

TOWN OF KITTERY

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

June 11, 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 5/14/18 Regular Meeting
- 8. Interviews for the Board of Appeals and Planning Board
- 9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
 - a. (060118-1) The Kittery Town council moves to recognize John Brosnihan for his 17 years of dedicated service as a Sergeant in the Kittery Police Department.
 - b. (060118-2) The Kittery Town Council moves to recognize Janice Grady for 35 years of dedicated service as the Kittery Recreation Director.

10. PUBLIC HEARINGS

- a. (060118-3) The Kittery Town Council moves to hold a public hearing in accordance with Sec.
 6.06 (3) of the Kittery Town Charter and adopts the 2018-19 Municipal, Adult Education,
 Capital Improvement, and Enterprise Fund budgets.
- b. (060118-4) The Kittery Town Council moves to hold a public hearing to receive comments on Town Meeting Articles 2 through 9 for the June 12th Election.
- c. (060118-5) The Kittery Town Council moves to hold a public hearing and hereby adopts an Amendment to Appendix A Sewer Service Rates.
- d. (060118-6) The Kittery Town Council moves to hold a public hearing and hereby ordains an Amendment to Title 13- Rates and Charges.
- e. (060118-7) The Kittery Town Council moves to hold a public hearing on an application from York Food Group, LLC. for a Victualers license for Burrito Betty's Food Truck at 345 US Route in Kittery.

f. (060118-8) The Kittery Town Council moves to hold a public hearing on an application from Starbucks Corporation for a Victualers license for Starbucks Coffee store #7907 at 306 US Route 1 in Kittery.

DISCUSSION

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

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
 - (060118-9) The Kittery Town Council moves to accept donation in the amount of \$200 from David Leavitt to be deposited into account #2063-43600 KCC Fundraising.
- b. (060118-10) The Kittery Town Council moves to approve the disbursement warrants.
- c. (060118-11) The Kittery Town Council moves to approve a one-day extension of the service area of the premises externally on the current liquor license for Sonmat Inc., 7 Wallingford Square, from 9:00am – 10:00pm for the Kittery Block Party on June 16, 2018.
- d. (060118-12) The Kittery Town Council moves to appoint recommended citizen representatives to the Library Building Committee.
- e. (060118-13) The Kittery Town Council moves to appoint recommended citizen representatives to the Taylor Building Committee.
- f. (060118-14) The Kittery Town Council moves to accept the resignation of David Lincoln from the Economic Development Committee.
- g. (060118-15) The Kittery Town Council moves to release \$4,000 from the Wetlands Preservation Fee fund for the Fort Foster mapping of invasive species.
- h. (060118-16) The Kittery Town Council Moves to approve an easement for Central Maine Power for Map 10 Lot 5 for a utility pole and guywires associated with the Whipple Road project.
- (060118-17) The Kittery Town Council moves to schedule their summer meetings for July 23rd and August 27th.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports
- 16. EXECUTIVE SESSION
- 17. ADJOURNMENT

Posted: June 07, 2018



TOWN OF KITTERY

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council June 11, 2018

- **1. Quarterly Annual Goals Update** Enclosed please find the quarterly annual goals report for the Town Council and the Town Manager.
- 2. Taxpayer Relief Programs The staff are in the process of setting up the new taxpayer programs adopted by the Council at your May 30, 2018 meeting. We are developing guides, flyers, and applications, as well as finalizing the review and abatement processes. In conjunction with this effort, we are reviewing all of the accounts in foreclosure for unpaid taxes and will reach out to these taxpayers with information about their options under the new ordinance.
- **3.** Variable Speed Radars We are currently working with CMP to amend the existing pole agreement (for the State Road flags) to allow for the installation of the variable speed radar signs. Once that is finalized, we will be able to install the units.
- **4. Route 236 Traffic** The Request For Proposals for the traffic safety corridor study has been issued by KACTS. As you may recall this study will evaluate the corridor road improvements to make the road safer. The study area is from Stevenson Road to Beech Road. Proposals are due June 22nd.
- 5. Assistant Recreation Director Todd Henley Please help me in congratulating Todd Henley on his promotion to Assistant Recreation Director/Assistant General Manager. Todd has ten years of service with the Town and the department. He was one of a number of key staff in the transition effort to the new KCC building. He has successfully overseen the afterschool programs, senior programs, and the development of KCC marketing materials.

Todd will be serving in a critical role within the department and brings a combination of years of experience and a shared vision for the future of the KCC to his new role. His appointment is effective June 25, 2018.

Upcoming Dates:

- Election/Town Meeting Secret Ballot June 12th 8AM to 8PM, Kittery Community Center
- Janice Grady's Retirement Party June 13th 6pm
- Kittery Block Party June 16th, 10AM to 4PM, Foreside

Respectfully Submitted,

Kendra Amaral Town Manager

TOWN COUNCIL GOALS

2018

1ST QUARTER REPORT

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

TOWN MANAGER ANNUAL GOALS STATUS REPORT – 2018 Q1

2018 GOALS	STATUS	Update
Support Long-Term Planning and Growth Management Objectives		
Enhance the Town's economic development activities and work with local and regional organizations to attract, support, and sustain appropriate local economic investment	On going	New Planning Director started, brings wealth of economic development experience; working with developer of the Sowerby parcel on brownfields analysis, ongoing meetings with various business owners, mall road property managers and owners, and Foreside businesses.
Propose and implement zoning amendments that support desired growth in the targeted growth areas including the Business Park, Route 1, Route 1 Bypass	In process	Mixed Use Neighborhood rezone (Business Park) scheduled for Planning Board public hearing on June 14 th . Inclusionary Housing working group focusing on Route 1 mall area. RFP for consultant to assist with Title 16 recodification drafted.
Develop and begin to implementation of an action plan associated with the Foreside Land Use, Parking, and Transportation Study	In process	Action plan drafted, initial key actions include addressing parking perception issues, parking time limits in Foreside area, and master planning the State Road portion of the project area.
Support town process to adopt the 2015-2025 Updated Comprehensive Plan	In process	Public hearing completed by CPUC. Will be presented to Council in summer to place on the ballot for November.
Enhance Financial Stability		
Produce a 2019 budget that seeks to maintain a stable tax rate, and that is adequately justifiable in comparison to appropriate economic indicators and comparable communities.	In process	Worked with School Department to manage overall cost increases in association with tax rate and economic indicators. Awaiting Council adoption of FY19 budget.
Develop a policy to manage tax liens in a timely manner and address tax liens from prior years.	In process	Worked with Council to develop ordinance to provide taxpayer relief options; proposed tax collection policy. Council approved ordinance and policy on May 30th. Review of foreclosure property in process; presentation to Council in fall on property disposition.
Develop options to resolve the current Sewer Enterprise Fund challenges and implement as guided by Council.	In process	Analysis completed. Rate model has been developed and options proposed to Council. Council conducted two workshops and will be considering rate and policy revisions in June.
Develop a Facility Master Plan to inform the Capital Improvement planning.	In process	Facility Maintenance Supervisor is completing the building inventory process including creating an inventory of all systems (roofs, MEP systems, building envelopes) with details on useful life remaining and cost to replace.

1 June 11, 2018

TOWN MANAGER ANNUAL GOALS STATUS REPORT – 2018 Q1

Resolve the matter of the Library becoming a Town department, resolve the Taylor Building disposition, and advance the Library renovation and expansion project efforts.	In process	Library Transition committee reviewing documentation and developing recommendations. Taylor and Library Building committees being filled and expected to begin work this summer.
Continue to Improve Organizational Efficiency		
Continue to propose and implement Charter, Ordinance, and Rule changes that improve efficiency and effectiveness of town operations. O Title 2 – Personnel O Title 4 – Boards and Commissions O Title 5 – Business Licenses and Regulations O Title 6 – Animals O Title 13 – Public Services		
Prioritize employee safety and reduction of workers compensation costs, take steps to begin reducing the town's current experience modification factor of 1.23.	On going	Safety Committee is meeting regularly. Committee releases quarterly safety advisories and reviews claims. Mod rate for coming year is projected at 1.17 which is the result of a combination of older claims dropping off and fewer/less severe newer claims.
Increase Public Awareness and Engagement	<u> </u>	
Continue to improve town generated communications and ensure they are concise, accurate, and accessible for a variety of audiences	On going	Adjusted format and approach to public communications; KCC rebranding and redesign of website is underway. Issuing more "news bulletins" to the public about happenings in town government.
Propose revisions to Title 4 that enhance public interest in volunteering to serve on boards, commissions and committees.	In process	Increased public notification and outreach for volunteers for Planning Board and Board of Appeals.

2 June 11, 2018

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Kittery Town Council May 14, 2018 Regular Meeting - 6 p.m. **Council Chambers**

- 1. Call to order: Chairperson Lemont called the meeting to order at 5:00 p.m.
- 2. Introductory: Chairperson Lemont read the introductory.
- 3. Pledge of Allegiance: Chairperson Lemont led all present in the Pledge of Allegiance.
- Roll call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth Lemont.
- Agenda Amendment and Adoption: 5.

COUNCILOR DENNETT MOVED, DUE TO SPECIAL CIRCUMSTANCES, TO SUSPEND COUNCIL RULES, PARTICULARLY SECTION ONE, TO AMEND THE START TIME FOR COUNCIL PROCEEDINGS FROM 6:00 P.M. TO 5:00 P.M., SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, MOTION CARRIES.

Councilor Dennett asked if the Chairperson was going to move an amendment?

Chairperson Lemont said he would move the public hearings, #10 a-c, to 6:00 p.m. He thanked his fellow Councilors for being available earlier this evening so that any one who chooses to do so may attend the visiting hours for Milton Hall, long-time, dedicated citizen of the community.

Chairperson Lemont asked if there were any other adjustments and, seeing none, cast one vote to accept the agenda as amended.

- 6. Town Manager's Report: none
- 7. Acceptance of Previous Minutes: none
- Interviews for the Board of Appeals and Planning Board: none 8.
- All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(050218-1) The Kittery Town Council moves to receive a presentation from the Town Manager on the Municipal Budget.

Town Manager Amaral said she would go through the details of the proposed FY'19 budget, but the actual budget submitted, with line items, is in the Council's packets. She said she will do an overview and first spoke to goals which are adopted every year for both the Town Council and the Town Manager. She said her goal is to present a strictly balanced budget, justifiable and appropriate to include the stabilization of the tax rate. She said the annual goals do not include the School Dept. but support long-term planning and growth management objectives, sewer enhancement, financial stability for the library and continue to improve the organization's efficiency, increase public awareness and advance ongoing initiatives.

Town Manager Amaral said she met with Supt. Waddell and talked about the increase on the mill rate. She said they have to develop budgets mindful as to what it does to our taxpayers. She said the mill rate is the figure she needs to be at and the Superintendent understood. She said valuation is extremely important to maintain an affordable and sustainable tax rate.

Town Manager Amaral said she went with Southern York communities with similar services and our budget is comparable to theirs. She said they are all doing the same things regarding dollar value. She was asked why is the Wells tax rate so low? She replied because their valuation is higher and when the valuation is higher, the tax rate goes down. She said the property values' projected increase is \$12 million dollars. She said vacant land increased in value but commercial use is on the rise in Kittery and residential dropped in the last year.

Town Manager Amaral said the value they assess on taxes on 89% they will have to adjust within the next coming year. She said they need appropriate economic development in order to reduce the burden on the taxpayers. She said that only 71% of the properties are on the market in Kittery, and the price goes through the roof. She said they need to address that and make it affordable so people can stay here. She said she will not be able to do it in this kind of growing home value.

 Town Manager Amaral said they need to offset the TIF districts and removed money from the Public Safety Impact Fund to address this, which historically has been over-budget. She said other factors include: they have been investing in local roads and there is a \$200,000 increase in roads; advance on-call program with the Fire Dept. and developing options to resolve the Sewer Enterprise Fund challenges. She said \$100,000 has been deducted from the CIP budget to start the design for the library.

Town Manager Amaral said that 65% of the municipal revenue comes from property taxes and they need more non-property tax revenue coming to support the FY'19 budget. She showed the breakdown of revenue allocated from property taxes. She said there is a 9.58% increase in non-property tax revenues. She said the Rec. Dept. programs are in demand and the revenue is \$107,645.

Town Manager Amaral said the interest coming in, due to the new investment policy, is \$19,000. She said non-recurring funds are being proposed, but to do so judiciously and they are trying to manage expenditures for FY19.

Town Manager Amaral said there is a growing balance in their Channel 22 PEG Fund, nearly one half-million dollars. She said they overstated the tax rate and let the money continue to grow. She said the money they get off of Comcast cable. She said they have added a 2 ½ % cap on their bills. She said the recording funds are going into another fund and growing. She said she has been talking with Randy to see what they can do with that. She said they did adopt a policy to keep \$200,000 in the fund to keep up with the systems and everything they need.

Town Manager Amaral said they are taking \$50,000 from the Kittery Port Authority Facilities Reserve Acct. and will be funding that {project} in a Warrant Article.

Town Manager Amaral showed Council a chart on allocated capital expenses and explained that FY'19 reflects two years' worth of COLA in the wages line and limited increases. She said shared expenses were put into one budget. She said medical, retirement, insurance, and retired employee benefits were taken out of individual budgets. She said \$319,813 increase is non-discretionary as she has to have coverage for employees. She said the biggest budget increase of \$115,130 for medical includes changes in the plan. She said there hasn't been a change in personnel, just additional hours for 2 staff.

Town Manager Amaral said the Retired Employees line increased to \$77,459; Administration \$57,191 and Debt & Interest decreased to \$21,127. She said there were no changes to staff in the Sewer Dept. but Building & Grounds and Miscellaneous Expenses decreased to \$47,008.

Town Manager Amaral said with regard to the TIF Reserve Acct., the money can only be used for those properties within the TIF district. She said that the online permitting program is up and running and Planning and Code Enforcement saw an increase \$47,487. She said the Assistant Town Planner role will be vacant (\$30,604) and they have contracted for Assessing Services – an increase of \$1,671.

Town Manager Amaral said they are working on recodification for Title 16 to include the Mall Road corridor redevelopment. She said there is an increase in Fire Dept. \$28,004 for a new on-call program which would make sure that we have sufficient people able to respond during weeks or days where it is difficult to get firefighters. She said the line for the Police Dept., has increased exponentially to \$110,513 and they have historically spent more money in overtime. She said the DEA overtime will be decreasing as the town will be out of the arrangement in September. She said the outside entities are reflected only for those events not requested by town entities.

Town Manager Amaral said the Public Works. Dept. shows an increase to \$93,323 – which includes additional seasonal employees, maintenance and monitoring enforcement at Fort Foster. She said the seasonal position has been filed and the impact on this budget is \$16,239 which includes benefits. She said under Resource Recovery, there has been an increase in recyclable waste to \$11,000 and she indicated that on the "Revenue vs. Expenses" chart as not meeting expenses.

Town Manager Amaral said the Kittery Community Center reflects an increase of \$28,966 which is anticipated due to Janice Grady's retirement. She said the KCC is doing well with revenue meeting expenses.

Town Manager said there is a \$725 decrease in the Harbormaster/Kittery Port Authority line items. She said she is reversing her position and it is not appropriate for one person to be at the facility collecting fees and making sure people are following the rules 24/7. She said they are increasing staffing with the Assistant Harbor Master and a dock master to help out when needed. She said \$50,000 will be received from the United States to replace the Government Street pier.

Town Manager Amaral said they will be having a workshop to talk about Sewer rates but she has put in the current rates, but they will be seeing a \$448,998 deficit in this coming year for the Enterprise Fund.

 Town Manager Amaral showed the "Wrap Up" and said the property tax levy increase is \$351,662 and the \$142,975 is below LD-1 limit and \$16.99 is the projected mill rate and will go down if the valuation comes in higher. She said the projected annual increase is \$161, based on the average home valuation or 2.9%.

Town Manager Amaral thanked the Finance Director and Department Heads, who put a lot of work into this proposed budget. She said she has gone through every line before Council and would be happy to answer questions.

Chairperson Lemont thanked the Town Manager and asked if there were any questions from Council.

Vice-Chairperson Denault said he had a question regarding the Harbor Master, through the Chair. He said he understood what happened and what is going on but, based on longevity and retirement from the Police Dept. and working as the Harbor Master, he wanted to know how did the Town Manager arrive at the salary grade and what could they anticipate with longevity with someone when retirement

kicks in, because it is his understanding that when someone retires, that wipes out the years with the town.

Town Manager Amaral replied that is not how the ordinance is written.

Vice-Chairperson Denault said the Town Manager, through negotiations had a figure, and he can deal with that. He said she addressed that anyway, right?

Town Manager Amaral replied yes.

Vice-Chairperson Denault said back in the day, when he got computers through Dell and HP, they came with the Gold Series warranty, which was built into the Government price. He said the Dell onsite support was free for the Gold users. He said he sees \$17,000 and wanted to know if that was still in effect and wouldn't that have dropped every two years, a lower rate, a lower rate, than back up to a higher rate to replace the computers?

Town Manager Amaral replied the \$12,000, which makes up the majority, is for the annual service contract for the online permitting system and the remainder is not just fixing computers but also is for Tech Support. She said when they have new accounts, they have to set up the computers and they need to address those issues, so it is more Technical Support than repairing the machines.

Vice-Chairperson Denault said he did not realize that \$12,000 out of \$17,000 was earmarked for software, so \$7,000 is reasonable. He wanted to know if the rest of the computers still came out of the CIP account?

Town Manager Amaral responded that when they replace the computer systems, they do.

Vice-Chairperson Denault asked then it is totally separate?

Town Manager Amaral answered yes, we do.

 Councilor Thomson said this is not a question and asked if Council would entertain a suggestion for the body, conveyed through the Chair, to the Town Manager, that in her budget presentation, she indicated a conservative valuation figure of \$16.99. He said he would like to make one adjustment and would like Council consensus. He said Council has the ability to control one individual's salary in this town. He said he believes this individual is woefully underpaid in the profession she is in and the work she has been performing.

Councilor Thomson said his suggestion is he would like to increase line item 66037, Council Expenses, from \$350 to \$15,350 to enable this body to have some leeway when we adjust that employee's salary in the Fall.

Chairperson Lemont asked Councilor Thomson what page is that on?

197 Councilor Thomson replied page 31.

Chairperson Lemont asked if Council was amendable to that?

201 Vice-Chairperson Denault said he was in.

203 Chairperson Lemont asked Councilor Thomson if he would like to make a motion.

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Councilor Thomson replied he did not know if he can really do that.

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Town Manager Amaral said they would still need to have a public hearing.

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Councilor Thomson suggested and would like Council consensus to increase that line item and that amount be added to the budget.

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Chairperson Lemont said he concurred.

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Councilor Dennett asked what line item?

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216 Councilor Thomson replied 66037.

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Councilor Dennett wanted to know, through the Chair, how much is this being increased by?

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Councilor Thomson responded \$15,000 and currently stands at \$350. He said there may be a better place to put in that sum, but this way, we can utilize it if we so choose.

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Councilor Brock asked for clarification, through the Chair, that this provides flexibility for Council to increase the Town Manager's salary?

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226 Councilor Thomson responded yes.

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Councilor Pelletier said he is fine with setting aside that amount, which is no different than what our other contractors and the School Dept. does for things, for discussion. He said it would provide flexibility and they do not have to use the entire amount. He said this is simply a place holder and they can talk about an actual amount in the future.

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233 Councilor Brock concurred.

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Councilor Dennett said no.

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Chairperson Lemont said to the Town Manager that the majority of Councilors concurred and to make sure that figure is added to the budget. He thanked Councilor Thomson.

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Councilor Beers said they are at the no question/comment portion of the meeting but wanted to compliment the Town Manager, Finance Director and Dept. Heads for a most detailed, justifiable, well-structured, broad-scoped resolution of this historically chronic problem suffered financially in this town, ever. He thanked them very much.

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Chairperson Lemont said they will be taking a five-minute recess at 5:55 p.m. and called the meeting back to order at 6:00 p.m. to address public hearings.

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10. PUBLIC HEARINGS

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a. (050218-2) The Kittery Town Council moves to hold a public hearing on the Taxpayer Relief Program.

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Chairperson Lemont asked if anyone wished to speak to, for or against this item to now do so. He opened the public hearing. Seeing none, he closed the public hearing at 6:02 p.m.

COUNCILOR THOMSON MOVED TO ACCEPT AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT.

Chairperson Lemont addressed Councilor Dennett and asked if he had some concerns.

Councilor Dennett said he would respectfully submit the motion is in order but it must be done by ordinance but that is not what is on the agenda. He said the agenda states that it is just to hold a public hearing and that has been done.

Chairperson Lemont asked Councilor Dennett if the motion and the second should be withdrawn?

Councilor Dennett replied he thought so, but he is not the leader.

Chairperson Lemont said you would never know it and that they need to withdraw the motion. He asked Councilor Dennett how they should proceed?

Councilor Dennett said that the Town Manager might like to put this on a subsequent agenda.

Chairperson Lemont said consider it done and thanked Councilor Dennett.

b. (050218-3) The Kittery Town Council moves to hold a public hearing on the application from Thomas Lynch for a Victualer's License for Tommy's Lunch Box at 99 State Road, Kittery.

Chairperson Lemont asked if anyone wished to speak to, for or against the application and opened the public hearing at 6:04 p.m. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED TO APPROVE THE APPLICATION FROM THOMAS LYNCH FOR A VICTUALER'S LICENSE FOR TOMMY'S LUNCH BOX AT 99 STATE ROAD, KITTERY. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, WITH ALL VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (050218-4) The Kittery Town Council moves to hold a public hearing on the application from Bhikhabhai Patel for a Victualer's License for the 7'Eleven at 169 State Road, Kittery, Maine.

Chairperson Lemont said that the Code Enforcement Officer has conducted the inspection and found the establishment to be in compliance with the Town Code.

Chairperson Lemont asked if anyone wished to speak to, for or against the application and opened the public hearing at 6:05 p.m. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED TO APPROVE THE APPLICATION FROM BHIKHABHAI PATEL FOR A VICTUALER'S LICENSE FOR THE 7'ELEVEN AT 169 STATE ROAD, KITTERY. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Chairperson Lemont asked for discussion and addressed Councilor Dennett.

Councilor Dennett said that he may be totally confused but it was his understanding this item would be removed and put on the next agenda due to a technical problem.

Chairperson Lemont asked the Town Manager if she was aware of any problem?

Town Manager Amaral replied that what was put in the notice is the name of the person and not the entity, but the location is identified. She asked if they wanted to withhold the public hearing or move forward? She felt the notice was sufficient.

Councilor Dennett said he must respectfully disagree. He said the applicant is a corporation and is not listed here. He said they would be issuing a license to an individual who did not want to be licensed. He said either people make out the application correctly or they do not. He understood that this is complicated as the owner of the operation is changing sometime at the end of the month, depending on the date we issue the license.

Town Manager Amaral said they are changing ownership at the end of the month.

Councilor Brock asked the Town Manager if she was aware of this time-sensitive problem if we do not approve this tonight.

Town Manager Amaral said the license expires May 31st and the next meeting is May 30th so it gives them one day.

Councilor Brock asked if that will give them sufficient time to proceed unless there are more technical difficulties?

Councilor Dennett said not to my knowledge. He said it is his understanding the transfer of ownership is going to take place immediately upon the issuance of the Victualer's license.

Councilor Beers said point of order Mr. Chairman.

Chairperson Lemont said yes Councilor Beers.

Councilor Beers asked if the entity is changing ownership, wouldn't the new ownership need to file an application.

Councilor Dennett said in his opinion, yes. He understands that other people would say no.

Chairperson Lemont asked if the business was already transferred?

Town Manager Amaral replied no, but she believes the name on the application is the new owner.

Ms. Maurice said who is on the application is correct but she put the applicant's name rather than the name of the corporation, so the application was filled out properly and what went out for the public hearing notice and how it is stated on the agenda is not correct. She said the application is the current new owner.

Councilor Brock asked if the public hearing notice was incorrect?

Ms. Maurice replied that the applicant's name should have been put on as Bapashree of New England Inc. instead.

Councilor Beers said if this is a new owner, he would not be concerned if they postpone this to the 30th. He said they can still operate under the current license – whoever that is.

356 Chairperson Lemont asked if the ownership was being transferred at the end of May until such time the new ownership takes over.

Ms. Maurice said yes, this can be transferred. She said the owner once everything is approved can finalize.

Chairperson Lemont asked if they can clarify that for Council Dennett when we meet on the 30th?

Councilor Pelletier said what she is saying is that the wording is correct for the meeting but for the public hearing is incorrect.

Ms. Maurice responded yes, it should be Bapashree of New England Inc.

Councilor Pelletier wanted to know if what they were saying was that they need to have another public hearing.

372 Chairperson Lemont answered correct.

Councilor Pelletier said okay, he is fine with that if that was the defective part, but the public hearing piece is the problem. He said if someone had a bee in their bonnet with that corporation, but it was not on the agenda would be an issue. He supported this item coming back on May 30th.

Councilor Thomson asked how it was advertised?

Chairperson Lemont said everything was correct except the agenda.

Councilor Pelletier said the agenda and the public hearing notice.

Ms. Maurice replied on the public hearing notice, it was advertised with the individual's name.

Chairperson Lemont asked what would the Town Council like to do?

Councilor Thomson said he would withdraw his motion. Vice-Chairperson Denault agreed to withdraw.

COUNCILOR THOMSON MOVED TO WITHDRAW THE MOTION AND THAT THE KITTERY TOWN COUNCIL TAKE NO ACTION ON THIS ITEM TONIGHT AND REQUESTED THAT THE PROPER NOTIFICATION BE MADE SO IT CAN BE ACTED ON AT THEIR MAY $30^{\rm TH}$ MEETING. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0. MOTION CARRIES.

11. DISCUSSION - none

12. UNFINISHED BUSINESS - none

13. NEW BUSINESS

a. Donations /gifts received for Council disposition – none

b. (050218-5) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked if the Town and Sewer payables were in due form. Councilor Beers replied they were.

Chairperson Lemont said there was no School Warrant tonight.

Chairperson Lemont read the amounts: Town Payable - \$112,963.21 and Sewer Payable, \$32,298.77 for a total of \$145,261.98.

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

c. (050218-6) The Kittery Town Council moves to schedule a public hearing on June 11, 2018 to vote on the FY'19 municipal budget.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN COUNCIL SCHEDULE A PUBLIC HEARING ON JUNE 11TH TO VOTE ON THE FY19 MUNICIPAL BUDGET, SECONDED BY COUNCILOR PELLETIER.

Councilor Thomson asked if this motion means we must vote on the proposed budget on June 11th, but as the public hearing is happening, there may be questions raised that need to be clarified. He said, as per the Town Charter, the Council has the ability not to act – quite frankly - until July 31, 2018. He said that is his question.

Vice-Chairperson said he would amend his motion.

Chairperson Lemont asked the Town Manager what are her expectations for that evening?

Town Manager Amaral replied, ideally, they would approve it before the start of the fiscal year would be preferable.

Councilor Thomson said he does not disagree, but the way it reads, we are locked into June 11th to vote on it and the motion should say the public hearing will be on June 11th.

Vice-Chairperson Denault said that is what he said and he stands by that.

Councilor Brock asked, through the Chair, if changed, as just suggested, does that mean we can vote on that item?

Councilor Beers responded either way it works, we cannot vote on June 11th and move it to a later time if necessary or warranted or leave it as it is and have the opportunity to do so if we feel strongly to do it that evening.

Councilor Thomson said if everyone is okay with Councilor Beers' comment, it is fine with him. He said he did not want to have a development arise whereby they have the public hearing and questions are raised which we would have to sought out that night because we have to vote on it tonight.

Councilor Dennett said this is a little different from the wording we usually have on this. He said that it would say "to schedule a public hearing for June 11th and vote" but this gives us a little more leeway. He said it could still be postponed and he has no problem with it as it is.

Chairperson Lemont asked Councilor Dennett if he would like the word changed to "and"?

Councilor Dennett replied no, it usually says "and" but either way is fine, it still gives us leeway.

Councilor Thomson said, through the Chair, that it is fine the way it is and he regrets bringing this up.

ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.

d. (050218-7) The Kittery Town Council moves to appoint Peter Thomas to the Shellfish Conservation Commission until 12/31/2021.

Councilor Dennett said Mr. Chairperson, the interview has been held and is favorable.

 COUNCILOR DENNETT MOVED THAT THE KITTERY TOWN COUNCIL APPOINT PETER THOMAS TO THE SHELLFISH CONSERVATION COMMISSION UNTIL 12/31/21 AND IT WAS SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.

e. (050218-8) The Kittery Town Council moves to appoint Todd Rollins to the Shellfish Conservation Commission until 12/31/2021.

Vice-Chairperson Denault said the interview was held and he was unanimously accepted with the Shellfish Chair.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN COUNCIL APPOINT TODD ROLLINS TO THE SHELLFISH CONSERVATION COMMISSION UNTIL 12/31/2021. COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Lemont said he had one question and asked Ms. Maurice if she knows that with this appointment the Board is filled now?

Ms. Maurice replied yes.

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

f. (050218-9) The Kittery Town Council moves to approve a Pole Location Permit from Central Maine Power to put in a new pole at a distance of eighty feet southerly from Spinney Cove Road.

COUNCILOR DENNETT MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE POLE LOCATION PERMIT FROM CENTRAL MAINE POWER TO PUT IN A NEW POLE AT A DISTRANCE OF EIGHTY FEET SOUTHERLY FROM SPINNEY COVE ROAD. COUNCILOR THOMSON SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.

g. (050218-10) The Kittery Town Council moves to approve a renewal application from WLH Management Corp., 11 Water St., Kittery, ME for a Malt, Vinous and Spirituous Liquor License for Warren's Lobster House, 11 Water Street.

Chairperson Lemont said that the Code Enforcement Officer has conducted the inspection and found the establishment to be in compliance with the Town Code.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM WLH MANAGEMENT CORP., 11 WATER STREET, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WARREN'S LOBSTER HOUSE, 11 WATER STREET. COUNCILOR THOMSON SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES.

h. (050218-11) The Kittery Town Council moves to approve a renewal application from Chios Pizza Inc., 15 Wentworth St., Kittery, ME for a Malt, Vinous and Spirituous Liquor License for Town Pizza, 15 Wentworth Street.

Chairperson Lemont said that the Code Enforcement Officer has conducted the inspection and found the establishment to be in compliance with the Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM CHIOS PIZZA INC., 15 WENTWORTH ST., KITTERY, ME FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR TOWN PIZZA, 15 WENTWORTH STREET. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.

i. (050218-12) The Kittery Town Council moves to approve a renewal application from Maine Ocean Lobster LLC, 31 Badger's Island West, Kittery, ME for a Malt, Vinous and Spirituous Liquor License for The Pointe, 31 Badger's Island West.

Chairperson Lemont said that the Code Enforcement Officer has conducted the inspection and found the establishment to be in compliance with the Town Code.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM MAINE OCEAN LOBSTER LLC, 31 BADGER'S ISLAND WEST, KITTERY, ME FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE POINTE, 31 BADGER'S ISLAND WEST. COUNCILOR THOMSON SECONDED THE MOTION.

Councilor Dennett said he had a question on the supplemental application.

Chairperson Lemont asked him what was his concern?

 Councilor Dennett replied that it had not been signed and asked the Town Clerk to call the applicant to have him come in to be signed.

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

j. (050218-13) The Kittery Town Council moves to approve a one-day extension of the service area of the premises externally on the current liquor license for The Black Birch, 2 Government Street, from 9:00 a.m. – 10:00 p.m. for the Kittery Block Party on June 16, 2018.

COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE REQUEST FOR A ONE-DAY EXTENSION OF SERVICE AREA OF THE PREMISES, EXTERNALLY, ON THE CURRENT LIQUOR LICENSE FOR THE BLACK BIRCH, 2 GOVERNMENT STREET, FROM 9:00 A.M. – 10:00 P.M. FOR THE KITTERY BLOCK PARTY ON JUNE 16, 2018. COUNCILOR THOMSON SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.

k. (050218-14) The Kittery Town Council moves to approve the policy for Collection of Unpaid Taxes.

Town Manager Amaral asked if Council could hold off voting on this as well and do in conjunction with the Taxpayer Relief Policy.

Councilor Thomson said we could postpone this item until May 30th as requested.

Councilor Beers felt that they could just withdraw the agenda item.

Chairperson Lemont said consider it done and asked that this item be placed on the May 30th agenda.

I. (050218-15) The Kittery Town Council moves to postpone the ordainment of Title 15 Ethics, to the meeting of June 25th.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL POSTPONE THE ORDAINMENT OF TITLE 15, ETHICS, TO THE MEETING OF JUNE 25TH, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS

 Vice-Chairperson Denault said he would like to recognize Milton Hall, who recently passed. He said he was 81 years old and lived on Bowen Road. He said Mr. Hall was raised in his home in Kittery and attended Traip Academy and Maine Maritime Academy. He served in the Merchant Marines and retired after 20 years of service. He said Mr. Hall was the Chair of Kittery Port Authority and volunteered at the Kittery Naval & Historical Museum for many years. He said Mr. Hall enjoyed lobstering.

Vice-Chairperson Denault said he remembers him with kindness and asked if he could make a motion to adjourn the Council meeting in memory of Milton Hall.

Councilor Thomson said that he and his wife returned from their two-week to France and while they were there they took a trip to Normandy and walked on Omaha Beach. He said they could not go in part of the cemetery as it had rained and they were concerned with the turf. He choked up and said that in all his years of teaching U.S. History – it is something he will never forget.

Councilor Dennett said he is waiting for the Town Manager to say – for the public record – who is the new Harbor Master?

Town Manager Amaral said they hired retired Police Sergeant John Brosnihan, who has experience in the Coast Guard, as the new Harbor Master and he is looking forward to it.

15. COMMITTEE AND OTHER REPORTS

Councilor Beers said the Library Transition sub-committee met earlier this month and reviewed the extensive agenda and dealt with all the figures necessary to transfer the Rice Public Library from private to a town department. He said they will meet again on June 6th.

16. EXECUTIVE SESSION - none

17. ADJOURNMENT:

VICE-CHAIRPERSON DENAULT MOVED TO ADJOURN THE MEETING AT 6:29 P.M. IN HONOR OF MILTON HALL FOR HIS MANY YEARS OF SERVICE. COUNCILOR PELLETIER SECONDED THE MOTION. VOICE VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION CARRIES. Respectfully submitted, Barbara Boggiano Recording Secretary

FY19 BUDGET VOTE WORKSHEET GENERAL FUND

				BUDGET		
GENERAL FUND	ACTUAL FY15	ACTUAL FY16	ACTUAL FY17	ADJ FY18	PROPOSED FY19	Town Council Vote 6/11/18
GENERAL GOVERNMENT						
Admin	759,139	883,013	913,698	864,865	922,056	
Council	5,645	5,489	4,936	7,350	7,350	
Elections	8,752	9,957	9,611	11,300	11,800	
Total General Government	773,536	898,459	928,245	883,515	941,206	
SHARED EXPENSES						
Employee Benefits & Insurance	1,974,614	2,034,617	2,191,835	2,330,962	2,650,775	
Debt Service	670,272	691,728	891,126	861,988	840,861	
Total Shared Expenses	2,644,886	2,726,345	3,082,961	3,192,950	3,491,636	
PLANNING & CODE ENFORCEMENT						
Planning Board & BOA	10,072	10,251	9,765	16,337	14,149	
Planning & Code Enforcement	253,841	251,912	297,464	299,970	342,457	
Assessor	140,110	101,684	130,809	142,351	144,022	
Misc Exp - Public Health	522	528	520	520	520	
Total Planning & Code Enforcement	404,545	364,375	438,558	459,178	501,148	
PUBLIC SAFETY						
Fire	268,573	309,830	306,883	303,906	331,910	
Police	2,008,488	2,074,763	2,037,297	2,120,898	2,231,411	
Civil Preparedness	262	-	_	700	700	
Public Safety	2,277,322	2,384,592	2,344,180	2,425,504	2,564,021	
PUBLIC WORKS						
Highway	919,591	832,033	878,528	1,003,764	1,061,328	
Resource Recovery	463,854	483,118	482,091	509,394	535,237	
In Town Parks	112,898	121,882	122,488	129,433	133,618	
Fort Foster/Seapoint/Crescent Beach	107,128	102,173	126,335	149,755	155,486	
Public Works	1,603,472	1,539,206	1,609,442	1,792,346	1,885,669	

FY19 BUDGET VOTE WORKSHEET GENERAL FUND

		BUDGET				
	ACTUAL	ACTUAL	ACTUAL	ADJ	PROPOSED	
	FY15	FY16	FY17	FY18	FY19	Town Council Vote 6/11/18
COMMUNITY & HUMAN SERVICES						
Library	440,916	448,412	457,380	467,380	478,901	
Harbormaster	97,473	94,663	94,045	95,675	94,950	
Recreation	932,547	975,839	987,087	1,025,907	1,054,874	
Misc Exp - General Assistance	59,476	48,141	59,440	50,000	50,000	
Community Agencies	13,830	11,230	11,730	11,765	9,165	
Community and Human Services	1,544,242	1,578,285	1,609,682	1,650,727	1,687,890	
MISC EXPENSES - OTHER						
County Tax	908,475	912,948	909,420	934,420	869,853	
Streetlights & Machine/Equip. Maint.	126,071	128,599	149,868	130,000	120,000	
Hydrant Rental	215,979	224,348	246,775	254,179	261,804	
Other Miscellaneous	222,571	220,560	202,329	288,626	308,560	
Other	1,473,096	1,486,455	1,508,392	1,607,225	1,560,217	
TOTAL MUNICIPAL BUDGET	10,721,099	10,977,716	11,521,461	12,011,445	12,631,787	
ADULT EDUCATION BUDGET	69,835	69,835	73,103	80,590	86,765	
CAPITAL IMPROVEMENT BUDGET	1,208,975	1,159,492	1,208,975	1,509,303	1,703,281	

Projected Commitment \$ 24,541,734 Projected Overlay \$ 75,000

Projected Valuation Increase Over FY18

\$12 Million Increase (Current Budget Projection) \$13 Million Increase

\$15 Million Increase

	MIL RATE PROJECTIONS									
				Requested Town Council						
	Bu	dget as		E	Bud	get Increas	е			
3	Sul	omitted		\$5,000		\$10,000		\$15,000		
	\$	16.99	\$	16.99	\$	17.00	\$	17.00		
	\$	16.98	\$	16.98	\$	16.98	\$	16.99		
	\$	16.95	\$	16.96	\$	16.96	\$	16.96		

FY19 BUDGET VOTE WORKSHEET SEWER ENTERPRISE FUND

SEWER ENTERPRISE FUND	ACTUAL FY15	ACTUAL FY16	ACTUAL FY17	BUDGET FY18	PROPOSED FY19 (w/proposed Rate Increase)	Town Council Vote 6/11/18
43210 SEWER LIEN FEES	-	3,666	-	-	-	
43220 PENALTY INTEREST	=	12,137	4,847	=	4,847	
45001 REVENUE US NAVY	450,839	491,049	547,967	580,695	595,046	
45002 REVENUE US NAVY HOUSING	89,666	88,690	91,033	93,590	93,308	
45003 REVENUE OTHER	29,432	15,285	25,340	137,371	25,340	
45004 REVENUE TOWN OF ELIOT	149,602	184,297	221,944	177,138	227,493	
45005 REVENUE NEW SEWER	990,809	1,162,405	1,177,382	1,187,079	1,691,093	
45006 EXPANSION ASSESSMENT REVENUE	-	-	318,599	79,000	66,221	
45007 SEWER INTEREST REVENUE	3,195	626	7,271	=	=	
45008 UNBILLED REVENUE SEWER	911	-	-	=	=	
SEWER REVENUE NEW RATES	1,714,454	1,958,154	2,394,383	2,254,873	2,703,348	
SEWER EXPENSES	1,800,076	1,898,265	2,509,781	2,423,589	2,589,501	



TOWN OF KITTERY

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

REPORT TO TOWN COUNCIL

Meeting Date: May 30, 2018

From: Kendra Amaral, Town Manager

Subject: Sewer Rate Changes

Councilor Sponsor: Chairperson Kenneth Lemont

EXECUTIVE SUMMARY

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

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

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

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

BACKGROUND

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

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

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

STATEMENT OF NEED

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

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

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

PROPOSED SOLUTION/RECOMMENDATION

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

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

1 AN ORDINANCE relating to the municipality's authority for Town governance to give due and proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine 2 Revised Statutes, and more particularly where set forth in Maine Revised Statutes Title 30-A, 3 4 Municipalities and Counties. 5 WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its powers that 6 7 authorize the town, under certain circumstance, to provide for the public health, welfare, morals, and safety, and does not intend for this Ordinance to conflict with any existing state or federal 8 9 laws; and 10 WHEREAS, Title 13 contains the factors associated with the establishment and adjustment of 11 sewer rates including the maintenance, operation, repair and improvements to the system; and 12 WHEREAS, the Kittery Town Council seeks to recognize a fund reserve or unencumbered fund surplus as an additional and critical factor associated with the establishment and adjustment of 13 14 sewer rates; 15 NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001 AND TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 13 OF THE 16 TOWN CODE, AS PRESENTED. 17 **INTRODUCED** and read in a public session of the Town Council on the day of 18 19 20 , by: {NAME} Motion to approve by Councilor {NAME}, as seconded by Councilor {NAME} and 20 21 passed by a vote of .

THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery,

Maine on the _____, 20___, {NAME}, _____, Chairperson

Attest: {NAME}, _____Town Clerk

2223

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DRAFT: May 30, 2018

DRAFT: May 30, 2018

- 1 Title 13 PUBLIC SERVICES
- 2 Chapter 13.1 SEWER SERVICE SYSTEM
- 3 13.1.1.7 Rates and Charges.
- 4 A. The Town Council shall establish such rates as they deem necessary for the
- 5 maintenance, operation, repair and improvements to the system, and establish and maintain
- an unencumbered fund reserve (unencumbered surplus) of an amount equal to the
- 7 equivalent of twenty-two percent (22%) of the current year operating budget. Such rates may
- 8 be changed from time to time as they deem necessary. The user charge and appropriate cost
- 9 recovery system as set out in Appendix A is to be established in accordance with appropriate
- 10 federal and state laws, rules and regulations.
- 11 B. Sewer charges levied pursuant to this chapter not paid by July 1st of the following year
- are to be certified to the Treasurer of the Town who is to place the same on the real estate
- property tax bill for that year with interest and penalties allowed by law and are collected as
- 14 other <u>t</u>Town taxes are collected.

\$15.00

SCHEDULE 12. STREETS, SIDEWALKS and PUBLIC PLACES

Chapter 12.1 EXCAVATIONS,

Excavation Permit Fees (per square yard)

Surface Condition	First 25 square yards	Over 25 square yards					
Asphalt pavement	\$10.00	\$8.00					
Portland concrete	\$12.00	\$10.00					
Gravel	\$1.00	\$0.80					
Lawn grass	\$3.00	\$2.75					
Field grass slopes	\$1.00	\$0.80					
Unimproved areas	\$0.50	\$0.35					
Chapter 12.6 SHELLFISH, Shellfish License Fees							
Resident recreational		\$15.00					
Residents 70 and over (limited to 1	5 licenses)	Free					
Nonresident recreational		\$30.00					

SCHEDULE 13. PUBLIC SERVICES

Chapter 13.1 SEWER SERVICE SYSTEM

Article I. In General	
Rates and charges: Quarterly Usage and Capital Charge	
First 1,000 cubic feet or fraction thereof	\$ 75.00 _100.00
2. Per one hundred cubic feet in excess of 1,000 feet	\$ 5.00 7.46
Article III. Building Sewers and Connections Building sewer permit fees: 1. Residential or commercial 2. Industrial	\$15.00 \$15.00
Article V. Private Sewage Disposal	
Private sewage disposal system permit and inspection fee	\$10.00
Private sewage treatment facility after-hours labor charge (three-hour minimum labor charge)	\$25.00 per hour
Septic tank contents discharge rate	\$0.10 per gallon

Article VI. New Sewer Service Connection Fees

Holding tank contents discharge rate

Sewer Impac	ct Fee	(per unit charge) \$	3,000.0	00

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

\$0.015 per gallon



TOWN OF KITTERY

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

<u>APPLICATION FOR VICTUALERS, INNKEEPERS, AND LODGING HOUSE OPERATORS LICENSE</u>

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): York Food Group, LLC						
Applicant Address: 14 Hickory Lane, York ME 03909						
(please print)						
Applicant's mailing address if different from above:						
Date of Birth (Sole Proprietor): 4-18-56 Applicant's Telephone Number: 603-498-1048						
Burrito Betty's Mexican Grill						
(please print)						
Business Address: 2 US Route 1, York ME 03909						
(please print)						
Business Telephone Number: 207-451-4013						
Signature of Applicant: DATE: 5/17/2018						
Applicant's Name: Gerard Tassinary						
(please print)						
LICENSE FEE: \$ 50 FIRST TIME APPLICATIONS: \$50.00 RENEWAL OF LICENSE: \$25.00						

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



May 21, 2018

To the Town of Kittery:

This is to confirm that Burrito Betty's is contracting with Kittery Premium Outlets to allow the Burrito Betty's Food Truck to operate at KPO (4) – 345 US Route 1, Kittery, ME, space 32 in the front lot by McDonald's. The Food Truck will operate June through October, schedule to be decided. The Burrito Betty's Food Truck will be the only food truck on the property for the contracted dates once finalized.

Sincerely,

Elizabeth Fourar-Laidi General Manager

Kittery Premium Outlets 375 US Route 1 – Suite 220

Kittery, ME 03904 207-439-7993 – ext 3



TOWN OF KITTERY

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

APPLICATION FOR VICTUALERS, INNKEEPERS, AND LODGING HOUSE OPERATORS LICENSE

PLEASE PRINT THIS APPLICATION AND FILL IT OUT - DO NOT FILL IT OUT ON THE COMPUTER Thank you.

,
Applicant's name: Starbucks Corporation (please print)
Address: 2401 Utah Ave South, Scattle, WA, 98134 (please print)
Applicant's mailing address if different from above:
Applicant's Date of Birth: Applicant's Home Telephone Number: 20638.15
Name of Business: STARBUCKS COFFEE (#7907) (please print)
Business Address: 306 US ROUTE 1 KITTERY, ME 03904 (please print)
Business Telephone Number: 207-451-9701
SIGNATURE OF APPLICANT: Alex Suz DATE: 5/1/18
APPLICANT'S NAME: LESTEY SITUR (please print)
LICENSE FEE: \$ FIRST TIME APPLICATIONS: \$50.00

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SCrop

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

DAVID A LEAVITT 0602
PH. 207-363-3437
11 NEW BOSTON RD.
YORK, ME 03909

PAY TO THE ORDER OF LUNCH

52-7450/2112

2318

DATE 6-5-18

enter 18 200 00

Dur

Kennebunk Savings
Theatre Scat Arm

David a Seavett

LOOK FOR FRAUD-DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

Division of Liquor Licensing & Enforcement 8 State House Station, Augusta, ME 04333-0008 Telephone (207) 624-7220 Fax: (207) 287-3434

Email inquiries: MaineLiquor@maine.gov

	DIVISION USE ONLY
License No	;
Diagram:	☐ Yes ☐ No
Town Appr	oval: □Yes □ No

REQUEST FOR EXTENSION OF LICENSE ON PREMISE
Legal Name: Sonmit Inc License Number:
Physical Address: 12 7 wall reford sy. City Kitter
State NE Zip 03901 Phone: 510 790 8153 Fax:
Email address: Sound took of mail com Please Print
Mailing address: Street / PO Box City State Zip
Name, address, telephone number of Property Owner (if property is rented or leased, need copy of rental agreement / lease):
Michael (adjuster) 603 502 8/19
Missing Signature of Owner Printed Name of Owner Printed Name of Owner
Temporary ☐ Permanent ☐ Inside ☐ Outside ☐ Live Entertainment: Yes ☐ No ☐
Start Date: 3re 16 2018 End Date (if applicable): 3re 62018
Reason for this request: Kittery Block Porty
This request for an extension of service area for on premise license location MUST have Town / City approval and MUST have a diagram submitted with this form. Outdoor Restrictions: There must be a stanchion or fence completely enclosing the area. Signs must be posted, stating "no alcohol beyond this point". There must be sufficient employees at the extension of premise, which would be able to control and monitor the area.
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, Ork
On: City/Town (County) Date
The undersigned being: Municipal Offices County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of:, Maine
EXTENSION of premise ON 6/2017

Signature of Officials	Printed Name and Title
EXTENSION AREA	PREMISE DIAGRAM
an effort to clearly define your extension please dr	raw a diagram below that will include the area you riagrams should be submitted on this form and should be submitted on this form and should be submitted on this form and should be submitted on the should be sho
as accurate as possible. Be sure to label the areas	of your diagram including methods of monitoring a
ntainment of certain area which you are requesting	g approval from the Division for liquor consumption



COMMERCIAL LEASE (NET LEASE)

PARTIES

WALLINGFORD SQUARE, LLC, a Maine limited liability company with a mailing address of 500 Market St. Suite 5, Portsmouth, NH 03801, ("LANDLORD"), hereby leases to Sonmat Foods, with a mailing address of _______, ("TENANT"), and TENANT hereby leases from LANDLORD the following described premises: Unit Retail 106, consisting of approximately 851 sq. ft. on the first floor at "Wallingford Square" in Kittery, Maine (the "Retail Space"). In addition to the Retail Space, LANDLORD hereby leases to TENANT and TENANT hereby leases from LANDLORD approximately 300 sq. ft. in the basement of "Wallingford Square" in Kittery, Maine previously designated between the parties (the "Basement Space"). In addition to the Retail Space and Basement Space, LANDLORD will provide one small garage parking space (the "Parking Space") (the Retail Space, the Basement Space, and the Parking Space are referred to in this Lease collectively as the "Leased Premises").

2. PREMISES

The Leased Premises are leased together with the right to use, in common, with others entitled thereto, the parking appurtenant to the building. The Leased Premises is accepted in "as is" condition except if specifically set forth to the contrary in this Lease.

TERM

The term of this Lease shall be ten (10) years commencing upon ______, 2014, and shall expire on the tenth anniversary of such commencement, ______, 2024.

RENT

TENANT shall pay to LANDLORD monthly base rent for the Leased Premises of One Thousand DOLLARS (\$1,000.00) payable in advance in equal monthly installments on the first day of each month during the first year of the term.

During the second year of the term, TENANT shall pay to LANDLORD monthly base rent of One Thousand DOLLARS (\$1,000.00) plus five percent (5%) of sales in excess of Twenty-Five Thousand DOLLARS (\$25,000.00) each month, but not to exceed Seven Hundred and fifty DOLLARS (\$750.00) per month. In addition TENANT shall pay to LANDLORD monthly rent of Three Hundred DOLLARS (\$300.00) for leased basement space.

During the third, fourth, and fifth years of the term, TENANT shall pay to LANDLORD monthly base rent of One Thousand Two-Hundred Fifty DOLLARS per month plus five percent (5%) of sales in excess of Twenty Thousand DOLLARS (\$20,000.00) each month, but not to exceed Seven Hundred and fifty DOLLARS (\$750.00) per month. In addition starting in third year TENANT shall pay to LANDLORD monthly rent of Three Hundred and nine DOLLARS (\$306.00) for leased basement space. Basement space rent shall increase 2% per year such that fourth year rent will be \$312 per month and fifth year rent will be \$318 per month.

During the sixth, seventh, eighth, ninth, and tenth years of the term, TENANT shall pay to LANDLORD monthly base rent of One Thousand Six-Hundred Fifty DOLLARS (\$1,650.00) plus an additional three and one half percent (3.5%) increase in rent for each year of the term.

Therefore, rent payments are as follows:

Sixth year	\$1,650 per month
Seventh year	\$1,708 per month
Eighth year	\$1,768 per month
Ninth year	\$1,829 per month
Tenth year	\$1,893 per month

In addition starting in sixth year TENANT shall pay to LANDLORD monthly rent of Three Hundred and twenty-five DOLLARS (\$325.00) for leased basement space. Basement space rent shall increase 2% per year.

Therefore, rent payments are as follows:

Sixth year	\$325 per month
Seventh year	\$331 per month
Eighth year	\$338 per month
Ninth year	\$345 per month
Tenth year	\$352 per month

All payments of monthly base rent shall be made to LANDLORD or to such agent and at such place as LANDLORD shall from time to time in writing designate, without offset or deduction (including without off-set or deduction based on the calculation of the square footages of the areas constituting the Leased Premises. If TENANT does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the term of this Lease, then LANDLORD, in its sole discretion, may charge, in addition to any other remedies it may have, a late charge for each month or part thereof that TENANT fails to pay the amount due after the due date. The late charge shall be equal to four percent (4%) of the amount due LANDLORD each month in addition to the rent then due.

5. EXTENSION OPTION

At discretion of LANDLORD.

6. SECURITY DEPOSIT

One Thousand DOLLARS (\$1,000.00)

7. RENT ADJUSTMENT

During the first year of the term, there will be no taxes or operating costs.

For the second through tenth years of the term, taxes and operating costs will apply.

A. TAXES

TENANT will pay to LANDLORD as additional rent hereunder, in TAXES accordance with subparagraph B of this Article, seven and seventy-two hundredths percent (7.72%) of all real estate taxes on the buildings of which the leased premises are a part in each year of the term this lease or any extension or renewal thereof and proportionately for any part of a fiscal year in which this lease commences or ends. If the LANDLORD obtains an abatement of any such excess real estate tax, a proportionate share of such abatement, less the reasonable fees and costs incurred in obtaining the same, if any, shall be refunded to the TENANT.

"Taxes" shall mean: (i) all real estate taxes and special assessments on the real property and improvements within the leased premises (adjusted after protest or litigation, if any) which accrue during the term of the Lease, exclusive of penalties, interest or late charges due to LANDLORD's failure to pay Taxes bills in a timely manner; (ii) any taxes which shall be levied in lieu of any such real estate taxes or special assessments; and (iii) all other levies, taxes, assessments, governmental charges, water and sewer rents or charges, and all other charges or burdens of whatsoever kind or nature, foreseen or unforeseen, charged upon the leased premises, the Building, and/or the Premises. "Taxes" shall not include any inheritance, estate, succession, transfer, gift, franchise, corporation, income or profit taxes; provided, however, if at any time the method of taxation shall be altered, so that there shall be levied, assessed, or imposed (i) a tax on the rents received by LANDLORD, or (ii) a fee measured by the rents receivable from the Building, or (iii) a tax or license fee imposed upon LANDLORD which is otherwise measured by or based in whole or in part upon the Building or any portion thereof, then such tax or fee shall be included in the computation of Taxes.

LANDLORD shall submit to TENANT a copy of the bill setting forth the real estate taxed for each year. TENANT shall reimburse LANDLORD for its percentage of the real estate taxes within thirty (30) days after TENANT receives notice from LANDLORD and a copy of the real estate taxes assessed.

B. OPERATING COSTS

TENANT shall pay to LANDLORD as additional rent hereunder in accordance with Subparagraph C of this Article, 7.72 Percent of all operating expenses. Operating expenses are defined for the purposes of this agreement as operating expenses per annum of the building and its appurtenances and all exterior areas, yards, plazas, sidewalks, landscaping and the like then (i.e. as of said last day of the calendar year concerned) located outside of the building but related thereto and the parcels of land on which they are located (said building appurtenances, exterior areas, and land hereinafter referred to in total as the "building") Operating expenses also include, but are not limited to: (i) all costs of furnishing water and sewer and other utility services and facilities to the building (which are not separately metered and paid directly by TENANT); (ii) all costs of any insurance carried by LANDLORD related to the building; (iii) all costs for common area cleaning; (iv) all costs of maintaining the building including the maintenance and repair of heating and air conditioning equipment and any other common building equipment, non-capital roof repairs and all other repairs, improvement and replacements required by law or necessary to keep the building in a well maintained condition; (v) all costs of snow and ice removal, landscaping and grounds care; (vi) all other costs of the management of the building, including, without limitation property management fees; and (vii) all other reasonable costs relating directly to the ownership, operation, maintenance and management of the building by LANDLORD. TENANT's share of operating expenses shall be prorated should this Lease be in effect with respect to only a portion of any calendar year.

C. ESTIMATED PAYMENTS

During each year of the term of this Lease, TENANT shall make monthly payments to LANDLORD, as additional rent for TENANT'S share of real estate taxes and operating expenses for the then-current year. Said monthly payments shall be made along with monthly base rent payments and shall be equal to one twelfth (1/12) of TENANT'S estimated annualized share of LANDLORD's real estate taxes and operating expenses for then-current year. After the end of each calendar year, LANDLORD shall deliver to TENANT a statement showing the amount of such real estate taxes and operating expenses also showing TENANT's share of the same. Such statement shall be deemed accurate by TENANT unless LANDLORD receives written objection thereto from TENANT within thirty (30) days of receipt of such statement. TENANT shall, within thirty (30) days after such delivery, pay TENANT's share to LANDLORD, as additional rent, less the sum of all estimated payments of additional rent made for such year during the term. If the estimated payments exceed TENANT's share, then the excess shall be applied to the next year's monthly payments for real estate taxes and operating expenses.

8. UTILITIES

TENANT shall be responsible for electricity for the entire term of this Lease. TENANT shall also be responsible for costs detailed in Section 7 of this Lease.

9. USE OF LEASED PREMISES

TENANT shall use the Leased Premises only for the purpose of operating restaurant and support kitchen.



TOWN OF KITTERY

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

REPORT TO TOWN COUNCIL

Meeting Date: June 11, 2018

From: Kendra Amaral, Town Manager Subject: Library Committees Appointees

Councilor Sponsor: Chairperson Kenneth Lemont

EXECUTIVE SUMMARY

The Library Building and Taylor Building committees met separately to review applications from citizens interested in participating on each committee.

The **Library Building Committee** had 14 applicants for five available seats. The Council, Library Board, and staff members met and reviewed the applications and recommend the following be appointed:

- James Anderson
- Timothy Brochu
- Fran Farr
- Margaret Meyers
- Jennifer Brewer

The **Taylor Building Committee** had three applicants for three available seats. The Council, Library Board, and staff members met and reviewed the applications and recommend the following be appointed:

- Roger Cole
- Barry Fitzpatrick
- Jan Lamont-Rodonets

PROPOSED SOLUTION/RECOMMENDATION

Appoint citizen members to the two committees as recommended.





TOWN CLERK'S OFFICE

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

APPLICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES

SIGNATURE OF	APPLICANT	_	DATE
James	Digitally signed by James Date: 2018.04.11 20:15:11 -04'00'		1/11/2018
	Please read the bottom	of this applicatio	n before signing.
I AGREE TO AT ADVISE THE C	TEND ALL MEETINGS, EXC HAIRPERSON WHEN I AM	EEPT FOR SICKN UNABLE TO AT	VESS OR EMERGENCY, AND WILL FEND, IF APPOINTED.
Yes No	TO COMMITTHE TIME NECESS	DAKI IO ACIIVEI	A PARTICIPATE IN THE COMMITTEE
ADEVOLIADIE	TO COMMITTUE TIME NECESS	ZADVTO ACTIVET	.Y PARTICIPATE IN THE COMMITTEE
None	in East of Intelligent (prease	I can buck of ap	yazonezozaji
			 plication):
ARE YOU A REG	ISTERED VOTER OF THE TOW	N OF KITTERY	Yes No
HAVE YOU USEI) THE LIBRARY IN THE PAST Y	EAR? Yes	No
epoomo voidi	neer opportunity ungrie w	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
			sional interests and career.
WHY ARE VOILE	NTERESTED? Giving back	to the comm	nunity, a civic duty and
Shapleigh and Mitchell	School Building Committee, Past Technical A	dvisor - Rice Library Com	mittee, Former Member - Zoning Board of Appeals
Over three decades of re	elevant professional experience, see resume.	Past Subcommittee Memb	er - Schools Facility Manager Selection, Past Chair
RELATED EXPE	RIENCE (Including other Boards	and Commissions)	
Please check yo	ur choice: 🗹 Library Build	ing Committee	☐ Taylor Building Committee
E-MAIL ADDRES	S: jim.anderson@wsp.com	_ PHONE #: (H) _	(W) 6175017066
MAILING (if diffe	erent)		
RESIDENCE: 24	High Pasture Road, F	Cittery Point,	IVIE 03905
		Cittorn Delect	NAT 02005
	s D. Anderson	<i>('''</i> 5 ' '	A 4 5 0000 5



TOWN OF KITTERY, MAINERECEIVED

TOWN CLERK'S OFFICE

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

MAY 07 2018 MEIN @ 12:02pm

APPLICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES

NAME: Timothy Brochu	
RESIDENCE: 90 Government St. Kittery ME 03	3904
MAILING (if different)	
E-MAIL ADDRESS: brochutim@gmail.com PHONE #: (H)	617-913-5906 _(W)
Please check your choice: Library Building Committee	☐ Taylor Building Committee
RELATED EXPERIENCE (Including other Boards and Commissions)
I'm a Maine Licensed Architect and can advise on architect/ er	ngineer RFPs & selection,
accessibility, energy & HVAC, space programming &	planning, design, etc.
WHY ARE YOU INTERESTED? My family moved to Kittery in 2016 and	as a stay-at-home dad I attended
many storytimes and appreciate what an incredible asset the library is to th	ne Kittery community. The Rice
building is a rare jewel that presents a unique opportunity to invigorate the	Foreside with an amazing public facility.
HAVE YOU USED THE LIBRARY IN THE PAST YEAR? Ves	No
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY	Yes No
ANY KNOWN CONFLICT OF INTEREST (please read back of ap	plication):
I was an employee of Lavallee Brensinger Architects until 2015, a firm that may be interested	in this project. I am now self-employed.
ARE YOU ABLE TO COMMIT THE TIME NECESSARY TO ACTIVEI Yes No	LY PARTICIPATE IN THE COMMITTEE
I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKN ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO AT	NESS OR EMERGENCY, AND WILL TEND, IF APPOINTED.
Please read the bottom of this application	n before signing.
7. 2.	5/7/2018
SIGNATURE OF APPLICANT	DATE



TOWN CLERK'S OFFICE

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



APPLICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES

NAME: Fran Farr
RESIDENCE: 22 Norton Rd.
MAILING (if different) POBOX 182 Kittery Pt., 03905
E-MAIL ADDRESS: Franfart52209man PHONE #: (H) 439-9659 (W) same
Please check your choice: ✓ Library Building Committee ☐ Taylor Building Committee
RELATED EXPERIENCE (Including other Boards and Commissions) During my career
as a middle school principal I worked with an architect
on design of newschool(including library) and served on the building committee for three years. WHY ARE YOU INTERESTED?
As a former language arts teacher, and lifelungeducators Tenvision a complex that draws to gether young and old to share the joy of reading and explore new learning
HAVE YOU USED THE LIBRARY IN THE PAST YEAR? Yes No
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Ves No
ANY KNOWN CONFLICT OF INTEREST (please read back of application):
ARE YOU ABLE TO COMMIT THE TIME NECESSARY TO ACTIVELY PARTICIPATE IN THE COMMITTEE?
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 bottom of this application before signing.
Frances Jakk May 1, 2018 SIGNATURE OF APPLICANT DATE



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

APPOINTMENT TO

APPLICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES

NAME: Margaret Meyers	
NAME: Margaret Meyers RESIDENCE: 1 Melanies Ct Kitter	Ψ
MAILING (if different)	
E-MAIL ADDRESS: peg meyers @ hotmail. PHONE #: (#)	(603) 969.4228(w) —
Please check your choice:	
RELATED EXPERIENCE (Including other Boards and Commission	s)
none	
WHY ARE YOU INTERESTED? I am a pare	ent of an
8. 4.0 = 10 4.0. and a res	ndent. I would
like to make sure children	and teens are
represented. HAVE YOU USED THE LIBRARY IN THE PAST YEAR? XYes	No
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY	Table 1
ANY KNOWN CONFLICT OF INTEREST (please read back of a	pplication):
none	
ARE YOU ABLE TO COMMIT THE TIME NECESSARY TO ACTIVE Yes No	LY PARTICIPATE IN THE COMMITTEE:
I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICK ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO AT	NESS OR EMERGENCY, AND WILL TEND, IF APPOINTED.
Please read the bottom of this application	on before signing.
Margaret Meyers	5.1.18
SIGNATURE OF APPLICANT	DATE



TOWN OF KITTERY, IVIANIA TOWN CLERK'S OFFICE 200 Rogers Road, Kittery, ME 03904 Telephone: (207) 475-1328 Fax: (207) 439-6806 **APPLICATION FOR APPOINTMENT TO** THE LIBRARY COMMITTEES

NAME: Jennifer Brewer	
RESIDENCE: 18 Otis Ave, Kittery ME 03904	<u> </u>
MAILING (if different)	<i>*</i>
E-MAIL ADDRESS: brewerjf@gmail.com PHON	E #: (H) 207-350-6955 (W) 603-862-7052
	mittee Taylor Building Committee
RELATED EXPERIENCE (Including other Boards and Con Currently university professor of geography, additional academi	
Previously Congressional legislative fellow, staff of National Acade	emies of Science, small business and non-profit orgs.
WHY ARE YOU INTERESTED? I believe broad public participation environmentally sustainable socio-economic development	
I also love libraries and believe passionately in the div	versity of public services they can provide.
HAVE YOU USED THE LIBRARY IN THE PAST YEAR?	✓ Yes No
ARE YOU A REGISTERED VOTER OF THE TOWN OF KI	ΓΤΕRY ✓ Yes ☐ No
ANY KNOWN CONFLICT OF INTEREST (please read ba	ack of application):
no	
ARE YOU ABLE TO COMMIT THE TIME NECESSARY TO ✓ Yes No	ACTIVELY PARTICIPATE IN THE COMMITTEE
I AGREE TO ATTEND ALL MEETINGS, EXCEPT FO ADVISE THE CHAIRPERSON WHEN I AM UNABL	OR SICKNESS OR EMERGENCY, AND WILL E TO ATTEND, IF APPOINTED.
Please read the bottom of this a	application before signing.
	5/8/2018
SIGNATURE OF APPLICANT	DATE



TOWN CLERK'S OFFICE 200 Rogers Road, Kittery, ME 03904

APPLICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES

ACORPORATED (48)	200 Rogers Road, Kittery, ME 03904 Telephone: (207) 475-1328 Fax: (207) 439-6806
	200 Rogers Road, Kittery, ME 03904 Telephone: (207) 475-1328 Fax: (207) 439-6806 ICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES RYPER APPOINTMENT TO THE LIBRARY COMMITTEES
NAME: Roger Cole	BKigin
	at Harbor, Kittery Point
MAILING (if different)	
E-MAIL ADDRESS: rpc821@gm	ail.com PHONE #: (H) 435 899 9823 (W)
Please check your choice:	Library Building Committee Taylor Building Committee
	planner, Kittery Zoning Board of Appeals,
	Space Advisory Cmt, town manager search cmt
why are you interested? (t 39-year Kittery residen	wice selected for TM search cmts). t and enjoy volunteering on town issues,
	POV about the future of the Taylor Building.
HAVE YOU USED THE LIBRARY	IN THE PAST YEAR? Yes No
ARE YOU A REGISTERED VOTER	OF THE TOWN OF KITTERY Yes No
ANY KNOWN CONFLICT OF INTI	EREST (please read back of application):
ARE YOU ABLE TO COMMIT THE ✓ YesNo	E TIME NECESSARY TO ACTIVELY PARTICIPATE IN THE COMMITTEE?
I AGREE TO ATTEND ALL ME ADVISE THE CHAIRPERSON	ETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL WHEN I AM UNABLE TO ATTEND, IF APPOINTED.
Please re	ad the bottom of this application before signing.
French Cole	4/11/2018
SIGNATURE OF APPLICANT	DATE



TOWN CLERK'S Up. ...
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

APPOINTMENT TO

APPOINTMENT TO

APPOINTMENT TO **APPLICATION FOR APPOINTMENT TO** THE LIBRARY COMMITTEES

NAME: Parry Fitzpatrick	TE SE
RESIDENCE: 118 Rogers Rd VI	
MAILING (if different) to sox 4/43	
E-MAIL ADDRESS:PHONE #: (H) ZO7 70 (W) _	3/552
Please check your choice: Library Building Committee Taylor Building	Committee
RELATED EXPERIENCE (Including other Boards and Commissions)	S Boold
word suiding of modern of	Scritch
My rocky and is been involved with	this
WHY ARE YOU INTERESTED?	a toda
head of May stellere wites considere at the	tore was
HAVE YOU USED THE LIBRARY IN THE PAST YEAR? YES NO WE INC	luded in
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No	2 of Kitter
ANY KNOWN CONFLICT OF INTEREST (please read back of application):	des it's
No	reture
ARE YOU ABLE TO COMMIT THE TIME NECESSARY TO ACTIVELY PARTICIPATE IN TO YES No	HE COMMITTEE?

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 bottom of this application before signing.



TOWN CLERK'S OFFICE

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

APPLICATION FOR APPOINTMENT TO THE LIBRARY COMMITTEES

NAME: _ JAN LAMONT- Rodonets
RESIDENCE: 12 PEDNERLELL ROAD
MAILING (if different)
E-MAIL ADDRESS: WILLACRE ZOGMA(L. COMPHONE #: (H) 39.4873 (W) 139.2110
Please check your choice: ☐ Library Building Committee ☐ Taylor Building Committee
RELATED EXPERIENCE (Including other Boards and Commissions) Many Years and Ludes
on the law businession as an alternate Associate. I have
DEU OSSOCIETED With Boilding and R. E; but mej interest is -
WHY ARE YOU INTERESTED? 1 MILE DEEN 2 Kitzey RESIDENT FOR 33
years and hold a deep interest in the town and
how it grows.
HAVE YOU USED THE LIBRARY IN THE PAST YEAR? Yes No
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No
ANY KNOWN CONFLICT OF INTEREST (please read back of application):
ARE YOU ABLE TO COMMIT THE TIME NECESSARY TO ACTIVELY PARTICIPATE IN THE COMMITTEE? Yes No
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 bottom of this application before signing.
Jan Rodants 19 April 18
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.

Primarily in the best interests for the Library and Town Coffers. the Want worth Dennett Bldg. Was practically given ouzy 20+ years 200. We need to be mindful of the New Values of the New Values.

To: Ken Lamont, Kittery Council Chair

cc: K. Amaral, Town Manager

G. Dow, EDC Chair

Re: Lincoln Resignation from E.D.C

May 31, 2018

Having been on the Economic Development Committee since its inception, I take pride in its longevity and in the progress made. The current membership, and the professional support furnished by Town staff is a testimony to the progress possible in the future

Thus, it is with confidence that Kittery will move forward, that I tender my resignation from the Economic Development Committee, effective June 30, 2018.

This gives the Council 30 days to interview and select an individual capable of delivering knowledge, experience and skill required to be a productive member of E.D.C.

I suggest that the Council deviate from the timeworn tradition of "picking from the pool", and search for a candidate who will contribute to results being delivered by the experienced and talented current committee members.

The importance of Kittery's economic development requires this deviation from past practice!

David Lincoln, Kittery, Maine

Transmitted by email as above, May 31, 2018 with USPS hard copy to Mr Lamont, June1, 2018



TOWN OF KITTERY

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

REPORT TO TOWN COUNCIL

Meeting Date: June 11, 2018

From: Kendra Amaral, Town Manager

Subject: Wetlands Preservation Fund

Councilor Sponsor: Chairperson Kenneth Lemont

EXECUTIVE SUMMARY

The Parks Commission is interested in the town generating a comprehensive invasive species map for Fort Foster. The request came in too late to attempt to incorporate it into the FY19 budget proposal, but the need is evident.

The Parks Commission has been working with Public Works to address issues with invasive species impacting the flora in the park. The town budgets each year for invasive management. Without a map showing targeted areas, the vendor spends some of their allotted time searching the grounds of the large park to identify areas requiring treatment.

The invasive map will allow the vendor to provide targeted treatment. This project will also allow the DPW and Parks Commission the opportunity to assess the effectiveness of the invasive management program over time and make adjustments as needed.

BACKGROUND

Per Town Code 16.9.3.9.3 the Planning Board recommends and the Council approves release of funds in the Wetlands Preservation Fee fund. The estimate for the project is \$3,705. I recommend the Council authorize release of up to \$4,000 in case there are incidental or unanticipated scope adjustments associated with this project.

The Wetland Preservation Fee fund (Wetlands Mitigation Fund, 2060) has a balance of \$25,156.

The administration, Parks Commission, Conservation Commission, and Planning Board recommend the release of Wetlands Preservation Fee funds for the project.

PROPOSED SOLUTION/RECOMMENDATION

Authorize release of funds as recommended.



TOWN OF KITTERY

Planning and Development 200 Rogers Road, Kittery, ME 03904 Telephone: 207-475-1307 Fax: 207-439-6806

TO: TOWN COUNCIL FROM: PLANNING BOARD

SUBJECT: PARKS COMMISSION REQUEST TO FUND FORT FOSTER INVASIVE SPECIES

MANAGEMENT PLAN - PHASE 1

DATE: JUNE 4, 2018

CC: KENDRA AMARAL, TOWN MANAGER, ADAM CAUSEY, DIRECTORY OF PLANNING &

DEVELOPMENT, KATHY CONNOR, INTERIM TOWN PLANNER

On May 24th, 2018, Shaye Robbins of the Parks Commission presented FB Environmental's proposal to draft an invasive species eradication/management plan for Fort Foster. Numerous invasive species (as listed by the State of Maine) are known to exist in the park.

The FB Environmental proposal includes two phases:

Phase 1: Management and administration

- Invasive species field mapping
- GIS data and mapping creation, with uploading to the iMapInvasives application.

Phase 2: Removal of the known invasive species by a contractor and replacement of vegetation where needed:

- On-site coordination with Vegetation Control Service
- Ordinance review and permitting for removal
- Management Plan creation
- Presentation to Town Council

Both the Parks Commission and the Conservation Commission (see Conservation Commission's letter to the Planning Board dated May 9th 2018) believe that this proposal is consistent with the intent of the Wetlands Preservation Fund (Title 16's 16.9.3.9.3.d) because it involves both environmental and conservation work. The plan will serve to preserve and protect Fort Foster from destructive invasive species and reclaim portions of the park for native species.

The Planning Board is strongly supportive of the Parks Commission request and agreed that the proposal serves the purpose of the Wetlands Preservation Fund. The Board voted unanimously on May 24, 2018 to recommend that Town Council consider releasing \$3,705 to fund Phase 1 of FB Environmental's proposal so that the invasive species mapping can occur during the 2018 growing season.



Mr. Richard DeMarco Co-Chair, Kittery Parks Commission 200 Rogers Road Kittery, ME 03904

May 14, 2018

Dear Mr. DeMarco,

97 A Exchange St. Suite 305 Portland, ME 04101

207-221-6699 (v) www.fbenvironmental.com

FB Environmental Associates (FBE) is pleased to submit the attached proposal to conduct several tasks associated with the mapping of non-native, invasive plant species (invasives) present at Kittery's Fort Foster Park.

FBE is a ten-person environmental consulting firm with offices located in Portland, Maine and Portsmouth, New Hampshire. Since the company's start in 2001, we have focused much of our work on evaluating natural areas and helping communities reduce human impacts on waterbodies and wetlands. We have completed natural resource assessments and management plans throughout New England for both individual properties and entire towns. The vast majority of our work is completed for the public sector, including state agencies, the US EPA, and a number of municipalities.

The project area for the activities proposed herein consists of the entire approximately 95-acre park (see attached map). FBE's Kevin Ryan conducted a site visit on March 6, 2018 with Shaye Robbins, Gary Mitchell, David Wrocklage, and Page Mead. Numerous invasive plant species were either observed during the site visit or are known to exist at the site, including glossy false buckthorn (*Frangula alnus*), oriental bittersweet (*Celastrus orbiculatus*), honeysuckle (*Lonicera morrowii* and/or *L. tatarica*), black swallowwort (*Cynanchum louiseae*), and barberry (*Berberis vulgaris* and/or *B. thunbergii*).

As a first step to assist with the management of invasives present at Fort Foster, we propose to conduct field mapping of invasives using GPS, produce electronic maps using GIS software, and upload collected data into iMapInvasives.

Kevin Ryan, Ph.D., FBE's Ecological Services division lead, will conduct the majority of work associated with this project. If you have any questions, I can be reached on my cell phone at (207) 650-7597, or via email at info@fbenvironmental.com.

Sincerely,

Forrest Bell

Fit Bell

Principal, FB Environmental Associates

PROJECT ESTIMATE (AND SCOPE OF SERVICES)

Task 1. Project Management and Administration

In order to effectively manage this project, FBE will:

- Participate in phone calls and email communication with the client;
- Conduct project management duties (directing staff, scheduling);
- Complete project invoicing, memorandums, and other administrative duties.

Task 2. Invasive Species Mapping

Task 2a: Field Mapping

FBE's Kevin Ryan will conduct a site visit specifically to document the extent and location (via handheld GPS) of invasive plant species throughout Fort Foster (see attached map). Kevin Ryan will be accompanied by Gary Mitchell, who has extensive knowledge of the park and the locations of invasives within it.

Task 2b: GIS map creation and data upload to iMapInvasives

FBE will produce maps using GIS that depict locations of invasive plants throughout Fort Foster. Polygons will be used to represent patches of infestation (e.g., a stand of Japanese knotweed) and points shall represent individual, isolated occurrences of invasive plants (e.g., a single autumn olive in a field).

In addition to creating GIS maps, FBE will upload collected data into iMapinvasives, which is an online, GIS-based data management system used to assist those working to protect natual areas from non-native, invasive speices. The following is an excerpt from the iMapInvasives website, https://www.imapinvasives.org/:

iMapInvasives is designed to share and manage invasive species information for stakeholders within your state or province. This information includes species maps, treatment efforts and effectiveness, and areas where invasive species were searched for but were not found. Since many regulatory and budgetary decisions about invasive species are made at the state level, each state/province can customize the iMapInvasives interface by selecting their tracked species list, data permission levels, and many other details. On a broader scale, iMapInvasives is a growing, collaborative partnership of participating states and provinces, creating a network of professionals and shared resources to help combat the threat of invasive species.

SCHEDULE OF WORK

Fieldwork can begin in summer or fall of the current year.

COMPENSATION

The cost of FB Environmental's services is up to \$3,705.00. The cost shall not be exceeded without prior authorization from the Town of Kittery. The amount is based on time and materials (see below). If the scope of work changes materially, the amounts of compensation set forth herein shall be equitably adjusted in writing.

PROJECT TASKS

	JECT MANAGEMENT AND ADMINISTRATION	\$	955.00
Site visit preparation, administration, and overall project management. Task 1 Total			955.00 955.00
TASK 2a: FIE	LD MAPPING		
Up to two days of invasives mapping.			1,265.00
Expenses:	Mileage - two round trips (200 miles @ \$0.55/mile)	\$	110.00
Task 2a Total		\$	1,375.00
TASK 2b: MA	P PRODUCTION & IMAPINVASIVES DATA UPLOAD		
GIS map production and upload of data into iMapinvasives database.			1,375.00
Task 2b Total		\$	1,375.00
GRAND TOTA	AL	\$	3,705.00

ASSUMPTIONS AND LIMITING CONDITIONS:

To further define our role in the project, our assumptions are as follows:

- Gary Mitchell will accompany Kevin Ryan during the field visit(s) associated with Task 2a: Field Mapping.
- By signing this contract, the town of Kittery authorizes FBE to upload data collected as part of this project into the iMapInvasives database.
- All deliverables will be provided electronic format (e.g., including invasive species map[s]).

INVOICES

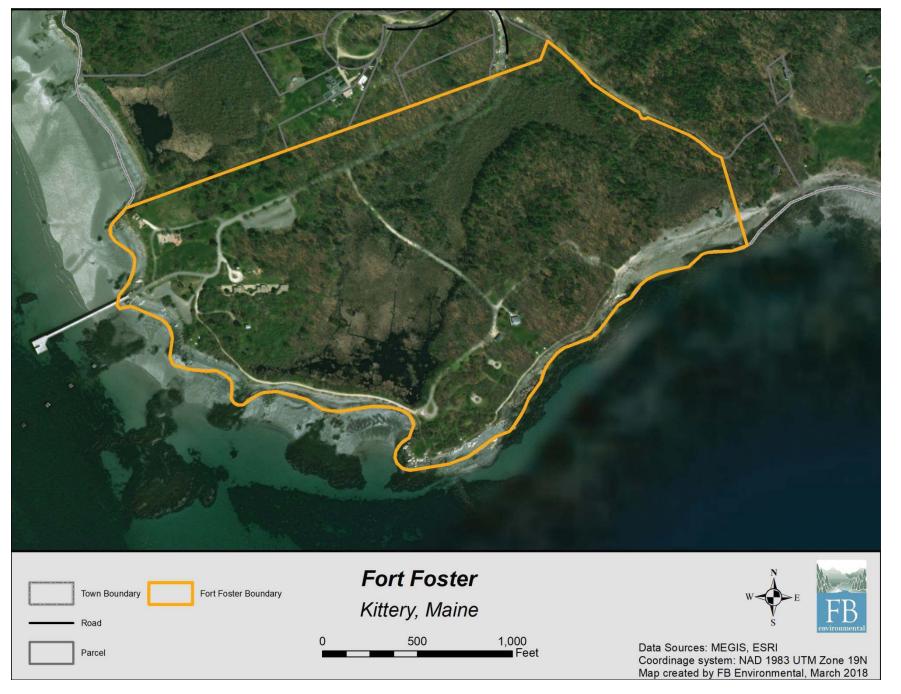
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FBE will submit invoices based on lump sum by task. FBE is a small business, and functions best when invoices are submitted on a monthly basis. We ask that payments be made within 30 days from the date of invoice. Thank you and we look forward to assisting the Town of Kittery with this project.

ACCEPTANCE OF CONSULTING SERVICES

By signing below, FB Environmental Associates and the Town of Kittery accept the terms and conditions stated herein.

Fort Bell		
Forrest Bell ~ FB Environmental Associates		
Date: May 14, 2018	Date:	



Easement Information Request

The following information is necessary for the preparation of an easement on the property described below:

Power Company involved: CENTRAL MAINE POWER COMPANY

Please return this form to: Francis Lorello **Consolidated Communications** 5 Davis Farm Rd Portland, ME 04103 1.) Full legal name (s) of owner (s) of property and their legal residence. If names of owners as shown on deed are different from present names, please list the present names also. Inhabitants of the Town of Kittery Name (s) 200 Rogers Road, Kittery, ME 03904 Zip Code City/Town Street County State 2.) Please fill in if this easement applies to homestead property: N/A Married Single Divorced Widowed Spouse's Name 3.) Information Required from a Corporation or a Partnership: N/A A.) The corporate (or partnership) name and principal place of business, including the county: B.) The legal name and title of corporate officer (s) or partner (s) authorized to sign the easement deed: C.) Partnership classification: Limited _____ General ____ Street, City or Town, County and State where property to which this easement will apply is located: Town of Kittery MAP 10 Lot 5, Whipple Road, Kittery Maine 5.) Date of deed: N/A 6.) County where deed is recorded: N/A **IMPORTANT** N/A Book _____ & Page ____ number of your recorded "PROPERTY "DEED" 8.) Map # ____ 10 ____ & Lot # ____ 5

9.) Name (s) of persons or companies from whom property was purchased:

