED BY MAINE STATE CRIMINAL CODE 17-A,**
- !000 **M.R.S.A. SEC. 8-54, APPARENT ENGAGING IN A SEXUAL ACT IN A PUBLIC PLACE.**
- !001

!002 **AND SUBMIT THAT THE EVIDENCE PRESENTED FOR THE MATTER WAS SUBSTANTIAL,**

!003 **WAS CREDIBLE AND IS NOT OUT WEIGHED BY CONFLICTING EVIDENCE AND THE TOWN**

!004 **DID MEET ITS BURDEN OF PROOF FOR THE PENALTY. SECONDED BY VICE-**

!005 **CHAIRPERSON DENAULT.**

!006 Chairperson Lemont asked if there was any discussion.

!007 Atty. McEachern said he did not think that Councilor Beers needed to reference the Maine Criminal

!008 Code – but it is up to Council.

!009 Councilor Beers said it was recommended by Atty. Dale and he does not have a problem with it.

!010 Chairperson Lemont asked Councilor Beers to repeat what he said.

!011 Councilor Beers said that Atty. McEachern suggested we do not include the reference to the Maine

!012 Criminal Code, but Atty. Dale recommended it, and he did not have a problem with it.

!013 Vice-Chairperson Denault said he did not have a problem with it either, as the seconder to the

!014 motion.

!015

!016 Chairperson Lemont asked if there was any other discussion.

!017

!018 Councilor Brock said he did not believe that they had been discussing this matter as a criminal
!019 matter and that is his understanding, under the context of this hearing.

!020

!021 Chairperson Lemont said he would agree with the Town Attorney and his advice.

!022

!023 Atty. McEachern said that this case was not presented to Council as a violation under the Maine
!024 State Statute. He said whether or not it was violated, that is not what is before Council.

!025

!026 Councilor Beers said he is not talking about a violation, that the Chief observed two men in indecent
!027 conduct together as defined by the Code.

!028

!029 Atty. McEachern agreed, but the issue before the Council does not involve the finding of the men
!030 engaged in indecent conduct, it involves the violation of the town's ordinance.

!031

!032 **COUNCILOR BEERS AMENDED HIS MOTION, TO STRIKE ANY REFERENCE TO THE MAINE**
!033 **STATE CRIMINAL CODE AND THAT FINDING OF FACT #4 SHOULD STATE: THE SPECIFIC**
!034 **INCIDENT IS ALLEGED TO HAVE OCCURRED ON THURSDAY, NOVEMBER 9TH, 2017 AND**
!035 **PERSONALLY WITNESSED BY POLICE CHIEF SOUCY. HIS REPORT OF THE SAME IS**
!036 **ATTACHED AS EXHIBIT "B" AND DESCRIBES CHIEF SOUCY AS FINDING TWO MEN IN A**
!037 **SINGLE VIEWING BOOTH. VICE-CHAIRPERSON DENAULT SECONDED THE AMENDED**
!038 **MOTION.**

!039

!040 Chairperson Lemont asked Atty. McEachern for his legal opinion.

!041

!042 Attorney McEachern asked if Councilor Beers had supported the finding and included that the
!043 responsibility of the operator was due to negligent failure to supervise the employee's conduct.

!044

!045 Councilor Beers said that was part of the second motion and had been included.

!046

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

!047

!048 **COUNCILOR BEERS MOVED THAT THE KITTELY TOWN COUNCIL, BASED ON THE ABOVE**
!049 **FINDINGS OF FACT AND CONCLUSIONS, TWO EXHIBITS ATTACHED AND TESTIMONY BY**
!050 **THE POLICE CHIEF, THE MAJORITY VOTED, THAT SEC. 5.9.3.3. OF THE TOWN ORDINANCE**
!051 **WAS VIOLATED ON NOVEMBER 9TH 2017 THE DATE OF THE POLICE CHIEF'S INSPECTION.**
!052 **A FINE OF \$200 BE IMPOSED AS THIS IS THE FIRST DOCUMENTED VIOLATION OF SEC.**
!053 **5.9.3.3, AND A SUSPENSION OF THE OPERATOR'S RIGHTS IS NOT IMPOSED, BUT A**
!054 **WARNING ISSUED TO THE LICENSEE THAT IF ANOTHER VIOLATION OCCURS WITHIN 12**
!055 **MONTHS OF NOVEMBER 9, 2017, IT MAY VERY WELL RESULT IN NOT ONLY A FINE, BUT**
!056 **THE SUSPENSION OR REVOCATION OF THE OPERATING LICENSE. SECONDED BY VICE-**
!057 **CHAIRPERSON DENAULT. COUNCILOR THOMSON MOVED TO ADD ANOTHER FINDING OF**
!058 **FACT: AFTER LISTENING TO ALL THE TESTIMONY THIS EVENING, SUFFICIENT TRAINING**
!059 **AND AN OVERSIGHT DID NOT APPEAR TO HAVE BEEN PROVIDED TO THE EMPLOYEE OF**
!060 **THE ESTABLISHMENT, AMAZING.NET, LOCATED AT 92 ROUTE 236 AND AS A RESULT OF**
THAT INSUFFICIENCY WITH REGARD TO TRAINING AND THE OVERSIGHT, A VIOLATION

!061 **OCCURRED UNDER SEC. 5.9.3.3. ON NOVEMBER 9, 2017. SECONDED BY CHAIRPERSON**
!062 **LEMONT.**

!063 Chairperson Lemont asked if there was any other discussion.

!064

!065 Councilor Dennett asked if Councilor Beers could re-state his motion, a little slower.

!066

!067 Atty. McEachern said that Council did not reference Sec. 5.9.4, only the Section regarding two
!068 people in the Viewing Booth. He said that, in Council's decision, they should add a finding of fact
!069 was there was "negligent failure to supervise" the employee's conduct. He said what he has heard
!070 is that the Councilors discuss, and spoke to the fact that under Sec. 5.9.4, that the operator was
!071 responsible due to negligent failure to assure compliance. He said Council has heard testimony
!072 from the witnesses.

!073

!074 Atty. McEachern said that, since Council had made a conclusion to that effect, they may want to
!075 add that finding.

!076

!077 Vice-Chairperson Denault asked if it is possible – through Atty. McEachern – to add that Sec. 5.9.4
!078 to that same finding.

!079

!080 Atty. McEachern said they could, but Council should not limit it to the testimony of the Police Chief
!081 as, in fact, they are basing some of your findings on "the negligent failure" on the testimony of the
!082 witnesses.

!083

!084 Councilor Beers said they found by unanimous vote is included in that statement and that this
!085 motion is for the penalty. He said the violation was under Sec. 5.9.3.3. and Sec. 5.94 is finding the
!086 operator's responsibility is the violation. He said no additional language needs to be added.

!087

!088 Councilor Brock would ask if the Town Attorney is comfortable with that position or if Atty.
!089 McEachern thinks Council needs additional Findings of Fact. He asked if they needed to make
!090 another motion on the responsibility of the operator in Sec. 5.9.4 or is that sufficient.

!091 Atty. McEachern thought Council should have a couple of Findings to support that from the
!092 testimony heard.

!093

!094 Councilor Beers said he would withdraw his motion and encouraged any one else to come up with
!095 additional Findings of Fact.

!096

!097 Atty. McEachern said that Council discussed that.

!098

!099 Vice-Chairperson Denault asked if the Sec. 5.9.3.3 finding and that motion was before them

!100

!101 Councilor Beers answered no, it is not. He said they approved the Findings of Fact motion that was
!102 made and what is withdrawn is to impose the fine.

!103

!104 Councilor Dennett said that once the motion has been made and seconded, only with permission by
!105 Council and voted against by the Chair.

!106

!107 Chairperson Lemont said he is willing to support the motion and they can add more Findings of
!108 Fact.

!109 Atty. McEachern said he (Councilor Beers) is on the Penalty section and he is not motion yet.
!110 He said Council needs to make a finding that Sec. 5.9.4 is violated and that negligent failure to
!111 assure compliance was the responsibility of the operator. He asked how did they reach that from
!112 the testimony that there is negligent failure because they did not have two employees, could not
!113 see the Viewing Booths, and he did not think they made a specific Finding of Fact.

!114
!115 Vice-Chairperson Denault agreed.

!116
!117 Councilor Beers asked if Atty. McEachern could add that to his motion.

!118
!119 Chairperson Lemont said he cannot do that to this motion, Council will have to add a finding of fact
!120 and he would like to take action on the motion.

!121
!122 Councilor Thomson said he would like to make a motion.

!123
!124 Chairperson Lemont asked if it was under this motion or the motion regarding the penalty.

!125
!126 Councilor Thomson asked if they could hold the penalty motion in abeyance and hear one more
!127 finding of fact.

!128
!129 Chairperson Lemont said sure.

!130
!131 **COUNCILOR THOMSON MOVED TO ADD ANOTHER FINDING OF FACT: AFTER LISTENING**
!132 **TO ALL THE TESTIMONY THIS EVENING, SUFFICIENT TRAINING AND AN OVERSIGHT DID**
!133 **NOT APPEAR TO HAVE BEEN PROVIDED TO THE EMPLOYEE OF THE ESTABLISHMENT,**
!134 **AMAZING.NET, LOCATED AT 92 ROUTE 236 AND AS A RESULT OF THAT INSUFFICIENCY**
!135 **WITH REGARD TO TRAINING AND THE OVERSIGHT, A VIOLATION OCCURRED UNDER**
!136 **SEC. 5.9.3.3. ON NOVEMBER 9, 2017. SECONDED BY CHAIRPERSON LEMONT.**

!137 **ROLL CALL VOTE WAS TAKEN, 6-0, SIX IN FAVOR, NONE OPPOSED, MOTION CARRIES.**
!138

!139 Councilor Thomson said they now have Councilor Beers' motion before Council, but he wanted to
!140 amend the motion. He said that \$200 for a fine is equivalent to 40 Latte's at Starbucks. He said he
!141 realized this is the first violation before Council, but also felt that it ends up on the bottom line of the
!142 cost of doing business. He said he would like to amend the motion.

!143
!144 Councilor Beers said point of order, Mr. Chairman and asked Councilor Thomson if he was
!145 changing the amount.

!146
!147 Councilor Thomson replied no.

!148
!149 **COUNCILOR THOMSON MOVED THAT THE VIEWING BOOTH LICENSE ISSUED TO**
!150 **AMAZING.NET CURRENTLY IN EFFECT, BE SUSPENDED FOR 14 DAYS, SECONDED BY**
!151 **CHAIRPERSON LEMONT.**
!152

!153 Chairperson Lemont asked if there was any discussion.

!154 Councilor Brock asked for clarification on the motion to suspend the license for 14 days and the
!155 \$200 fine.

!156
!157 Chairperson Lemont said Councilor Thomson is just amending the motion to include the 14 days.

!158
!159 **ROLL CALL VOTE ON THE AMENDED MOTION WAS TAKEN, AND VOTED 1-5, ONE IN**
!160 **FAVOR, FIVE OPPOSED (COUNCILOR DENNETT, COUNCILOR BROCK, COUNCILOR**
!161 **BEERS, VICE-CHAIRPERSON DENAULT AND CHAIRPERSON LEMONT), MOTION FAILS.**
!162 **ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION, 6-0. SIX IN FAVOR, NONE**
!163 **OPPOSED, MOTION CARRIES.**

!164
!165 Chairperson Lemont asked Atty. McEachern if there were any more findings of fact he wanted
!166 Council to incorporate.

!167
!168 Atty. McEachern replied he thought they had covered their bases.

!169
!170 Chairperson Lemont asked for a motion to adjourn.

!171
!172 7. ADJOURNMENT

!173
!174 **VICE-CHAIRPERSON DENAULT MOVED TO ADJOURN THE MEETING AT 8:26 P.M.**
!175 **SECONDED BY COUNCILOR THOMSON. ALL WERE IN FAVOR BY A VOICE VOTE.**
!176 **MEETING ADJOURNED.**

!177
!178 Respectfully submitted,

!179
!180 Barbara Boggiano
!181 Recording Secretary

!182
!183
!184
!185

!186
!187

!188
!189
!190
!191

1
2
3 **Kittery Town Council**
4 **Regular Meeting – Council Chambers**
5 **January 22, 2018**
6
7

- 8 1. Call to Order: Chairperson Lemont called the meeting to order at 6:00 p.m.
9
10 2. Introductory: Chairperson Lemont read the introductory.
11
12 3. Pledge of Allegiance: Chairperson Lemont led all present in the Pledge of Allegiance.
13
14 4. Roll Call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson,
15 Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth
16 Lemont.
17
18 5. Agenda Amendment and Adoption: Chairperson Lemont cast one vote for acceptance as
19 presented
20
21 6. Town Manager’s Report: Kendra Amaral updated Council on where they are with the FEMA
22 Flood Insurance Rate Maps, which are currently in draft form. She said they have engaged
23 Ransom which is developing a model of where the flood maps should be. She said originally, the
24 FEMA appeal process to the revised Flood Insurance Rate maps would begin in late November-
25 early December, but she has recently learned that FEMA is doing additional updates to the maps
26 and the appeal process will be later on. She said that they are going forward with Ransom, which is
27 developing an alternative model which will transfer to the specific areas of Kittery.
28

29 Town Manager Amaral said Council has made available \$20,000 for the work. She said they
30 recently sent letters to the residents impacted by the Flood Zone maps, as a follow-up to the letters
31 initially sent in 2014, asking residents to contribute or donate. She said at that time, some residents
32 made pledges, but no money had been collected. She said there was one \$500 donation since the
33 follow-up letters were sent out last week. She said Phase 1 will cost approximately \$36,000. She
34 has received confirmation that Portland has joined the effort, which has reduced the cost to
35 \$30,000.
36

37 Town Manager Amaral said Ransom recommended including data from the storm, “Grayson,” the
38 third largest storm on record. She said the cost of \$1,500 will be added per community. She said
39 currently Ransom is doing a survey of the communities, and there are seven, to see if we are in
40 agreement with that. Ransom is recreating the conditions that happened with Grayson and that has
41 been included in their model. She said they will have to check transfers at the end of the fiscal
42 year to make up the difference for the cost of Phase 1 and the \$20,000.
43

44 Town Manager Amaral said that Councilor Beers had asked about the Community Rating System
45 score, which is like the ISO program that is with other general home owner insurance and offers
46 discounted flood rates for the Town of Kittery. She said she found out that Kittery has not
47 participated in the program, but she put in a request to get the application for the program, which
48 will lower the overall rates for Flood Insurance.
49

50 Town Manager Amaral updated Council on the Pavement Management Program and said that she
51 has included the Pavement Management Plan in Council's packets, which lists streets that the
52 Town will be focused on over the next five years. She said years 1-3 cost \$1.2 million dollars for
53 local streets and the total cost for pavement projects will be \$2.6 million dollars over the next five
54 years. She said they are working with the CIP Committee to build into that plan scheduling for
55 these projects.

56
57 Town Manager Amaral said they will be doing work over the next few weeks on the Sound System
58 in the Council Chambers. She said they will be working with Randy to capture more sound and
59 thanked him for the new microphones. She reminded everyone to speak into the microphones.

60
61 Town Manager Amaral said the Police Dept. launched the Vehicle Registration Enforcement
62 Program in August, which included public service announcements. She said the police have
63 conducted internal compliance checks at School drop-off and pick-up during the first weeks of
64 school, and the number of vehicles stopped, with out-of-state registrations, from August through
65 November increased significantly for vehicles with out-of-state plates; however, half of the number
66 of citations, warnings and summons for out-of-state registration violations were issued in
67 comparison to the prior year.

68
69 Town Manager Amaral said Chief O'Brien has been spearheading the town's efforts to develop a
70 plan for the LED Street Light Conversion. She said the town has 641 street lights, which would
71 lower the electrical demand by 63%. She said for implementation would be approximately
72 \$450,000. She said Chief O'Brien has been in touch with the Eliot Energy Committee and a
73 collaborative purchase by both communities may not be advantageous, but conversations are still
74 on-going.

75
76 Town Manager Amaral said Tax Bills are due Feb. 15th and read some upcoming dates of events.

77
78 Councilor Brock asked with respect to FEMA, how many property owners have been impacted by
79 this change?

80
81 Town Manager Amaral answered 58.

82
83 Councilor Brock wanted to know if Ransom has reached any preliminary conclusions to dispute the
84 FEMA flood maps, or is it too early to tell.

85
86 Town Manager Amaral replied they are based on FEMA and their water surge is 2-3 ft. higher are
87 higher than what Ransom has created. She said that FEMA is double counting the wave set up
88 and Ransom's model that they are not doing the actual water level is 2-3 ft. lower than what FEMA
89 is projecting.

90
91 Councilor Brock asked do we know how many people will benefit.

92
93 Town Manager Amaral replied they will not know until they get to Phase 2 and apply to Kittery.

94
95 7. Acceptance of Previous Minutes: Chairperson Lemont cast one vote to accept the minutes of
96 January 8, 2018 as amended.

97

98 8. Interviews for the Board of Appeals and Planning Board: None

99
100 9. All items involving the town attorney, town engineers, town employees or other town consultants
101 or requested officials. - none

102
103 10. PUBLIC HEARINGS:

104
105 (010318-1) The Kittery Town Council moves to hold a public hearing and hereby ordains
106 amendments to Title 2, Administration and Personnel – Lead Dispatcher of the Kittery Town Code.

107
108 Chairperson Lemont asked the Town Manager to share a little information with Council.

109
110 Town Manager Amaral said they negotiated with the union, as part of the Dispatcher Contract to
111 add the position of Lead Dispatcher. She said the position, in regard to the hierarchy, is above the
112 Line Dispatcher, and we made sure we were meeting the requirements for operation.

113
114 Town Manager Amaral said to strike line 39, the word “duties” which they felt wasn’t necessary and
115 asked that Council consider that change with their approval.

116
117 Chairperson Lemont opened the public hearing at 6:17 p.m. and asked if any members of the public
118 would like to speak to, for or against the amendment. Hearing none, he closed the public hearing at
119 6:18 p.m.

120
121 **COUNCILOR THOMSON MOVED THAT, PURSUANT TO TITLE 30-A, M.R.S. 3001, 2.14 OF THE**
122 **TOWN CHARTER, TITLE 2, ADMINISTRATION AND PERSONNEL, THE KITTEERY TOWN**
123 **COUNCIL HEREBY ORDAINS AMENDMENT TO ADD LEAD DISPATCHER, AS PRESENTED**
124 **AND PUBLICLY HEARD THIS EVENING, WITH DELETION ON THE MATERIAL BEFORE US.**
125 **COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN**
126 **IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

127
128 11. DISCUSSION
129 a. By members of the public }
130 b. Response to public comment directed to a particular Councilor } none
131 c. Chairperson’s response to public comments }

132
133 12. UNFINISHED BUSINESS

134
135 (010118-9) The Kittery Town Council moves to sign a Release Deed, releasing tax liens to
136 Robert Mason, for property located at 34 Stevenson Road, Kittery, Maine, identified as Assessor’s
137 Tax Map 29, Lot 27, to be effective 1/8/18.

138
139 Chairperson Lemont apologized, but Council had taken action on January 8th, but he failed to get a
140 motion and a second. He said they did a roll call.

141
142 **COUNCILOR THOMSON MOVED THE ACTION PERTAINING TO THE RELEASE DEED,**
143 **VOTED ON JANUARY 8, 2018 BE MOVED AND APPROVED, SECONDED BY COUNCILOR**
144 **PELLETIER. ROLL CALL VOTE WAS TAKEN, 7-0 AND VOTED SEVEN IN FAVOR, NONE**
145 **OPPOSED, MOTION CARRIES.**

146
147

148 13. NEW BUSINESS

149 a. Donations/gifts received for Council disposition

151 (010318-2) The Kittery Town Council moves to accept the following:

- 154 • \$500 from James L. and Elizabeth B. Gamble to be deposited in account #2063-43600 Kittery Community Center
- 155
- 156
- 157 • \$100 from Karyn De Nicola to be deposited in account #2082-43600 KCC
- 158 Playgrounds
- 159

160 **COUNCILOR THOMSON MOVED TO ACCEPT THE GIFT OF \$500 FROM JAMES AND**
161 **ELIZABETH GAMBLE BE PLACED IN ACCT. #2063-43600 KITTEY COMMUNITY CENTER**
162 **AND THE \$100 GIFT FROM KARYN DE NICOLA BE DEPOSITED IN ACCT. # 2082-43600 KCC**
163 **PLAYGROUNDS, WITH THE APPROPRIATE THANK YOU'S SENT TO THE INDIVIDUALS,**
164 **SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN**
165 **FAVOR, NONE OPPOSED, MOTION CARRIES.**

166 b. (010318-3) The Kittery Town Council moves to approve the disbursement warrants.

167 Chairperson Lemont asked Councilor Beers if the Town and Sewer warrants were in due form.
168 Councilor Beers replied yes.

169 Chairperson Lemont asked Councilor Pelletier if the School warrant was in due form. Councilor
170 Pelletier responded yes.

171 **COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS: TOWN PAYABLE**
172 **IN THE AMOUNT OF \$315,805.28, SEWER PAYABLE, IN THE AMOUNT OF \$4,947.52 AND**
173 **SCHOOL PAYABLE IN THE AMOUNT OF \$57,738.39, BE PAID AS REVIEWED. COUNCILOR**
174 **PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR, BY A VOICE VOTE, AYE,, 7-0.**
175 **SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

176 c. (010318-4) The Kittery Town Council moves to schedule a public hearing to transfer
177 Other Funds between accounts.

178 **COUNCILOR THOMSON MOVED TO SCHEDULE THE DATE OF FEBURARY 12, 2018 FOR**
179 **THE PURPOSE OF SAID PUBLIC HEARING, SECONDED BY COUNCILOR PELLETIER. ROLL**
180 **CALL VOTE WAS TAKEN AND VOTED 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION**
181 **CARRIES.**

182 d. (010318-5) The Kittery Town Council moves to adopt the Town Council's 2018 goals.

183 **COUNCILOR THOMSON MOVED TO ADOPT THE TOWN COUNCIL 2018 GOALS, SECONDED**
184 **BY COUNCILOR BEERS.**

185 Discussion: Councilor Brock wanted to know if it applied to both the Council's and the Town
186 Manager's goals. He said, in reference to Rice Public Library becoming a town department, which
187 he agreed, but it does not mention the disposition of the Taylor Building. He suggested that this be
188 added and that the same addition be made on the Town Manager's goals.
189

197 Councilor Dennett said that he cannot buy into this progressive and visionary concept.

198

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

201

202 e. (010318-6) The Kittery Town Council moves to adopt the Town Manager's 2018 goals.

203

204 **COUNCILOR BROCK MOVED THAT LINE 19 OF THE TOWN MANAGER'S GOALS BE**
205 **AMENDED TO INCLUDE: AFTER BECOMING A TOWN DEPARTMENT, DISPOSITION OF THE**
206 **TAYLOR BUILDING AND CONTINUE AS WRITTEN, SECONDED BY COUNCILOR THOMSON.**
207 **ROLL CALL VOTE WAS TAKEN ON THE TOWN MANAGER'S GOALS WITH THIS CHANGE,**
208 **AND VOTED 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

209

210 Chairperson Lemont said we did not have a main motion on the Town Manager's goals to amend
211 and asked how were we going to fix this.

212

213 Councilor Beers asked if he could comment and, with Chairperson's approval, said he was curious
214 why their parliamentary procedure expert did not challenge that point.

215

216 Councilor Dennett asked if he could respond. Chairperson Lemont replied yes.

217

218 Councilor Dennett said that some people have been spoken to by the Chair not to give him a tough
219 time.

220

221 Councilor Thomson said that Council had no problem with the language addition made by Councilor
222 Brock and their vote was on the Town Manager's goals with a slight change.

223

224 Chairperson Lemont asked the Recording Secretary to capture what Councilor Thomson just said.

225

226 Councilor Dennett said that, referencing lines 29 and 30, Workers' Compensation costs, line 30
227 says Mod Rate, which should be corrected to Experience Modification factor, not rate. He said he
228 will not move it because someone can just plug it in.

229

230 Councilor Thomson said it is a technical correction and does not impact the action of the Council.

231

232 Chairperson Lemont said duly noted.

233

234 f. (010318-7) The Kittery Town Council moves to adopt the Town and School FY '2019
235 budget goals.

236

237 **COUNCILOR THOMSON MOVED TO ADOPT THE TOWN AND SCHOOL FY'19 BUDGET**
238 **GOALS AS PRESENTED, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE WAS**
239 **TAKEN AND VOTED 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

240

241 14. COUNCILOR ISSUES OR COMMENTS

242

243 Councilor Thomson said last June, when Council acted on the FY'18 budget, there was discussion
244 about the need to start looking at Fire Dept. staffing moving forward. He said the Town Manager

245 would begin to gather data and work with the Fire Chief and perhaps the Police Chief. He wanted
246 to know, to that end, if anything has transpired since then?
247

248 Town Manager Amaral replied that the Fire Chief has pulled together data, based on the needs,
249 and he continues to monitor, including plans for a Pilot Firefighter program.
250

251 Vice-Chairperson Denault wanted to mention the following people who have passed away recently:
252 Betty Adams, Sally Orcutt, Dana Hoyt, a member of the Eliot Fire Dept. and the North Berwick
253 Police Dept. for many years, Lawrence Casey, Roger Kenney, who worked at the Transfer Station,
254 and Albert Crawford, Chair of the School Committee for many years. He said that their thoughts
255 and prayers are with the families over their loss.
256

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

260 Councilor Beers said that the CIP has concluded their review of the submitted forms from the
261 Departments and will be meeting the day after tomorrow. He said it appears to be in good shape to
262 pass along for consideration on February 12th.
263

- 264 16. EXECUTIVE SESSION – none
265

- 266 17. ADJOURNMENT
267

268 **COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 6:33 P.M. VICE-**
269 **CHAIRPERSON DENAULT SECONDED THE MOTION. SEVEN IN FAVOR BY A UNANIMOUS**
270 **VOICE VOTE. MOTION CARRIES. MEETING ADJOURNED.**

271
272 Respectfully submitted,
273

274
275 Barbara Boggiano
276 Recording Secretary
277
278



TOWN OF KITTELY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED
DEC 20 2017
BY: 10:34 AM

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: VERN GARDNER

RESIDENCE: 2 TUCKER COVE, KITTELY, ME

MAILING (if different) P.O. BOX 214 PORTSMOUTH, N.H.

VERN GARDNER - CONSULTANT

E-MAIL ADDRESS: _____ PHONE #: (Home) 439-4359 (Work) 439-9699

Please check one choice:

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

EDUCATION/TRAINING: BA BUSINESS, MASSON COLLEGE (1970)
INDEPENDENT STUDIES, UH, ECONOMICS

RELATED EXPERIENCE (Including other Boards and Commissions) BOARD OF APPEALS
(CHAIR-7 YRS), COMPREHENSIVE PLAN (CHAIR 3 YRS)
CABLE BOARD, ECONOMIC DEVELOPMENT

PRESENT EMPLOYMENT: SELF-REAL ESTATE APPRAISER

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application):
NONE KNOWN

REASON FOR APPLICATION TO THIS BOARD: SERVICE KITTELY

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

Please read the back of this application before signing.

Vern Gardner
SIGNATURE OF APPLICANT

12/20/17
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

RECEIVED

JAN 5 2016

BY: 10:39 AM

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Drew Fitch

RESIDENCE: 9 Langton St, Kittery

MAILING (if different) _____

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

Please check one choice:

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

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

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

PRESENT EMPLOYMENT: President of Atlantic Development LLC

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

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

REASON FOR APPLICATION TO THIS BOARD: I believe my experience would be a valuable addition to the Board of Appeals, and I'd like to get more involved in the town.

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

Please read the back of this application before signing.

SIGNATURE OF APPLICANT

1/5/18
DATE



RECEIVED

JAN - 5 2018

BY: 2:40 pm

TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Todd Rollins _

RESIDENCE: 47 Tilton Ave Kittery ME 03904

MAILING (if different) _

E-MAIL ADDRESS: tprollins@gmail.com _ PHONE #: (Home) 207-475-8801
(Work) _ _

Please check one choice:

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

EDUCATION/TRAINING: BS from UNH (Biology), Charter Financial Analyst (CFA Institute)

RELATED EXPERIENCE (Including other Boards and Commissions) Boy Scout troop leader, United Way volunteer

PRESENT EMPLOYMENT: Bank of New York Mellon - Manager

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

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

REASON FOR APPLICATION TO THIS BOARD:

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

Please read the back of this application before signing.


SIGNATURE OF APPLICANT

DATE Jan 5, 2018

Title 30-A: MUNICIPALITIES AND COUNTIES

§2605. Conflicts of interest

1. Voting. The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.


SIGNATURE OF APPLICANT


DATE

Title 30-A: MUNICIPALITIES AND COUNTIES

§2605. Conflicts of interest

1. Voting. The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.

RECEIVED

JAN - 8 2018



TOWN OF KITTERY, MAINE

8:54 pm

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Judy Spiller
RESIDENCE: 3 Rosellen Drive, Kittery Point
MAILING (if different) _____

E-MAIL ADDRESS: judyspiller43@gmail PHONE #: (Home) 2074390637 (Work) _____

Please check your choices:

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

EDUCATION/TRAINING: Ph.D., Earth and Space Sciences

RELATED EXPERIENCE (Including other Boards and Commissions) taught environmental

risk assessment, Tufts University; formerly, member of Kittery Town Council, Kittery Comp. Plan

Update Committee, Kittery Open Space Committee

PRESENT EMPLOYMENT: Retired

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

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: Desire to continue service to community

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

Please read the back of this application before signing.

J. Spiller
SIGNATURE OF APPLICANT

01/08/17
DATE



RECEIVED
FEB 05 2018

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

BY: KAE 11:37 AM

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Joseph G. Carleton Jr.
RESIDENCE: 15 Hartley Farm Lane
MAILING (if different) P.O. Box 689

E-MAIL ADDRESS: joseph.carleton@gmail.com PHONE #: (Home) 207-646-8341 (Work) same

Please check your choices:

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

EDUCATION/TRAINING: Law degree

RELATED EXPERIENCE (Including other Boards and Commissions) former member, Kittery Planning

Board; real estate related law practice, 45 years; former member of planning board, appeals board

and chair of site review board in another town (Wells)

PRESENT EMPLOYMENT: Attorney at Jensen Baird Gardner & Henry, Portland, Maine

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

ANY KNOWN CONFLICT OF INTEREST: See attached

REASON FOR APPLICATION TO THIS BOARD: See attached

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

Please read the back of this application before signing.

Joseph G. Carleton Jr.
SIGNATURE OF APPLICANT

2/5/18
DATE

SUPPLEMENTAL INFORMATION OF JOSEPH CARLETON
APPLICATION FOR BOARD OF APPEALS

Conflicts of Interest. I do not know of any conflicts of interest at this time. I may have conflicts of interest if a client (or a client of Jensen Baird Gardner & Henry) appears before the Board and will disclose and recuse myself if that is the case. To my knowledge I have only one personal client who has business pending with the Town of Kittery. It is Landmark Properties, which has an application for a mixed use project on Route 1 pending before the Planning Board.

I do not personally appear before town boards. My practice is transactional and consists of drafting the governing documents for condominium and homeowner association projects.

Reason for Application. I have an interest in the subject.

Other: My wife and I travel. There may be times when I would miss a meeting because we are away.

Other: People who are familiar with me and my work:

Jonathan Carter

Duncan McEachern

Russell White



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

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

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): LA CASITA LLC
(please print)

Applicant Address: 58 A Broadstreet Ln Ellet ME 03903
(please print)

Applicant's mailing address if different from above: SAME

Date of Birth (Sole Proprietor): 05/18/1976 Applicant's Telephone Number: 941-585-1899

Business Name: LA CASITA
(please print)

Business Address: 181 State Road Kittery ME 03904
(please print)

Business Telephone Number: 207-703-2653

Signature of Applicant: [Signature] DATE: 1/30/2018

Applicant's Name: Luis G Velez Ortiz
(please print)

LICENSE FEE: \$ 50.00

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

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



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

REPORT TO TOWN COUNCIL

Meeting Date: January 22, 2018
From: Kendra Amaral, Town Manager
Subject: Transfer Request for Fiscal Year 2018 – Other Funds
Councilor Sponsor: Chairperson Kenneth Lemont

EXECUTIVE SUMMARY

In accordance with Town Charter 6.09(4) Transfer Appropriation, the following is a request to transfer surpluses from “Other Funds” and reserve accounts to various accounts as specified below.

STATEMENT OF NEED

There are a number of inactive Other Funds and CIP accounts with either identified surpluses or deficits, that need to be resolved. It is worthwhile to resolve these surpluses and deficits in conjunction with the finalization of the FY19 – FY23 Capital Improvement Plan, so the town is working from a reconciled baseline going forward.

This transfer request does not preclude any supplemental transfer requests as may be appropriate or required at the close of the fiscal year.

Inactive Surpluses

2013	GMH Fire/Police Protection	\$483
2033	Property Revaluation	\$3,479
2076	Wave Mitigation – Pepperrell Cove	\$4,000
2080	Comprehensive Plan Update	\$25,000
4000	KCC Annex & Econ Development	\$6,397
4037	Fire Dept SCBAs	\$493
4057	Rt. 1 Bypass & Rt. 1 Two Way Plan	\$2,500

Inactive Deficits

2077	Brownfields Grant – Wood Island	(\$5,041)
2092	Dispatch Center	(\$1,000)

TRANSFERS

- **From GMH Fire/Police Protection (2013) to Brownfields Grant (2077): \$483**

The last time account 2013 appears to have been active is in FY2015. The balance is being requested to be transferred to the Brownfields Grant account which is carrying a deficit. The deficit is the result of the Town's commitment to match \$40,000 of a \$200,000 EPA grant (exclusive of the MEDECD sub-grant for additional \$58,000). The Town anticipated meeting its match with in-kind labor. However, the town's actual in-kind labor did not net out as projected, resulting in a lower disbursement from EPA. The project was closed out in 2017.

- **From Property Revaluation (2033) to Brownfields Grant (2077): \$3,058**

The last time account 2033 appears to have been active is in FY2015.

- **From Property Revaluation (2033) to Municipal Facility Reserve (4027): \$421**

We anticipate needing the Municipal Facility reserve to cover a project cost overage on the Fire Department Gorges Road boiler replacement. The project was expanded to include a more efficient system, expansion of heating into the outer-office, and replacement of defective circulator pumps discovered during installation of the new boiler system.

- **From KCC Annex and Econ Development (4000) to Municipal Facility Reserve (4027): \$6,397**

The record of account 4000 in our financial system begins in FY2013, though it appears likely to be the result of a transfer from another fund that existed prior to FY2013. The last expenditures occurred in FY2014.

- **From Rt. 1 Bypass & Rt. 1 Two Way Plan (4057) to Brownfields Grant (2077): \$1,500**

The funding for account 4057 was appropriated in FY2015. The original request was to prepare a plan for the Route 1 Bypass from the SML Bridge to the Memorial Circle, including a feasibility of study of a two-way street from the Memorial Circle to Adams Drive and north to Haley Road. Proposal anticipated \$47,500 in state and federal funding. It does not appear that grants were received or the work performed.

- **From Rt. 1 Bypass & Rt. 1 Two Way Plan (4057) to Dispatch Center (2092): \$1,000**

In FY2016, the first two months of rental charges for tower space at Mount Agamenticus were charged to account 2092, which was established for the reconstruction and upgrade of the dispatch center. The town auditor advised against reopening the FY2016 books to correct the charge, and recommended we resolve the deficit with a transfer.

- **From Wave Mitigation – Pepperrell Cove (2076) to KPA Facility Reserve (4116): \$4,000**

The Wave Mitigation account 2076 was funded for \$20,000 in FY2015 following expenditures in FY2013 and FY2014 in the amount of \$16,000. No activity has occurred on this project since FY2015. The KPA Facility Reserve is targeted for additional funding needs, as a recent

assessment found the Government Street wharf needs to be replaced. Estimated cost of replacement is \$300,000 - \$400,000. Grant funding to offset the cost is being pursued along with transfers and additional CIP funding in the coming years.

• **From Comprehensive Plan Update (2080) to Zoning Recodification (4122): \$25,000**

The Comprehensive Plan update process has completed the consultant-phase of the work. Other than potential printing costs for hard copies of the Comprehensive Plan, no additional expenditures are expected to be charged against this account. The Zoning Recodification account 4122 was created with the FY2018 CIP and initially funded at \$45,000. The total project request is \$75,000. This transfer is being pursued in lieu of an FY2019 capital appropriation.

• **From Fire Dept SCBAs (4037) to Fire Dept Equipment Reserve (4056): \$493**

This project was complete in FY2013 with funding fully addressed by FY2017. In FY2018, the Fire Equipment Reserve was adjusted to serve as the reserve for future SCBA replacement along with other equipment replacement such as turn-out gear and radios.

BACKGROUND

N/A

PROPOSED SOLUTION/RECOMMENDATION

Approve transfers as requested.

Report to Council
 Fiscal Year 2018
 CIP and Other Funds Transfers
 Mid-Year Transfers

OTHER FUNDS TRANSFERS

FROM ¹		TO		Ending Balance
2013	GMH Fire/Police Protection	\$ 483	2077 Brownfields Grant	\$ 483
2033	Property Revaluation	\$ 3,058	2077 Brownfields Grant	\$ 3,058
4057	Rt. 1 Bypass and Rt. 1 Two Way Plan	\$ 1,500	2077 Brownfields Grant	\$ 1,500
2033	Property Revaluation	\$ 421	4027 Municipal Facility	\$ 421
4000	KCC Annex & Econ Development	\$ 6,397	4027 Municipal Facility	\$ 6,397
2076	Wave Mitigation - Pepperrell Cove	\$ 4,000	4116 KPA Facility Reserve	\$ 4,000
2080	Comprehensive Plan Update	\$ 25,000	4122 Zoning Recodification	\$ 25,000
4037	Fire Dept SCBAs	\$ 493	4056 Fire Dept Equipment Reserve	\$ 493
4057	Rt. 1 Bypass and Rt. 1 Two Way Plan	\$ 1,000	2092 Dispatch Center	\$ 1,000
Total Other Funds Transfers		\$ 42,352		\$ 42,352

Notes:

1. Transfers from, will result in 0 balances for these accounts.

Town of Kittery

Fund Balances - Capital Projects and Special Revenues

For the month ending December 31, 2017

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2017	Transfers YE FY17	Transfers FY18	CIP Appropriation 7/1/2017	YTD Expense	YTD Revenue	Ending Fund Balance
Special Revenues (Grants, Designated Accounts, etc)									
SR	2006	Additional Snow and Ice Expenses	1,504.29				(1,504.29)		-
SR	2012	Fire Hazmat Spill Recovery Fees	4,236.12				(465.98)		3,770.14
SR	2013	GMH Fire/Police Protection	482.75						482.75
SR	2014	Police Grants	24.18						24.18
SR	2028	Ballot Machines	6,078.00						6,078.00
SR	2032	ASA Applicant Code	30,265.54				(18,271.50)	46,101.18	58,095.22
SR	2038	Kittery Block Party	22,743.97				(23,311.73)	3,500.00	2,932.24
SR	2056	Concerts in the Park	2,846.91				(2,600.00)		246.91
SR	2059	KLT (Conservation Comm	972.02						972.02
SR	2060	Wetland mitigation	25,156.00						25,156.00
SR	2063	Kittery Community Center (KCC) Donations	13,617.29					14,873.62	28,490.91
SR	2066	Police Forfeiture	59,296.57					894.38	60,190.95
SR	2068	Fort Foster Bench Donations	12,635.11				(1,848.78)	25.00	10,811.33
SR	2069	Boating Infrastructure Grant (BIG)	1,583.71						1,583.71
SR	2071	D.A.R.E	216.03						216.03
SR	2074-43603	TIF District #3	54,454.76				(6,961.24)		47,493.52
SR	2074-67502	TIF District #2	167,627.84						167,627.84
SR	2076	Wave Mitigation - Peppercell Cove	4,000.00						4,000.00
SR	2077	Brownfields Grant	(1,372.32)				(3,666.83)		(5,041.15)
SR	2079	Spruce Creek 319 PH4 Grant	687.35				(5,261.50)	6,926.23	2,352.08
SR	2081	Channel 22 (PEG) Capital Funding	431,999.99				(24,157.66)	56,231.93	464,074.26
SR	2082	KCC Playgrounds						64,618.36	64,618.36
SR	2091	FEMA Flood Maps Ins Rate Appeal	20,000.00				(23,825.00)		(3,825.00)
SR	2092	Dispatch Center	(1,000.00)						(1,000.00)
SR	4001-67500/43600	State Aid to Roads General	452,056.26		(128,597.50)		(2,400.00)	155,664.00	476,724.76
SR	4001-67502/43602	Whipple Road Improvements	275,744.70		27,292.10		(1,581.66)		301,455.14
SR	4001-67503/43603	Memorial Circle Improvements	233,109.44		10,000.00		(1,862,017.20)	952,787.27	(566,120.49)
SR	4001-67508/43608	Walker/Wentworth			91,305.40				91,305.40
SR	4030	Public Safety Impact Fees	61,461.04				(21,843.65)	47,403.23	87,020.62
SR	2093	LWCF Grant - Emery Field Phase 1	41,230.54				(241,632.24)	41,615.27	(158,786.43)
SR	2210	Ogden KCC Grant	30,000.00				(2,400.00)		27,600.00
		Total Special Revenue	1,951,660.09	-	-	-	(2,243,751.26)	1,390,640.47	1,098,549.30
CIP Bonds									
CP	2036	Kittery Community Center Bonds	373.48						373.48
CP	2085	2016 Municipal Projects	24,255.35					1,378.01	25,633.36
CIP Programs									
SR	2022	Compensated Absences	36,981.90					170,767.00	207,748.90
CP	2033	Property Revaluation	3,478.91						3,478.91

Town of Kittery
Fund Balances - Capital Projects and Special Revenues
For the month ending December 31, 2017

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2017	Transfers YE FY17	Transfers FY18	CIP Appropriation 7/1/2017	YTD Expense	YTD Revenue	Ending Fund Balance
CP	2053	Pier Construction	(69,309.58)			35,646.00			(33,663.58)
CP	2057	Open space	59,047.00						59,047.00
CP	2078	Athletic Fields Master Plan (Design)	37,142.34			25,000.00			62,142.34
CP	2080	Comprehensive Plan Update	25,000.00						25,000.00
CP	4000	KCC Annex & Econ Dev	6,397.12						6,397.12
CP	4002	Right of Way Reserve (inc 4005, 4006, 4008, 2090)	813,921.17			200,000.00	(717,301.61)		296,619.56
CP	4011	KCC Vehicle Reserve	14,700.00			6,000.00			20,700.00
CP	4012	Public Works Vehicles/Equipment (inc. 4009, 4014, 4015, 4023)	114,335.79			500,000.00	(490,875.28)		123,460.51
CP	4013	Fire Apparatus Reserve	181,862.19			159,750.00	(40,242.00)		301,370.19
CP	4017	MS4 Compliance Reserve	104,869.40			10,000.00	(1,509.20)		113,360.20
CP	4018	KPA Boat Reserve	1,997.02			7,500.00		7,601.00	17,098.02
CP	4019	KCC Equipment Reserve	7,068.73			5,000.00			12,068.73
CP	4020	Municipal Technology Reserve	23,951.39			35,000.00	(30,478.39)		28,473.00
CP	4022	Police Vehicle/Equipment	4,450.94			113,000.00	(93,981.04)		23,469.90
CP	4026	Records Preservation	12.13			10,000.00	(800.00)		9,212.13
CP	4027	Municipal Facility Reserve (was Roof Maintenance)	170,772.47			50,000.00	(26,832.33)		193,940.14
CP	4031	Public Safety Base Station Radio Replace	20,845.45						20,845.45
CP	4037	Fire Dept SCBAs	493.02						493.02
CP	4043	Parks Building & Grounds (inc 4016)	3,875.47			20,000.00	(17,554.45)		6,321.02
CP	4051	KCC Facility Reserve	23,700.00			10,000.00			33,700.00
CP	4053	Pepperrell Cove Paving/Utilities	21,461.88						21,461.88
CP	4055	Port Authority Equipment Reserve (inc 4052)	37,686.00			13,000.00			50,686.00
CP	4056	Fire Dept Equipment Reserve	85,217.32			57,667.00	(11,539.62)		131,344.70
CP	4057	Rt 1 Bypass & Rt 1 Two Way Plan	2,500.00						2,500.00
CP	4100	Fire Dept Facility Reserve (was Boiler Replacements)	36,340.00				(46,415.00)		(10,075.00)
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)	6,386.50	10,473.00		50,000.00	(7,505.00)		59,354.50
CP	4122	Zoning Recodification and GIS Upgrade	45,000.00			45,000.00			45,000.00
CP	4120	Rice and Taylor Lighting	10,000.00			10,000.00			10,000.00
CP	4121	Rice Beam Replacement	6,740.00			6,740.00			6,740.00
Total Capital Projects			1,800,890.39	181,240.00	-	1,369,303.00	(1,485,033.92)	8,979.01	1,875,378.48
School Capital Projects			128,330.13			50,000.00	(44,125.81)		134,204.32
SCH	1001	School Facility Reserve	102,621.37			40,000.00	(25,202.00)		117,419.37
SCH	1003	School Technology Reserve	28,426.00			40,000.00	(4,746.00)		61,680.00
SCH	1004	School Vehicle Reserve	7,719.07			10,000.00			17,719.07
Total School Capital Projects			265,096.57	-	-	140,000.00	(74,073.81)	-	331,022.76

Town of Kitty

Fund Balances - Capital Projects and Special Revenues
For the month ending December 31, 2017

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2017	Transfers YE FY17	Transfers FY18	CIP Appropriation 7/1/2017	YTD Expense	YTD Revenue	Ending Fund Balance
TOTAL GENERAL OPERATIONS									
			4,017,647.05	181,240.00		1,509,303.00	(3,802,858.99)	1,399,619.48	3,304,950.54
Permanent Funds (Scholarship Funds/Trust Funds)									
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	12,168.65				(12,347.00)	9,250.00	9,071.65
PF	5005	Lester Raynes Fund	9,228.16						9,228.16
PF	5007	Thresher Memorial Fund	2,650.10				(1,381.00)	120.00	1,389.10
PF	5010	Recycling Scholarship Fund	6,073.60				500.00	4,548.65	11,122.25
PF	5021	Cemetery	5,297.35				(12,600.00)		(7,302.65)
Total Permanent Funds			121,294.23	-	-	-	(25,828.00)	13,918.65	109,384.88
Enterprise Fund (Sewer)									
ER	2900	Sewer Impact fees	490,715.46				(3,375.00)	116,115.00	603,455.46
ER	2901	Sewer Betterment	116,946.97					18,636.08	135,583.05
ER	2902	Sewer Safety Grants	-				(1,756.00)	1,756.00	-
ECP	4900	Sewer Vehicle Reserve	166,938.33				(85,882.50)		166,938.33
ECP	4901	Sewer Depreciation (Capital Reserve)	239,300.51				(91,013.50)		153,418.01
Total Enterprise Funds			1,013,901.27	-	-	-	(91,013.50)	136,507.08	1,059,394.85
GRAND TOTAL ALL FUNDS			5,152,842.55	181,240.00	-	1,509,303.00	(3,919,700.49)	1,550,045.21	4,473,730.27

1 **PROPOSED**
2 **LIBRARY TRANSITION WORKING GROUP**
3 **CHARGE**

4
5 *The KITTERY TOWN COUNCIL:*
6

7 Hereby establishes the Library Transition Working Group as follows:

- 8 1. The Library Transition Working Group membership will consist of one Town Councilor
9 appointed by the Town Council, one Library Board member appointed by the Library Board of
10 Directors, the Town Manager, the Finance Director, and the Library Director.
- 11 2. The Council wishes the Working Group to engage and complete negotiations of terms for the
12 transition of the Library to a town department. Terms will include the Library Board of
13 Directors charge, employee wages and benefits for transiting staff, disposition of cash and real
14 property assets, creation of any trusts or “other funds” accounts, and transition protocols.
- 15 3. The Council expects the Working Group to present the negotiated terms to the Town Council
16 and the Library Board of Directors for consideration and adoption no later than June 30, 2018.
- 17 4. The Working Group will meet as often as it determines necessary to complete its task.
- 18 5. The Working Group reports to the Town Council as a whole. It has no authority with
19 municipal departments and staff, except as it may be requested of, and directed by, the Town
20 Manager.
- 21 6. The Council herewith dissolves the Working Group upon adoption of the negotiation terms by
22 the Town Council and the Library Board of Directors.

1 **PROPOSED**
2 **LIBRARY BUILDING COMMITTEE**
3 **CHARGE**

4
5 *The KITTERY TOWN COUNCIL:*
6

7 Hereby establishes the Library Building Committee as follows:

- 8 1. The Library Building Committee membership will consist of ~~three~~two Town Councilors
9 appointed by the Town Council, ~~three~~two Library Board members appointed by the Library
10 Board of Directors, and ~~three~~five residents appointed by the Town Council. ~~Ex-officio support~~
11 ~~will be provided by~~ The Town Manager, the Finance Director, and the Library Director will
12 serve on the committee as ex officio members.
- 13 2. The Council wishes to appoint the resident representatives as recommended by the Council and
14 Library Board members of the Committee. The recommended resident appointees will be
15 selected from a pool of candidates who apply to be on the Library Building Committee, and who
16 present a beneficial combination of background and experience, interest in the project, and
17 availability to actively participate in the Committee's work.
- 18 3. The Council wishes the Committee to ~~engage~~develop and complete the renovation and
19 expansion of the Rice Public Library Building as a project. The Committee will recommend a
20 professional design team to be engaged for the project, and work with the design team to
21 develop a concept design, conduct ~~design developments~~schematic design, generate construction
22 drawings, engage in permitting, develop cost estimates, bid for contractors, and oversee
23 implementation of the design plans.
- 24 4. The Council expects the Committee to seek Council approval for a bond referendum for
25 funding ~~of~~for the project, in accordance with professionally developed cost estimates and
26 designs.
- 27 5. The Council expects the Committee to submit periodic progress and status reports no less often
28 than quarterly through the project design phase, and monthly or more frequently through the
29 construction phase. Project reports will include design highlights, renderings, cost estimates and
30 project schedules as available.
- 31 6. The Committee ~~will be~~is expected to encourage input and participation from residents,
32 businesses, applicable boards, commissions and committees, and experts in the execution of its
33 tasks.
- 34 7. The Committee will elect a chair and vice chair and organize itself; and meet as often as it
35 determines necessary to complete its tasks.
- 36 8. The Committee reports to the Town Council as a whole through its Chairs. It has no authority
37 with municipal departments and staff, except as it may be requested of, and directed by, the
38 Town Manager.
- 39 9. The Council herewith dissolves the Committee upon the completion of its ~~tasks~~charge and
40 beneficial occupancy of the facility, or four years after its creation, whichever occurs first.

1 **PROPOSED**
2 **TAYLOR BUILDING COMMITTEE**
3 **CHARGE**

4
5 *The KITTERY TOWN COUNCIL:*
6

7 Hereby establishes the Taylor Building Committee as follows:

- 8 1. The Taylor Building Committee membership will consist of two Town Councilors appointed by
9 the Town Council, two Library Board members appointed by the Library Board of Directors,
10 ~~the Town Manager, the Finance Director, the Library Director, and~~ two residents appointed by
11 the Town Council. The Town Manager, the Finance Director, and the Library Director will
12 serve on the committee as ex officio members.
- 13 2. The Council wishes to appoint the resident representatives as recommended by the Council and
14 Library Board members of the Committee. The recommended resident appointees will be
15 selected from a pool of candidates who apply to be on the Taylor Building Committee, and who
16 present a beneficial combination of background and experience, interest in the project, and
17 availability to actively participate in the Committee's work.
- 18 3. The Council wishes the Committee to gather public input on the goals, concerns, and options
19 for the development of the Taylor Building parcel, to develop a request for proposals for the
20 sale and/or development of the parcel, to evaluate proposals based on criteria it establishes, and
21 to recommend the most advantageous proposal to the Council for consideration and action.
- 22 4. The Council expects the Committee to ~~provide progress reports to the Council, and to present~~
23 ~~recommendations for consideration and action by the Council at appropriate times.~~
- 24 5. The Committee ~~will be~~is expected to encourage input and participation from residents,
25 businesses, applicable boards, commissions and committees, and experts in the execution of its
26 tasks.
- 27 6. The Committee will meet as often as it determines necessary to complete its tasks.
- 28 7. The Committee reports to the Town Council as a whole. It has no authority with municipal
29 departments and staff, except as it may be requested of, and directed by, the Town Manager.
- 30 8. The Council herewith dissolves the Committee upon the completion of a sale of the Taylor
31 Building or within three years of its establishment, whichever occurs first.

ROBERT C TAYLOR OR
COLETTE A TAYLOR
PO BOX 544 (207) 363-4034
YORK HARBOR, ME 03911-0544

January 3, 2018

6162
52-36/112 ME
493

PAY (to the order of) Nitty and Kittery Community Center
\$ 90.00 Dollars

Bank of America
ACH RPT 011200386

For Sale of Auto - Morgan Colley RAOR



HEAT SENSITIVE SECURITY PAPER

CHECK NO. 030341 CHECK DATE 01/02/18 4620 K

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Kennebunk Savings Bank



York Hospital
15 HOSPITAL DRIVE
YORK, MAINE 03909

CHECK NO. 030341

52-7445/2112
CHECK AMOUNT
9,250.00

PAY TO THE ORDER OF
Nine Thousand Two Hundred Fifty And 00/100 Dollars*****
KITTERY RECREATION DEPARTMENT
200 ROGERS RD
KITTERY, ME 03904

TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$500
VOID AFTER 180 DAYS



5003-43600
9250-

690 ok
2063 43600
\$40 cash
2063 43600

Maryann Place

From: vtsdmailer@vt-s.net on behalf of Contact form at Kittery ME <vtsdmailer@vt-s.net>
Sent: Thursday, February 1, 2018 7:36 PM
To: Maryann Place
Subject: [Kittery ME] Requesting signs from town council (Sent by Debra Hartman, Debrajhartman@hotmail.com)

Hello mplace,

Debra Hartman (Debrajhartman@hotmail.com) has sent you a message via your contact form (<https://www.kitteryme.gov/user/29/contact>) at Kittery ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/29/edit>.

Message:

To the Town Council:

The Kittery Rotary After Hours Club requests that 10 signs (no larger than real estate signs) be placed in various locations around Kittery for their St. Patrick's Day Dinner.

The dinner will be held at the Kittery Fire Station on Saturday, March 17, 2018 from 3-6.

Respectfully request approval to place these signs on March 1, 2018 and remove them by March 19, 2018.

Thank you,
Debra J. Hartman

Debrajartman@hotmail.com
207-475-7687

Maryann Place

From: Downs, Michael J 008 <Downs.Michael@nne.sysco.com>
Sent: Wednesday, January 31, 2018 9:09 AM
To: Maryann Place
Subject: Kittery Little League Banner

Dear Council,

Kittery Little League would like to request to hang our banner, announcing registration is open, on Rogers Rd across from the Community Center from Tuesday February 13th until Friday March 9th.
Thank you

Michael Downs
207-712-5806

Michael Downs
Business Development Manager

T 800.632.4446
C 207.712.5806



Sysco Northern New England

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
 10 WATER STREET, HALLOWELL, ME 04347
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 04/30/2018

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:			Business Name (D/B/A)		
APPLICANT(S) –(Sole Proprietor)			DOB:		
Badger's Island Pizza LLC			Physical Location:		
DOB:			City/Town		
			Kittery		State
					Maine
			Zip Code		
			03904		
Address			Mailing Address		
30 Remicks Lane			3 Island Ave		
City/Town		State	City/Town		State
Kittery		Maine	Kittery		Maine
Zip Code			Zip Code		
03904			03904		
Telephone Number		Fax Number	Business Telephone Number		Fax Number
207-439-4110			207-439-5996		
Federal I.D. #			Seller Certificate #:		
464531902			or Sales Tax #: 1167939		
Email Address:			Website:		
Please Print john@badgersislandpizza.com			Badgersislandpizza.com		

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

Requested inspection date: _____ Business hours: 11:00am-9:00pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 503477.00 LIQUOR \$ 9489.00
- Is applicant a corporation, limited liability company or limited partnership? YES NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? Yes No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business
Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: _____
7. Business records are located at: 3 Island Ave Kittery Maine 03904
8. Is/are applicants(s) citizens of the United States? YES NO
9. Is/are applicant(s) residents of the State of Maine? YES NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
John W. Huddleston	12/15/1959	Palestine, Texas
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Kittery, Maine		

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

Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____ (use additional sheet(s) if necessary)

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

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

14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: A & P Realty Trust 15 Van Buren Ave Portsmouth NH 03801

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) - 40 seat Pizza Restaurant on the ground floor of a 3 story mixed use building.

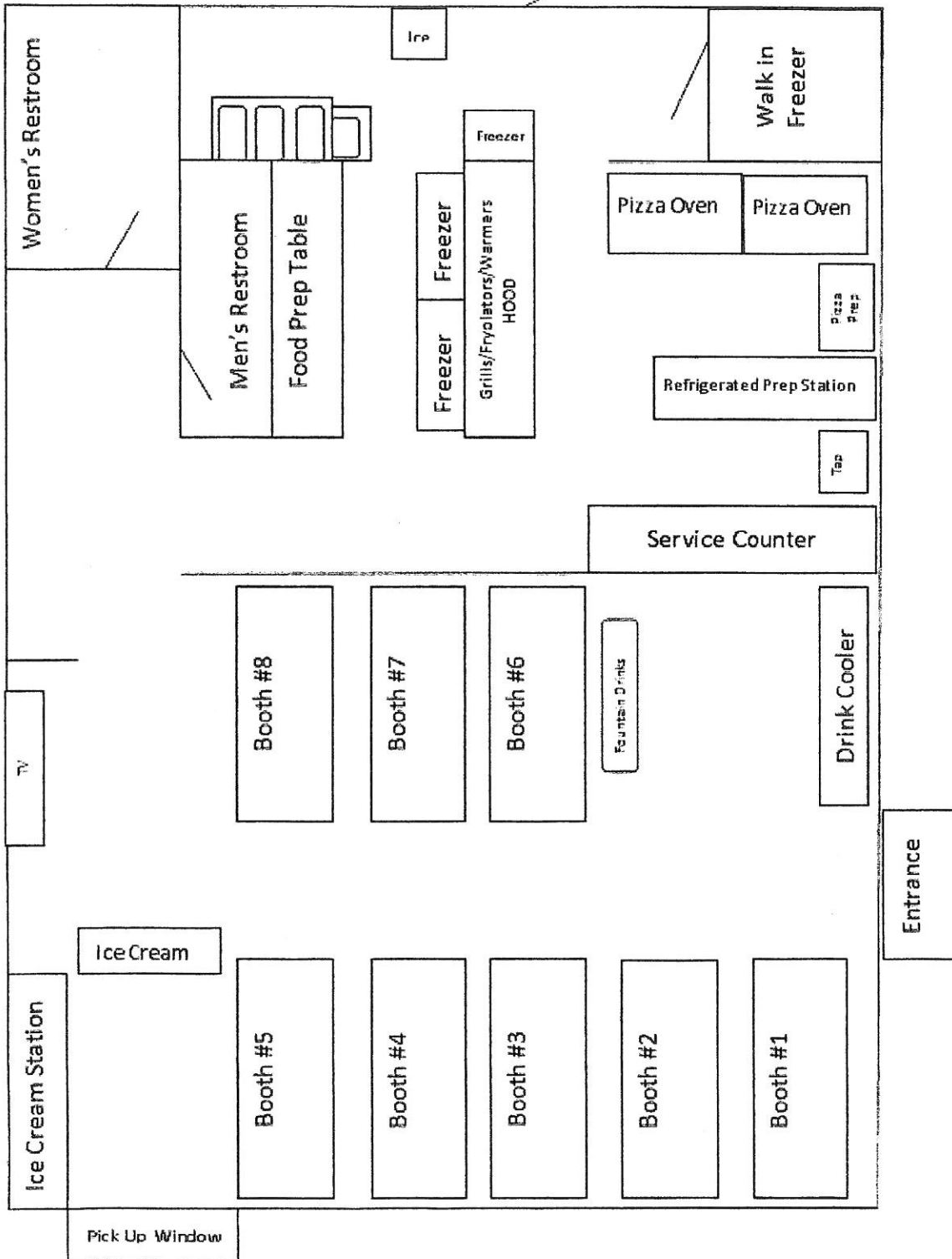
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES NO Applied for: _____

17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 miles

Which of the above is nearest? Church

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

If YES, give details: _____





State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:
License #: _____
SOS Checked: _____
100% Yes <input type="checkbox"/> No <input type="checkbox"/>

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

1. Exact legal name: Badger's Island Pizza LLC
2. Doing Business As, if any: Badger's Island Pizza
3. Date of filing with Secretary of State: 01/08/14 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
John W Huddleston	30 Remicks Lane, Kittery ME	12/15/59	Co-Owner	100%

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

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

Yes No If Yes, Name: _____ Agency: _____

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

Yes No

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

Name: _____

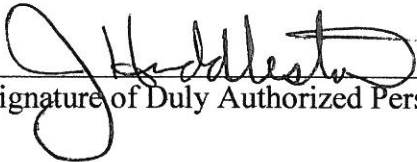
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

02/05/2018

Date

John W Huddleston

Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

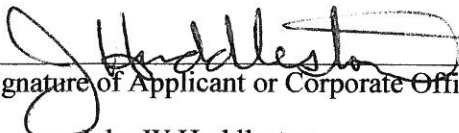
The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

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

Dated at: Kittery Maine
Town/City, State

February 5, 2018
Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
John W Huddleston
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

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

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

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

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008.
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

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

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

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