



# TOWN OF KITTELY

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

## KITTELY TOWN COUNCIL

### COUNCIL CHAMBERS

August 9, 2021

6:00PM

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The public may attend the meeting in person or remotely via Zoom.

Attendees via Zoom will be recognized during the public hearings and public comment portion of the meeting. Please note, the Town is testing its hybrid meeting technology. Every effort will be made to make this run smoothly, however some technical difficulties may occur as the Town implements this new approach. **To register via Zoom:**

[https://us02web.zoom.us/webinar/register/WN\\_IZ6ofD5RQ0unRXYq4NWbOQ](https://us02web.zoom.us/webinar/register/WN_IZ6ofD5RQ0unRXYq4NWbOQ)

After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit public comments via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to [TownComments@kitteryme.org](mailto:TownComments@kitteryme.org).

Comments received by **noon on the day of the meeting** will become part of the public record and may be read in whole or in summary by the Council Chair.

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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
  - July 12, 2021 – 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 offices.
10. PUBLIC HEARINGS
  - a. (080121-1) The Kittery Town Council moves to hold a public hearing on the Year End Transfers.
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person).
  - b. Chairperson may read written comments into the record.
  - c. Chairperson's response to public comments.
12. UNFINISHED BUSINESS
  - a. (080121-2) The Kittery Town Council moves to adopt the proposed amendments to Title 5 and Title 16 Marijuana.
13. NEW BUSINESS
  - a. Donations/gifts received for Council disposition

(080121-3) The Kittery Town Council moves to accept a donation in the amount of \$5,000 from Friends of the Rice Public Library to be deposited into account #4060.
  - b. (080121-4) The Kittery Town Council moves to schedule a public hearing on September 13, 2021 on Title 2 - Firefighters.
  - c. (080121-5) The Kittery Town Council moves to approve the surplus of the Taylor Building, 2 Walker Street through a Request for Proposal process in accordance with Town Code §3.2.10. D.
  - d. (080121-6) The Kittery Town Council moves to issue a letter of support for the Kittery Land Trust application to Maine Natural Resource Conservation Program.
  - e. (080121-7) The Kittery Town Council moves to schedule a public hearing on September 13, 2021 to adopt a Remote Meeting Policy for Council, Boards, Commissions and Committees.
  - f. (080121-8) The Kittery Town Council moves to schedule a public hearing on September 13, 2021 on a Zoning Amendment Application Title 16 – Gas Station Buffer.

- g. (080121-9) The Kittery Town Council moves to approve a Special Activity Amusement Permit for AJ's Wood Grill Pizza located at 68 Wallingford Square, Kittery.
- h. (080121-10) The Kittery Town Council moves to approve the Rock Rest marker in Wallingford Square.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: August 5, 2021



# 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 August 9, 2021

1. **YE Financial Report** – Please see attached.
2. **Quarterly Goals Update** – Please see attached.
3. **COVID Update** – The State of Maine has announced its recommendation to follow federal CDC guidelines for masks indoors. That guidance includes requiring masks indoors for all people, regardless of vaccination status, of the county is categorized as “substantial” or “high” risk for transmission. At the time of writing this report York County was listed as “substantial” risk. The risk assessment is updated each week.

With York County in the “substantial” risk category, we are transitioning to “Masks Required” for all town buildings. We encourage all to take appropriate precautions and remember your mask protects not only you, but those you have contact with in and outside of public buildings.

Vaccinations are available through York Hospital and Walgreens. For more information please contact each site directly.

4. **Traffic Circle Landscaping** – As the Council knows, the Beach Grass is a perennial topic of consternation each summer. Now that the Town has control of the site, we are working on developing an alternative landscaping plan that includes removal of the beach grass. DPW Commissioner Dave Rich and I have a meeting with a landscaper in the coming week and will focus on getting options that are attractive year-round, require little maintenance, do not trap/collect litter, and meet other operational objectives.

Once a plan is developed, I will bring it to the Council for approval. The Town will have to cover the full cost of modifications to the approaches. An estimate has been included in the request for Carryforwards from FY21.

The beach grass was designed by the Memorial Circle Project design and installed with funding from the Town, MDOT and Federal Highway in 2017. The project was under the control of MDOT until this past year, which prevented the Town from doing anything other than mowing the beach grass when it grew too high.

5. **Route 236 Paving and Traffic Controls** – Maine DOT is planning to repave Route 236 in the coming year. The towns of Kittery and Eliot have requested that MDOT plan specifically to implement the striping and turn-lane recommendations from the Route 236 study completed in August of 2019 by Gorrill Palmer. MDOT is willing to incorporate these elements into their project, however, they are clear that the towns will have to pick up the added cost. We are awaiting cost estimates from MDOT.



- 6. Senior Tax Circuit Breaker** – Utilizing the American Rescue Plan Act (ARP) funds, the Town will be able to provide qualifying seniors with up to a \$2,500 property tax credit this year. The Council approved use of \$150,000 in this fiscal year for the Senior Tax Circuit Breaker program. Approximately 60 residents qualified for the credit this year.

Credits will be applied to the first tax bill. The credit will be up to \$2,500, and lower for those who pay less than \$2,500 in annual property tax.

- 7. Stevenson Road Sidewalk and Roadwork** – The Sewer Department recently repaved Stevenson Road due to the number and size of depressions in the pavement caused by clay and other poor grade fill from the sewer expansion project in 2015. The repaving project included test pits to determine if any damage to the sewer lines had occurred and to address the destabilized fill. A new base coat for the pavement was then installed, with an additional final lift expected to be completed in coordination with the proposed sidewalk project.

We applied for grant funding from MDOT for the Sidewalk expansion project on Stevenson. Grant applications were due in July. Decisions are expected in September. The grant, if awarded could cover up to \$400,000 of the \$708,000 estimated cost for the construction. The Town will need to fund the remaining \$308,000.

- 8. Pepperrell Road Sidewalk and Paving Project** – We have fielded a number of questions about the work being performed on Pepperrell Road. The Town is preparing to repave the road in this fiscal year, in accordance with our five-year pavement management plan (CIP). Prior to repaving, DPW needed to replace the existing sidewalks with sidewalks that meet current regulations and requirements, and address stormwater flow.

The sidewalk replacement goes from Coleman Avenue to Haley Road. Sidewalk replacement is approximately two-thirds complete. We are awaiting our granite contractor to deliver and install the remaining stretch of curbing. Once that is delivered, the compaction and concrete install will take place. The rainfall in July has impacted the project schedule significantly.

The DPW team are also working on developing swales along Pepperrell Road in the vicinity of Fort McClary. The swales are required for stormwater management and must be done before paving can occur. We have hit very hard ledge slowing down the swale development and requiring replacement parts from the contractor for the hammer tip.

Repaving of Pepperrell Road is expected to take place this fall by the Town's contractor. Their schedule will also be weather dependent.

- 9. National Night Out** – Please help me in thanking everyone at the Kittery Police Department that organized the National Night Out event on Tuesday, August 2. We also want to thank the various Town departments including the Fire Department, Harbormaster, Public Works, KCC, and Clerk's Office for their assistance and participation. Thank you to our partner organizations for the event including the York County Emergency Management, Portsmouth Naval Shipyard public safety teams, Town of York, Maine Marine Patrol, Stewarts Ambulance, Children's Advocacy Center of York, and Safe Harbor Crisis Center.

It was truly wonderful to see so many from the community join us at the KCC.

- 10. Firefighters Matt Fiori and Hector Serrano** – Please help me in congratulating our newest Firefighters Matt Fiori and Hector Serrano on their successful completion of Firefighter 1 and 2 training. Combined, these courses include 240 hours of training. Firefighters Fiori and Serrano

finished first and second in their graduating class. We are excited to have them as part of our Call Firefighter Team.

**Upcoming Dates:**

- Nomination Papers Due – August 12, Town Clerk
- Town Hall Closed for Labor Day – September 6

Respectfully Submitted,

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

Kendra Amaral  
Town Manager



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

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## REPORT TO TOWN COUNCIL

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Meeting Date: August 9, 2021  
From: Kendra Amaral, Town Manager  
Subject: Fiscal Year 2021 Financial Update – Year End  
Councilor Sponsor: N/A

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This is to provide the Council with a report on the Fiscal Year 2021 (FY21) finances at Year End (YE) of the fiscal year. Please note, the year-end audit adjustments will result in some variation from the figures presented in the attached report. These variations are typically not material to the overall analysis of the YE budget outcomes, excepting revenue which requires some revenue to be classified as deferred for the subsequent fiscal year, resulting in a generally larger reductions in the final revenue figures.

### **Revenue**

Revenue is expected to be finalized at approximately \$15.4M for the fiscal year, once audit adjustments for deferred revenue are booked. This equates to approximately \$570,000 in revenue collections over the budget projections, or approximately 3.8%. Excess revenue collections are all in business activity line items not property tax revenue.

When the FY21 budget was projected, the state and nation were just a few months into a world-wide pandemic, with closure of public spaces and stay-at-home orders in place for over a month. The revenue projections in the budget were intentionally conservative, and reflected a concern regarding state revenue sharing, potential claw-backs of the homestead exemptions, and evolving emergency orders on business activities.

In Q3, revenue was projected to come in approximately \$500,000 below anticipated total revenue. The final quarter of the fiscal year saw a significant uptick in activity, possibly resulting from the vaccination status of residents, the lifting of COVID related restrictions, and the impact of federal stimulus support to households.

Homestead reimbursements came in \$107,281 over projection, at \$407,281. Homestead reimbursement is based on State reimbursement rates, adjusted for the certified valuation. The recent Town revaluation brought the town's certification up from a low of 78% to 100%, thereby increasing the homestead reimbursement the Town was eligible for. The State did not make emergency changes to the reimbursement rate as anticipated last year, due in significant part to the CARES Act funding that was passed in Congress.

Excise tax ended \$511,000 over projection, at \$2,111,718. This is up not only from the prior year, which included the shutdown period of the early pandemic phase, it also is approximately \$105,000 over the

pre-pandemic fiscal year. Delayed registration renewals, due to the State's emergency order last spring has some effect on the revenue (some excise tax collected in July would have otherwise been collected in the last quarter of the prior fiscal year). However, we do not believe this accounts for the total increase.

Code enforcement fees finished \$163,423 over projection. We had been seeing interest in residential development throughout the year. Consistent with Excise Tax, permit fees were not only over projection for the fiscal year, they exceeded both the last fiscal year by approximately \$50,000 and the pre-pandemic fiscal year by nearly \$90,000.

Solid waste permits and revenue finished \$84,057 over projections. The selling price for some recycle materials including metals and cardboard are rising, which is resulting in positive revenue generation for the second half of the fiscal year.

Revenue for boating activities and Fort Foster far exceeded projections. The pandemic did not dampen the public's interest in these uses, despite restrictions and the uncertainty of the economy. Harbormaster revenue finished \$97,256 above projections and \$35,000 above the pre-pandemic fiscal year. We delayed mooring renewals to July 15, so this revenue does include revenue that should have been collected in the prior fiscal year if not for the deadline moving to July. The prior fiscal year collections for moorings were down, which proves this out. We know Fort Foster has seen a large growth in visitation borne out by the revenue collections since the pandemic hit. Fort Foster revenue finished at \$353,286, which is \$80,000 over the prior fiscal year and approximately \$110,000 over the pre-pandemic year.

Revenue collections were not all good. KCC revenue was down significantly, finishing at only 21% of projection, approximately \$182,586. By comparison, the KCC had finished at \$682,312 the prior year (after refunds for closures and cancellations) and \$1,068,298 in the pre-pandemic year. Occupancy and safety restrictions, tied with our support of the School Gap Care program significantly impacted the KCC revenue generating activities.

Despite predictions to expect significantly lower revenue sharing from the State during the pandemic, revenue sharing actually came in \$430,453 above the prior fiscal year, and nearly doubled the pre-pandemic year total.

Attached is a chart of key revenue lines showing pre-pandemic and pandemic year collections.

After gaining pace in Q3, Sewer collections met budget expectations. Total sewer collections for the fiscal year, absent year-end adjustments, will come in less than 1% over projected revenue for the fiscal year.

### **Expenditures**

The operating budget came in approximately \$1,421,000 under budget, or 9% under. As with revenue, projecting expenditures this year was challenging due to the uncertainty of the pandemic. The significant under-spending can directly be tied to a combination of KCC operations and significant offsetting from grants associated with the pandemic. In total the Town was awarded just under \$500,000 in grants during FY21, which provided alternative funding for supplies, staff time, and other activities. These

were one-time grants and are not expected as ongoing safety valves post-pandemic. As reported previously the winter was relatively mild, which assisted in being underbudget as well.

Two departments ended with deficits, Police and Harbormaster. In both cases the costs were associated with wages and overtime and in both cases were needed to provide safe and effective services.

In the Police Department, a recent retirement lowered personnel costs for a short-period of time, due to the unfilled position. To note, the Police Department has a total of 11 Patrol Officers covering seven days a week/24-hours a day. Overtime is part-and-parcel of a Police operation, but due to our lean staffing, an absence or vacancy of any duration puts significant pressure on the overtime budget and the staff who are covering the shifts. Total deficit in Police is \$30,154.

While the KCC revenue was down, so were KCC expenses. The KCC ended with an operating surplus of \$459,333. Wages for preschool teachers not needed contributed approximately \$300,000 in cost savings for the department. Additionally, most of the staff and supply costs for the Gap Care program launched in collaboration with the School Department was paid for through the School COVID grants.

The Town received a grant that completely offset the election costs for FY21, leaving \$22,750 in unspent funds for the July town meeting, presidential election, and June town meeting election. The Town was also awarded over \$335,000 in state grants for COVID operations that paid for PPE, safety equipment and supplies, and some Code Enforcement staff time for the fiscal year. An additional \$9,416 in FEMA reimbursements covered the costs of the Town's vaccination clinics. In total, the Town staff were successful in securing nearly \$500,000 in grants to offset Town operations during the peak of COVID.

Debt came in \$100,000 below projection, because the Town delayed the issuance of the Library Bond. We had anticipated issuing the bond in the fall of 2020, and paying the first interest payment in spring of FY21. However, due to COVID-related uncertainty and delays, the bond was not issued until January 2021 and the first debt payment is not due until fall of FY22.

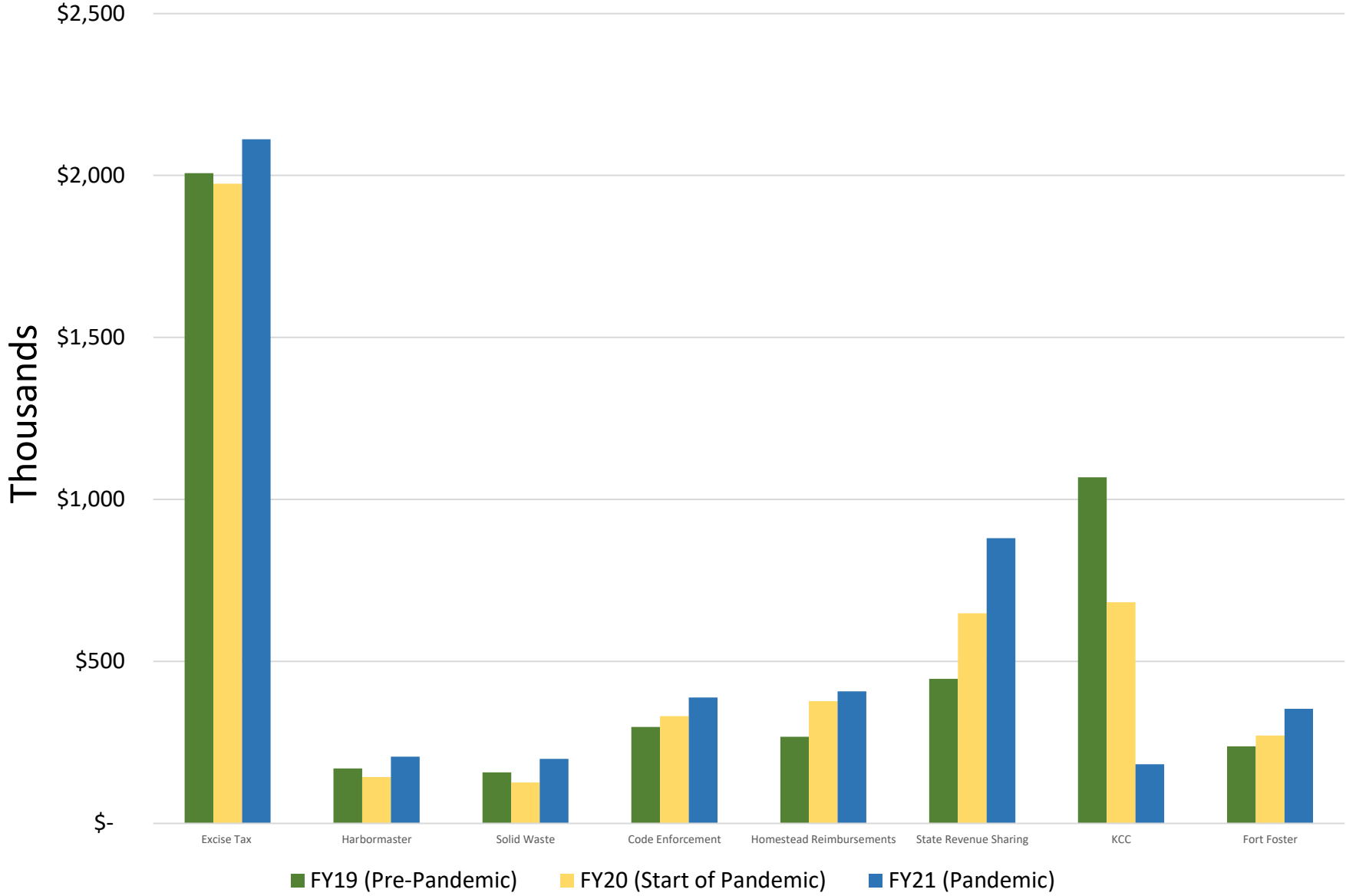
Overlay is also providing a significant buffer for the revenue deficit. We had advised the Council to increase the overlay this fiscal year as an insurance policy for the revaluation. The Assessor's Office did such a thorough job in establishing the new values and meeting with property owners in advance of the tax commitment, that we have not had any significant increase in abatements from the revaluation. We do have one case that has gone to the State for appeal, involving an outlet mall property, which does create a potentially significant cost exposure. The transfer request will address this.

### **Attachments**

Year End Report:

- Revenue Comparison Chart
- General Fund
- Sewer Fund
- Other Funds

### Business Activity Revenue Pre-Pandemic to Today



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TOWN OF KITTEERY - LIVE  
GF YTD FY21

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AS OF 7.26.21

FOR 2021 13

ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
101110 ADMINISTRATION								
<a href="#">101110 64011</a>	<a href="#">MANAGER SALARY</a>	99,996	0	99,996	106,978.22	.00	-6,982.22	107.0%*
<a href="#">101110 64014</a>	<a href="#">TOWN CLERK SALARY</a>	79,530	0	79,530	81,934.01	.00	-2,404.01	103.0%*
<a href="#">101110 64017</a>	<a href="#">CLERKS SALARIES</a>	305,575	0	305,575	318,482.74	.00	-12,907.74	104.2%*
<a href="#">101110 64018</a>	<a href="#">HUMAN RESOURCES MA</a>	61,482	0	61,482	63,329.67	.00	-1,847.67	103.0%*
<a href="#">101110 64026</a>	<a href="#">FINANCE DIRECTOR S</a>	110,381	0	110,381	113,697.83	.00	-3,316.83	103.0%*
<a href="#">101110 64027</a>	<a href="#">CUSTODIAN WAGES</a>	14,119	0	14,119	10,012.22	.00	4,106.78	70.9%
<a href="#">101110 64030</a>	<a href="#">OVERTIME</a>	4,000	0	4,000	699.30	.00	3,300.70	17.5%
<a href="#">101110 64031</a>	<a href="#">SALARY &amp; POSITION</a>	165,000	75,000	240,000	.00	.00	240,000.00	.0%
<a href="#">101110 65010</a>	<a href="#">POSTAGE</a>	13,000	0	13,000	6,883.80	.00	6,116.20	53.0%
<a href="#">101110 65020</a>	<a href="#">TELEPHONE &amp; INTERN</a>	9,000	0	9,000	8,140.74	.00	859.26	90.5%
<a href="#">101110 65030</a>	<a href="#">TRANSPORTATION</a>	1,500	0	1,500	.00	.00	1,500.00	.0%
<a href="#">101110 65040</a>	<a href="#">EDUCATIONAL/MEETIN</a>	1,000	0	1,000	830.66	.00	169.34	83.1%
<a href="#">101110 65060</a>	<a href="#">PRINTING</a>	7,000	0	7,000	6,820.77	.00	179.23	97.4%
<a href="#">101110 65080</a>	<a href="#">LEGAL NOTICES/OTHE</a>	3,000	0	3,000	2,379.59	.00	620.41	79.3%
<a href="#">101110 65200</a>	<a href="#">ELECTRICITY</a>	15,000	0	15,000	10,184.42	.00	4,815.58	67.9%
<a href="#">101110 65220</a>	<a href="#">WATER</a>	400	0	400	317.40	.00	82.60	79.4%
<a href="#">101110 65230</a>	<a href="#">FUEL OIL</a>	4,200	0	4,200	3,438.75	.00	761.25	81.9%
<a href="#">101110 65240</a>	<a href="#">DUMPSTERS</a>	625	0	625	632.66	.00	-7.66	101.2%*
<a href="#">101110 65250</a>	<a href="#">SEWER</a>	325	0	325	299.04	.00	25.96	92.0%
<a href="#">101110 65300</a>	<a href="#">MACHINE &amp; EQUIPMEN</a>	35,000	0	35,000	34,312.02	.00	687.98	98.0%
<a href="#">101110 65400</a>	<a href="#">LEGAL SERVICES</a>	60,000	0	60,000	45,804.77	.00	14,195.23	76.3%
<a href="#">101110 65410</a>	<a href="#">COMPUTER SERVICES</a>	45,000	0	45,000	44,079.59	.00	920.41	98.0%
<a href="#">101110 65415</a>	<a href="#">WEB PAGE</a>	3,500	0	3,500	4,461.22	.00	-961.22	127.5%*
<a href="#">101110 65430</a>	<a href="#">AUDIT SERVICES</a>	17,500	0	17,500	19,050.00	.00	-1,550.00	108.9%*
<a href="#">101110 65480</a>	<a href="#">OTHER PROFESSIONAL</a>	31,500	0	31,500	39,620.56	.00	-8,120.56	125.8%*
<a href="#">101110 65500</a>	<a href="#">MAINTENANCE OF BLD</a>	16,500	0	16,500	9,008.54	.00	7,491.46	54.6%
<a href="#">101110 66010</a>	<a href="#">OFFICE SUPPLIES</a>	7,000	0	7,000	7,217.24	.00	-217.24	103.1%*
<a href="#">101110 66020</a>	<a href="#">BOOKS/SUBSCRIPTION</a>	1,000	0	1,000	1,094.48	.00	-94.48	109.4%*
<a href="#">101110 66025</a>	<a href="#">MAINE MUNICIPAL AS</a>	13,500	0	13,500	13,207.00	.00	293.00	97.8%
<a href="#">101110 66035</a>	<a href="#">ABSTRACTS &amp; LIENS</a>	9,500	0	9,500	4,256.00	.00	5,244.00	44.8%
<a href="#">101110 66040</a>	<a href="#">JANITORIAL SUPPLIE</a>	2,500	0	2,500	2,002.81	.00	497.19	80.1%
TOTAL ADMINISTRATION		1,137,633	75,000	1,212,633	959,176.05	.00	253,456.95	79.1%
101115 TOWN COUNCIL								
<a href="#">101115 64001</a>	<a href="#">COUNCIL STIPEND</a>	4,000	0	4,000	3,320.00	.00	680.00	83.0%
<a href="#">101115 65480</a>	<a href="#">OTHER PROF SERV/CO</a>	3,000	0	3,000	45.00	.00	2,955.00	1.5%

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TOWN OF KITTEERY - LIVE  
GF YTD FY21

AS OF 7.26.21

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FOR 2021 13

ACCOUNTS FOR: 1000 TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>101115 66037 COUNCIL EXPENSES</u>	350	0	350	45.00	.00	305.00	12.9%
TOTAL TOWN COUNCIL	7,350	0	7,350	3,410.00	.00	3,940.00	46.4%
101130 ELECTIONS							
<u>101130 64020 PART TIME SALARIES</u>	4,500	0	4,500	.00	.00	4,500.00	.0%
<u>101130 65000 ELECTIONS EXPENSES</u>	800	0	800	.00	.00	800.00	.0%
<u>101130 65010 POSTAGE</u>	2,000	0	2,000	.00	.00	2,000.00	.0%
<u>101130 65060 PRINTING</u>	6,500	0	6,500	.00	.00	6,500.00	.0%
<u>101130 65480 OTHER PROFESSIONAL</u>	5,000	0	5,000	.00	.00	5,000.00	.0%
<u>101130 66010 OFFICE SUPPLIES</u>	200	0	200	.00	.00	200.00	.0%
<u>101130 67510 OFFICE FURNITURE &amp;</u>	3,750	0	3,750	.00	.00	3,750.00	.0%
TOTAL ELECTIONS	22,750	0	22,750	.00	.00	22,750.00	.0%
101150 COUNTY TAX							
<u>101150 65480 OTHER PROF SERVICE</u>	935,000	0	935,000	935,483.62	.00	-483.62	100.1%*
TOTAL COUNTY TAX	935,000	0	935,000	935,483.62	.00	-483.62	100.1%
101155 TAX INCREMENT FINANCING							
<u>101155 65000 TIF FINANCING PLAN</u>	27,000	0	27,000	27,000.00	.00	.00	100.0%
TOTAL TAX INCREMENT FINANCING	27,000	0	27,000	27,000.00	.00	.00	100.0%
101160 OVERLAY							
<u>101160 65480 OTHER PROF SERV -</u>	0	214,712	214,712	.00	.00	214,712.00	.0%
TOTAL OVERLAY	0	214,712	214,712	.00	.00	214,712.00	.0%
101230 DEBT & INTEREST							
<u>101230 68057 RUSTLEWOOD FARM -</u>	6,407	0	6,407	6,407.20	.00	-.20	100.0%*



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TOWN OF KITTYRY - LIVE  
GF YTD FY21

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AS OF 7.26.21

FOR 2021 13

ACCOUNTS FOR: 1000	TOWN GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">101230 68065</a>	<a href="#">2006 FIRE STATION</a>	115,000	0	115,000	115,000.00	.00	.00	100.0%
<a href="#">101230 68066</a>	<a href="#">2010 PW SALT SHED</a>	35,000	0	35,000	35,000.00	.00	.00	100.0%
<a href="#">101230 68067</a>	<a href="#">2012 KCC BOND PRIN</a>	275,000	0	275,000	275,000.00	.00	.00	100.0%
<a href="#">101230 68068</a>	<a href="#">2015 CIP BOND PRIN</a>	225,000	0	225,000	225,000.00	.00	.00	100.0%
<a href="#">101230 68069</a>	<a href="#">KLT BRAVE BOAT HEA</a>	11,741	0	11,741	11,740.84	.00	.16	100.0%
<a href="#">101230 68257</a>	<a href="#">RUSTLEWOOD FARM IN</a>	3,907	0	3,907	3,907.50	.00	-0.50	100.0%*
<a href="#">101230 68265</a>	<a href="#">2006 FIRE STATION</a>	15,100	0	15,100	15,100.00	.00	.00	100.0%
<a href="#">101230 68268</a>	<a href="#">2015 CIP BONDS INT</a>	24,750	0	24,750	24,750.00	.00	.00	100.0%
<a href="#">101230 68269</a>	<a href="#">KLT BRAVE BOAT HEA</a>	6,349	0	6,349	6,348.81	.00	.19	100.0%
<a href="#">101230 68271</a>	<a href="#">LIBRARY BOND INTER</a>	100,000	0	100,000	.00	.00	100,000.00	.0%
<a href="#">101230 68295</a>	<a href="#">PWD BLDG/SALT SHED</a>	13,503	0	13,503	13,503.13	.00	-.13	100.0%*
<a href="#">101230 68297</a>	<a href="#">2012 KCC BOND INT</a>	82,775	0	82,775	82,775.00	.00	.00	100.0%
TOTAL DEBT & INTEREST		914,532	0	914,532	814,532.48	.00	99,999.52	89.1%
101310 POLICE								
<a href="#">101310 64002</a>	<a href="#">POLICE CHIEF FT S</a>	97,138	0	97,138	101,639.14	.00	-4,501.14	104.6%*
<a href="#">101310 64012</a>	<a href="#">SERGEANTS SALARIES</a>	321,381	0	321,381	312,773.72	.00	8,607.28	97.3%
<a href="#">101310 64013</a>	<a href="#">SCHOOL RESOURCE OF</a>	67,448	0	67,448	60,444.89	.00	7,003.11	89.6%
<a href="#">101310 64014</a>	<a href="#">DETECTIVES SALARIE</a>	138,153	0	138,153	138,233.87	.00	-80.87	100.1%*
<a href="#">101310 64015</a>	<a href="#">PATROLMEN SALARIES</a>	685,333	0	685,333	715,313.36	.00	-29,980.36	104.4%*
<a href="#">101310 64016</a>	<a href="#">DISPATCHER SALARIE</a>	291,714	0	291,714	292,112.01	.00	-398.01	100.1%*
<a href="#">101310 64017</a>	<a href="#">ADMINISTRATIVE ASS</a>	94,534	0	94,534	96,522.86	.00	-1,988.86	102.1%*
<a href="#">101310 64022</a>	<a href="#">ANIMAL CONTROL OFF</a>	67,276	0	67,276	66,259.83	.00	1,016.17	98.5%
<a href="#">101310 64023</a>	<a href="#">LIEUTENANT SALARY</a>	79,207	0	79,207	81,620.26	.00	-2,413.26	103.0%*
<a href="#">101310 64024</a>	<a href="#">NIGHT DIFFERENTIAL</a>	17,500	0	17,500	15,605.25	.00	1,894.75	89.2%
<a href="#">101310 64027</a>	<a href="#">CUSTODIAN WAGES</a>	15,057	0	15,057	13,667.21	.00	1,389.79	90.8%
<a href="#">101310 64030</a>	<a href="#">OVERTIME</a>	175,000	0	175,000	222,918.88	.00	-47,918.88	127.4%*
<a href="#">101310 64033</a>	<a href="#">SICK TIME BUY BACK</a>	1,890	0	1,890	.00	.00	1,890.00	.0%
<a href="#">101310 64034</a>	<a href="#">PHYSICAL FITNESS S</a>	4,900	0	4,900	1,500.00	.00	3,400.00	30.6%
<a href="#">101310 65010</a>	<a href="#">POSTAGE</a>	530	0	530	930.83	.00	-400.83	175.6%*
<a href="#">101310 65020</a>	<a href="#">TELEPHONE &amp; INTERN</a>	24,700	0	24,700	24,879.91	.00	-179.91	100.7%*
<a href="#">101310 65030</a>	<a href="#">TRANSPORTATION</a>	2,800	0	2,800	2,800.00	.00	.00	100.0%
<a href="#">101310 65040</a>	<a href="#">EDUCATIONAL/MEETIN</a>	22,000	0	22,000	17,634.84	.00	4,365.16	80.2%
<a href="#">101310 65060</a>	<a href="#">PRINTING</a>	1,400	0	1,400	8,926.16	.00	-7,526.16	637.6%*
<a href="#">101310 65080</a>	<a href="#">LEGAL NOTICES/OTHE</a>	700	0	700	541.28	.00	158.72	77.3%
<a href="#">101310 65200</a>	<a href="#">ELECTRICITY</a>	15,000	0	15,000	13,579.21	.00	1,420.79	90.5%
<a href="#">101310 65220</a>	<a href="#">WATER</a>	545	0	545	423.20	.00	121.80	77.7%
<a href="#">101310 65230</a>	<a href="#">FUEL OIL</a>	5,400	0	5,400	5,448.56	.00	-48.56	100.9%*
<a href="#">101310 65240</a>	<a href="#">DUMPSTERS</a>	750	0	750	843.59	.00	-93.59	112.5%*
<a href="#">101310 65250</a>	<a href="#">SEWER</a>	300	0	300	398.72	.00	-98.72	132.9%*

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101310 65300	MACHINE & EQUIPMEN	68,100	0	68,100	66,130.84	.00	1,969.16	97.1%
101310 65310	VEHICLE MAINTENANC	31,000	0	31,000	25,631.42	.00	5,368.58	82.7%
101310 65311	GAS, GREASE, & OIL	45,000	0	45,000	29,692.24	.00	15,307.76	66.0%
101310 65470	DOG EXPENSE	750	0	750	85.00	.00	665.00	11.3%
101310 65480	OTHER PROFESSIONAL	4,200	0	4,200	1,204.34	.00	2,995.66	28.7%
101310 65500	MAINTENANCE OF BLD	5,000	0	5,000	2,129.32	.00	2,870.68	42.6%
101310 65521	UNIFORMS	18,500	0	18,500	20,898.34	.00	-2,398.34	113.0%*
101310 66010	OFFICE SUPPLIES	4,000	0	4,000	3,166.98	.00	833.02	79.2%
101310 66020	BOOKS/SUBSCRIPTION	4,000	0	4,000	2,963.75	.00	1,036.25	74.1%
101310 66030	OTHER SUPPLIES	5,100	0	5,100	3,285.32	.00	1,814.68	64.4%
101310 66032	ARMORY SUPPLIES	17,000	0	17,000	17,307.11	.00	-307.11	101.8%*
101310 66040	JANITORIAL SUPPLIE	3,000	0	3,000	2,411.47	.00	588.53	80.4%
101310 67510	OFFICE FURNITURE &	1,500	0	1,500	1,455.00	.00	45.00	97.0%
101310 67517	BULLET PROOF VESTS	4,000	0	4,000	580.65	.00	3,419.35	14.5%
TOTAL POLICE		2,341,806	0	2,341,806	2,371,959.36	.00	-30,153.36	101.3%
101320 FIRE								
101320 64003	FIRE CHIEF SALARY	90,125	0	90,125	92,854.34	.00	-2,729.34	103.0%*
101320 64020	PART TIME SALARIES	133,925	0	133,925	131,218.44	.00	2,706.56	98.0%
101320 64043	ON-CALL FIREFIGHTE	16,320	0	16,320	12,446.70	.00	3,873.30	76.3%
101320 64095	ACCIDENT & HEALTH	2,072	0	2,072	2,072.00	.00	.00	100.0%
101320 65010	POSTAGE	0	0	0	18.83	.00	-18.83	100.0%*
101320 65020	TELEPHONE & INTERN	7,728	0	7,728	7,663.57	.00	64.43	99.2%
101320 65040	EDUCATIONAL/MEETIN	2,235	0	2,235	2,431.21	.00	-196.21	108.8%*
101320 65045	TRAINING	4,650	0	4,650	2,953.00	.00	1,697.00	63.5%
101320 65046	HEALTH/PHYSICAL	2,618	0	2,618	1,596.00	.00	1,022.00	61.0%
101320 65200	ELECTRICITY	8,688	0	8,688	7,899.84	.00	788.16	90.9%
101320 65220	WATER	302	0	302	293.20	.00	8.80	97.1%
101320 65230	FUEL OIL	17,000	0	17,000	12,458.49	.00	4,541.51	73.3%
101320 65250	SEWER	400	0	400	407.46	.00	-7.46	101.9%*
101320 65300	MACHINE & EQUIPMEN	29,829	0	29,829	37,123.96	.00	-7,294.96	124.5%*
101320 65302	PROTECTIVE & SAFET	3,660	0	3,660	4,188.21	.00	-528.21	114.4%*
101320 65311	GAS, GREASE, & OIL	7,185	0	7,185	7,910.88	.00	-725.88	110.1%*
101320 65312	TIRES & TUBES	8,000	0	8,000	6,391.83	.00	1,608.17	79.9%
101320 65330	RADIO MAINTENANCE	5,117	0	5,117	1,737.00	.00	3,380.00	33.9%
101320 65480	OTHER PROFESSIONAL	7,896	0	7,896	6,350.05	.00	1,545.95	80.4%
101320 65500	MAINTENANCE OF BLD	15,390	0	15,390	8,185.08	.00	7,204.92	53.2%
101320 66010	OFFICE SUPPLIES	672	0	672	.00	.00	672.00	.0%
101320 66020	BOOKS/SUBSCRIPTION	200	0	200	.00	.00	200.00	.0%
101320 66040	JANITORIAL SUPPLIE	600	0	600	387.09	.00	212.91	64.5%

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<a href="#">101320 67500</a>	<a href="#">FIRE CAPITAL OUTLA</a>	0	0	0	59.58	.00	-59.58	100.0%*
<a href="#">101320 67505</a>	<a href="#">EXTINGUISHER MAINT</a>	500	0	500	317.84	.00	182.16	63.6%
<a href="#">101320 67515</a>	<a href="#">LANTERNS &amp; BATTERI</a>	200	0	200	300.89	.00	-100.89	150.4%*
<a href="#">101320 67520</a>	<a href="#">OPERATING EQUIPMEN</a>	8,000	0	8,000	6,435.69	.00	1,564.31	80.4%
TOTAL FIRE		373,312	0	373,312	353,701.18	.00	19,610.82	94.7%
101330 STREETLIGHTS								
<a href="#">101330 65200</a>	<a href="#">ELECTRICITY - STRE</a>	45,000	0	45,000	17,997.12	.00	27,002.88	40.0%
<a href="#">101330 65300</a>	<a href="#">MACHINE &amp; EQUIPMEN</a>	10,000	0	10,000	20,909.60	.00	-10,909.60	209.1%*
TOTAL STREETLIGHTS		55,000	0	55,000	38,906.72	.00	16,093.28	70.7%
101340 HYDRANT RENTALS								
<a href="#">101340 65300</a>	<a href="#">HYDRANT RENT MACHI</a>	262,000	0	262,000	255,149.44	.00	6,850.56	97.4%
TOTAL HYDRANT RENTALS		262,000	0	262,000	255,149.44	.00	6,850.56	97.4%
101410 HIGHWAY								
<a href="#">101410 64004</a>	<a href="#">HIGHWAY 35% COMM S</a>	34,094	0	34,094	35,497.01	.00	-1,403.01	104.1%*
<a href="#">101410 64010</a>	<a href="#">FULL TIME SALARIES</a>	512,863	0	512,863	491,026.80	.00	21,836.20	95.7%
<a href="#">101410 64015</a>	<a href="#">ADMINISTRATIVE ASS</a>	51,443	0	51,443	55,882.03	.00	-4,439.03	108.6%*
<a href="#">101410 64029</a>	<a href="#">OVERTIME - SNOW &amp;</a>	75,000	0	75,000	38,596.84	.00	36,403.16	51.5%
<a href="#">101410 64030</a>	<a href="#">OVERTIME</a>	7,200	0	7,200	14,658.39	.00	-7,458.39	203.6%*
<a href="#">101410 65010</a>	<a href="#">POSTAGE</a>	500	0	500	193.98	.00	306.02	38.8%
<a href="#">101410 65020</a>	<a href="#">TELEPHONE &amp; INTERN</a>	4,200	0	4,200	5,284.07	.00	-1,084.07	125.8%*
<a href="#">101410 65030</a>	<a href="#">TRANSPORTATION</a>	750	0	750	13.00	.00	737.00	1.7%
<a href="#">101410 65040</a>	<a href="#">EDUCATIONAL/MEETIN</a>	4,000	0	4,000	251.52	.00	3,748.48	6.3%
<a href="#">101410 65060</a>	<a href="#">PRINTING</a>	600	0	600	496.00	.00	104.00	82.7%
<a href="#">101410 65080</a>	<a href="#">LEGAL NOTICES/OTHE</a>	1,000	0	1,000	1,035.69	.00	-35.69	103.6%*
<a href="#">101410 65200</a>	<a href="#">ELECTRICITY</a>	4,100	0	4,100	4,579.38	.00	-479.38	111.7%*
<a href="#">101410 65220</a>	<a href="#">WATER</a>	2,500	0	2,500	1,339.34	.00	1,160.66	53.6%
<a href="#">101410 65230</a>	<a href="#">FUEL OIL</a>	7,000	0	7,000	8,089.69	.00	-1,089.69	115.6%*
<a href="#">101410 65250</a>	<a href="#">SEWER</a>	350	0	350	400.00	.00	-50.00	114.3%*
<a href="#">101410 65300</a>	<a href="#">MACHINE &amp; EQUIPMEN</a>	18,000	0	18,000	9,573.47	.00	8,426.53	53.2%

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<a href="#">101410 65302</a>	<a href="#">PROTECTIVE &amp; SAFET</a>	3,000	0	3,000	3,067.24	.00	-67.24	102.2%*
<a href="#">101410 65303</a>	<a href="#">FACILITY SAFETY IN</a>	1,250	0	1,250	1,555.19	.00	-305.19	124.4%*
<a href="#">101410 65310</a>	<a href="#">VEHICLE MAINTENANC</a>	18,000	0	18,000	22,863.44	.00	-4,863.44	127.0%*
<a href="#">101410 65311</a>	<a href="#">GAS, GREASE, &amp; OIL</a>	52,000	0	52,000	37,418.61	.00	14,581.39	72.0%
<a href="#">101410 65312</a>	<a href="#">TIRES &amp; TUBES</a>	8,000	0	8,000	6,703.29	.00	1,296.71	83.8%
<a href="#">101410 65450</a>	<a href="#">TARRING &amp; PATCHING</a>	12,000	0	12,000	23,787.24	.00	-11,787.24	198.2%*
<a href="#">101410 65452</a>	<a href="#">SALT</a>	140,000	0	140,000	114,685.34	.00	25,314.66	81.9%
<a href="#">101410 65454</a>	<a href="#">SAND</a>	2,100	0	2,100	439.28	.00	1,660.72	20.9%
<a href="#">101410 65456</a>	<a href="#">GRAVEL &amp; FILL</a>	3,000	0	3,000	2,875.19	.00	124.81	95.8%
<a href="#">101410 65458</a>	<a href="#">DRAINAGE SUPPLIES</a>	5,000	0	5,000	4,719.76	.00	280.24	94.4%
<a href="#">101410 65460</a>	<a href="#">SIGNS</a>	10,000	0	10,000	7,925.00	.00	2,075.00	79.3%
<a href="#">101410 65462</a>	<a href="#">STRIPING</a>	40,000	0	40,000	42,099.20	.00	-2,099.20	105.2%*
<a href="#">101410 65466</a>	<a href="#">SNOW REMOVAL EQUIP</a>	18,500	0	18,500	23,764.65	.00	-5,264.65	128.5%*
<a href="#">101410 65480</a>	<a href="#">OTHER PROFESSIONAL</a>	30,000	0	30,000	31,909.79	.00	-1,909.79	106.4%*
<a href="#">101410 65500</a>	<a href="#">MAINTENANCE OF BLD</a>	6,500	0	6,500	12,636.72	.00	-6,136.72	194.4%*
<a href="#">101410 65501</a>	<a href="#">OTHER PROF SVCS -</a>	0	0	0	1,340.50	.00	-1,340.50	100.0%*
<a href="#">101410 65521</a>	<a href="#">UNIFORMS</a>	4,400	0	4,400	5,122.24	.00	-722.24	116.4%*
<a href="#">101410 65522</a>	<a href="#">C.D.L PROGRAMS</a>	850	0	850	867.52	.00	-17.52	102.1%*
<a href="#">101410 66009</a>	<a href="#">SHOP SUPPLIES</a>	16,500	0	16,500	19,153.89	.00	-2,653.89	116.1%*
<a href="#">101410 66010</a>	<a href="#">OFFICE SUPPLIES</a>	800	0	800	854.32	.00	-54.32	106.8%*
<a href="#">101410 66011</a>	<a href="#">HAND TOOLS</a>	600	0	600	1,010.40	.00	-410.40	168.4%*
<a href="#">101410 66020</a>	<a href="#">BOOKS/SUBSCRIPTION</a>	1,000	0	1,000	1,244.75	.00	-244.75	124.5%*
<a href="#">101410 66030</a>	<a href="#">OTHER SUPPLIES</a>	400	0	400	192.61	.00	207.39	48.2%
<a href="#">101410 66040</a>	<a href="#">JANITORIAL SUPPLIE</a>	8,500	0	8,500	4,743.85	.00	3,756.15	55.8%
<a href="#">101410 67514</a>	<a href="#">PLANT EQUIPMENT</a>	1,500	0	1,500	1,425.12	.00	74.88	95.0%
<a href="#">101410 67518</a>	<a href="#">RENTAL EQUIPMENT</a>	3,000	0	3,000	6,438.78	.00	-3,438.78	214.6%*
<a href="#">101410 67520</a>	<a href="#">OPERATING EQUIPMEN</a>	2,000	0	2,000	2,018.74	.00	-18.74	100.9%*
<a href="#">101410 67540</a>	<a href="#">IMPROVEMENTS TO BL</a>	2,000	0	2,000	2,414.27	.00	-414.27	120.7%*
TOTAL HIGHWAY		1,114,500	0	1,114,500	1,050,194.14	.00	64,305.86	94.2%
101520 GENERAL ASSISTANCE								
<a href="#">101520 65480</a>	<a href="#">OTHER PROF SERVICE</a>	65,000	0	65,000	38,343.98	.00	26,656.02	59.0%
TOTAL GENERAL ASSISTANCE		65,000	0	65,000	38,343.98	.00	26,656.02	59.0%
101530 PUBLIC HEALTH SERVICE								
<a href="#">101530 64020</a>	<a href="#">PART TIME SALARIES</a>	520	0	520	521.40	.00	-1.40	100.3%*

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TOTAL PUBLIC HEALTH SERVICE		520	0	520	521.40	.00	-1.40	100.3%
101540 COMMUNITY AGENCIES								
<a href="#">101540 65479</a>	<a href="#">FAIR TIDE</a>	2,000	0	2,000	2,000.00	.00	.00	100.0%
<a href="#">101540 65492</a>	<a href="#">YORK COUNTY COMMUN</a>	2,500	0	2,500	2,500.00	.00	.00	100.0%
<a href="#">101540 65497</a>	<a href="#">SO MAINE AREA AGEN</a>	1,400	0	1,400	1,400.00	.00	.00	100.0%
<a href="#">101540 65499</a>	<a href="#">CROSSROADS HOUSE,</a>	2,000	0	2,000	2,000.00	.00	.00	100.0%
TOTAL COMMUNITY AGENCIES		7,900	0	7,900	7,900.00	.00	.00	100.0%
101720 PLANNING BOARD & BOA								
<a href="#">101720 65010</a>	<a href="#">POSTAGE</a>	250	0	250	284.24	.00	-34.24	113.7%*
<a href="#">101720 65040</a>	<a href="#">EDUCATIONAL/MEETIN</a>	1,000	0	1,000	250.00	.00	750.00	25.0%
<a href="#">101720 65060</a>	<a href="#">PRINTING</a>	250	0	250	44.00	.00	206.00	17.6%
<a href="#">101720 65080</a>	<a href="#">LEGAL NOTICES &amp; OT</a>	1,000	0	1,000	1,365.78	.00	-365.78	136.6%*
<a href="#">101720 65480</a>	<a href="#">OTHER PROFESSIONAL</a>	2,000	0	2,000	.00	.00	2,000.00	.0%
<a href="#">101720 66010</a>	<a href="#">OFFICE SUPPLIES</a>	150	0	150	.00	.00	150.00	.0%
<a href="#">101720 66026</a>	<a href="#">SMRPC MEMBERSHIP</a>	5,685	0	5,685	5,685.00	.00	.00	100.0%
TOTAL PLANNING BOARD & BOA		10,335	0	10,335	7,629.02	.00	2,705.98	73.8%
101721 PLANNING / CODE								
<a href="#">101721 64005</a>	<a href="#">CODE ENFORCEMENT S</a>	70,702	0	70,702	71,442.44	.00	-740.44	101.0%*
<a href="#">101721 64006</a>	<a href="#">PLANNER SALARY</a>	63,000	0	63,000	64,431.37	.00	-1,431.37	102.3%*
<a href="#">101721 64010</a>	<a href="#">DEVELOPMENT STAFF</a>	40,126	0	40,126	41,043.53	.00	-917.53	102.3%*
<a href="#">101721 64017</a>	<a href="#">ASSISTANT PLANNER</a>	21,000	0	21,000	20,245.48	.00	754.52	96.4%
<a href="#">101721 64018</a>	<a href="#">ASST CODE ENFORCEM</a>	51,328	0	51,328	52,966.92	.00	-1,638.92	103.2%*
<a href="#">101721 64030</a>	<a href="#">OVERTIME</a>	0	0	0	92.55	.00	-92.55	100.0%*
<a href="#">101721 64042</a>	<a href="#">DIRECTOR OF PLANNI</a>	100,052	0	100,052	103,076.12	.00	-3,024.12	103.0%*
<a href="#">101721 65010</a>	<a href="#">POSTAGE</a>	700	0	700	1,590.76	.00	-890.76	227.3%*
<a href="#">101721 65020</a>	<a href="#">TELEPHONE &amp; INTERN</a>	1,400	0	1,400	1,855.53	.00	-455.53	132.5%*
<a href="#">101721 65030</a>	<a href="#">TRANSPORTATION</a>	1,800	0	1,800	.00	.00	1,800.00	.0%
<a href="#">101721 65040</a>	<a href="#">EDUCATIONAL/MEETIN</a>	3,000	0	3,000	937.00	.00	2,063.00	31.2%
<a href="#">101721 65060</a>	<a href="#">PRINTING</a>	650	0	650	69.00	.00	581.00	10.6%

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101721 65300	MACHINE & EQUIPMEN	3,700	0	3,700	3,666.57	.00	33.43	99.1%
101721 65310	VEHICLE MAINTENANC	300	0	300	114.02	.00	185.98	38.0%
101721 65311	GAS, GREASE, & OIL	600	0	600	419.52	.00	180.48	69.9%
101721 65314	VEHICLE LEASE	0	0	0	471.18	.00	-471.18	100.0%*
101721 65400	LEGAL SERVICES	7,500	0	7,500	1,359.00	.00	6,141.00	18.1%
101721 65410	COMPUTER SERVICES	25,635	0	25,635	23,371.00	.00	2,264.00	91.2%
101721 65411	BOARD OF ASSESSMEN	200	0	200	.00	.00	200.00	.0%
101721 65423	PERSONAL PROPERTY	6,000	0	6,000	1,500.00	.00	4,500.00	25.0%
101721 65480	OTHER PROFESSIONAL	140,000	0	140,000	135,184.88	.00	4,815.12	96.6%
101721 65521	UNIFORMS	250	0	250	.00	.00	250.00	.0%
101721 66010	OFFICE SUPPLIES	1,000	0	1,000	202.22	.00	797.78	20.2%
101721 66020	BOOKS/SUBSCRIPTION	500	0	500	33.27	.00	466.73	6.7%
101721 66030	OTHER SUPPLIES	250	0	250	.00	.00	250.00	.0%
101721 66035	ABSTRACTS & LIENS	400	0	400	.00	.00	400.00	.0%
101721 67510	OFFICE FURNITURE &	500	0	500	.00	.00	500.00	.0%
TOTAL PLANNING / CODE		540,593	0	540,593	524,072.36	.00	16,520.64	96.9%
101730 IN TOWN PARKS								
101730 64007	PARKS 10% COMM SAL	9,741	0	9,741	10,142.14	.00	-401.14	104.1%*
101730 64010	FULL TIME SALARIES	49,558	0	49,558	90,654.04	.00	-41,096.04	182.9%*
101730 64020	PART TIME SALARIES	46,800	0	46,800	11,599.99	.00	35,200.01	24.8%
101730 64030	OVERTIME	1,400	0	1,400	45.25	.00	1,354.75	3.2%
101730 65040	EDUCATIONAL/MEETIN	100	0	100	.00	.00	100.00	.0%
101730 65060	PRINTING	100	0	100	.00	.00	100.00	.0%
101730 65080	LEGAL NOTICES/OTHE	150	0	150	.00	.00	150.00	.0%
101730 65200	ELECTRICITY	1,538	0	1,538	1,082.35	.00	455.65	70.4%
101730 65220	WATER	7,400	0	7,400	4,222.31	.00	3,177.69	57.1%
101730 65300	MACHINE & EQUIPMEN	2,000	0	2,000	1,758.21	.00	241.79	87.9%
101730 65302	PROTECTIVE & SAFET	350	0	350	908.09	.00	-558.09	259.5%*
101730 65303	FACILITY SAFETY IN	625	0	625	1,153.35	.00	-528.35	184.5%*
101730 65310	VEHICLE MAINTENANC	1,200	0	1,200	1,099.91	.00	100.09	91.7%
101730 65311	GAS, GREASE, & OIL	5,500	0	5,500	2,297.31	.00	3,202.69	41.8%
101730 65312	TIRES & TUBES	1,000	0	1,000	1,156.11	.00	-156.11	115.6%*
101730 65457	LOAM & SOD	3,000	0	3,000	1,313.20	.00	1,686.80	43.8%
101730 65480	OTHER PROFESSIONAL	30,000	0	30,000	47,235.80	.00	-17,235.80	157.5%*
101730 65500	MAINTENANCE OF BLD	1,000	0	1,000	406.16	.00	593.84	40.6%
101730 65521	UNIFORMS	800	0	800	2,284.00	.00	-1,484.00	285.5%*
101730 66011	HAND TOOLS	150	0	150	77.11	.00	72.89	51.4%
101730 66030	OTHER SUPPLIES	150	0	150	41.96	.00	108.04	28.0%
101730 66040	JANITORIAL SUPPLIE	500	0	500	.00	.00	500.00	.0%

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<u>101730</u>	<u>67520 OPERATING EQUIPMEN</u>	1,000	0	1,000	543.34	.00	456.66	54.3%
	TOTAL IN TOWN PARKS	164,062	0	164,062	178,020.63	.00	-13,958.63	108.5%
101735 FT FOSTER SEAPOINT & CRESCENT								
<u>101735</u>	<u>64007 PARKS 15% COMM SAL</u>	14,611	0	14,611	15,213.13	.00	-602.13	104.1%*
<u>101735</u>	<u>64010 FULL TIME SALARIES</u>	51,790	0	51,790	54,796.35	.00	-3,006.35	105.8%*
<u>101735</u>	<u>64020 PART TIME SALARIES</u>	62,080	0	62,080	48,539.53	.00	13,540.47	78.2%
<u>101735</u>	<u>64030 OVERTIME</u>	7,055	0	7,055	5,866.73	.00	1,188.27	83.2%
<u>101735</u>	<u>65020 TELEPHONE &amp; INTERN</u>	1,400	0	1,400	1,631.86	.00	-231.86	116.6%*
<u>101735</u>	<u>65040 EDUCATIONAL/MEETIN</u>	100	0	100	.00	.00	100.00	.0%
<u>101735</u>	<u>65060 PRINTING</u>	3,500	0	3,500	959.00	.00	2,541.00	27.4%
<u>101735</u>	<u>65080 LEGAL NOTICES/OTHE</u>	200	0	200	.00	.00	200.00	.0%
<u>101735</u>	<u>65200 ELECTRICITY</u>	513	0	513	235.89	.00	277.11	46.0%
<u>101735</u>	<u>65220 WATER</u>	600	0	600	.00	.00	600.00	.0%
<u>101735</u>	<u>65300 MACHINE &amp; EQUIPMEN</u>	1,500	0	1,500	242.81	.00	1,257.19	16.2%
<u>101735</u>	<u>65302 PROTECTIVE &amp; SAFET</u>	600	0	600	536.44	.00	63.56	89.4%
<u>101735</u>	<u>65303 FACILITY SAFETY IN</u>	625	0	625	775.38	.00	-150.38	124.1%*
<u>101735</u>	<u>65310 VEHICLE MAINTENANC</u>	1,200	0	1,200	818.10	.00	381.90	68.2%
<u>101735</u>	<u>65311 GAS, GREASE, &amp; OIL</u>	5,500	0	5,500	452.50	.00	5,047.50	8.2%
<u>101735</u>	<u>65312 TIRES &amp; TUBES</u>	700	0	700	470.91	.00	229.09	67.3%
<u>101735</u>	<u>65480 OTHER PROFESSIONAL</u>	4,000	0	4,000	.00	.00	4,000.00	.0%
<u>101735</u>	<u>65500 MAINTENANCE OF BLD</u>	4,500	0	4,500	2,643.57	.00	1,856.43	58.7%
<u>101735</u>	<u>65510 PAINTING</u>	400	0	400	400.96	.00	-.96	100.2%*
<u>101735</u>	<u>65521 UNIFORMS</u>	700	0	700	628.00	.00	72.00	89.7%
<u>101735</u>	<u>66011 HAND TOOLS</u>	150	0	150	157.02	.00	-7.02	104.7%*
<u>101735</u>	<u>66030 OTHER SUPPLIES</u>	900	0	900	827.82	.00	72.18	92.0%
<u>101735</u>	<u>66040 JANITORIAL SUPPLIE</u>	6,000	0	6,000	1,010.97	.00	4,989.03	16.8%
<u>101735</u>	<u>67520 OPERATING EQUIPMEN</u>	1,200	0	1,200	1,218.00	.00	-18.00	101.5%*
<u>101735</u>	<u>67575 SEAPOINT BEACH</u>	200	0	200	.00	.00	200.00	.0%
	TOTAL FT FOSTER SEAPOINT & CRESCENT	170,024	0	170,024	137,424.97	.00	32,599.03	80.8%
101740 MISCELLANEOUS ACCOUNTS								
<u>101740</u>	<u>65023 EPA STORMWATER 4 P</u>	19,600	0	19,600	18,964.02	.00	635.98	96.8%
<u>101740</u>	<u>65025 COMPUTER REPAIR/RE</u>	65,000	0	65,000	49,102.99	.00	15,897.01	75.5%
<u>101740</u>	<u>65455 MEMORIAL DAY ACTIV</u>	700	0	700	.00	.00	700.00	.0%
<u>101740</u>	<u>68525 MOSQUITO/TICK CONT</u>	38,580	0	38,580	38,856.08	.00	-276.08	100.7%*

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<a href="#">101740</a>	<a href="#">69200 PSAP PAID TO YORK</a>	35,000	0	35,000	31,359.25	.00	3,640.75	89.6%
	TOTAL MISCELLANEOUS ACCOUNTS	158,880	0	158,880	138,282.34	.00	20,597.66	87.0%
101750 STATE/BANK FEES								
<a href="#">101750</a>	<a href="#">65952 OVERAGE/SHORTAGE</a>	0	0	0	-49.03	.00	49.03	100.0%
<a href="#">101750</a>	<a href="#">65954 BANK FEES/CHARGES</a>	600	0	600	37.69	.00	562.31	6.3%
	TOTAL STATE/BANK FEES	600	0	600	-11.34	.00	611.34	-1.9%
101760 CAPITAL IMPROVEMENT PLAN								
<a href="#">101760</a>	<a href="#">68750 CIP HOLDING DEDICA</a>	530,000	0	530,000	530,000.00	.00	.00	100.0%
<a href="#">101760</a>	<a href="#">68751 CIP DEPT CAPITAL R</a>	625,500	0	625,500	625,500.00	.00	.00	100.0%
<a href="#">101760</a>	<a href="#">68752 CIP CAP FUNDING RE</a>	300,000	0	300,000	300,000.00	.00	.00	100.0%
	TOTAL CAPITAL IMPROVEMENT PLAN	1,455,500	0	1,455,500	1,455,500.00	.00	.00	100.0%
101810 LIBRARY								
<a href="#">101810</a>	<a href="#">64010 FULL TIME SALARIES</a>	195,233	0	195,233	200,558.67	.00	-5,325.67	102.7%*
<a href="#">101810</a>	<a href="#">65002 LIBRARY DIRECTOR</a>	80,126	0	80,126	82,560.83	.00	-2,434.83	103.0%*
<a href="#">101810</a>	<a href="#">65003 LIBRARY PART TIME</a>	10,140	0	10,140	4,987.18	.00	5,152.82	49.2%
<a href="#">101810</a>	<a href="#">65010 POSTAGE</a>	400	0	400	642.81	.00	-242.81	160.7%*
<a href="#">101810</a>	<a href="#">65020 TELEPHONE &amp; INTERN</a>	1,200	0	1,200	1,617.99	.00	-417.99	134.8%*
<a href="#">101810</a>	<a href="#">65060 PRINTING</a>	400	0	400	.00	.00	400.00	.0%
<a href="#">101810</a>	<a href="#">65200 ELECTRICITY</a>	7,175	0	7,175	5,448.50	.00	1,726.50	75.9%
<a href="#">101810</a>	<a href="#">65220 WATER</a>	600	0	600	293.20	.00	306.80	48.9%
<a href="#">101810</a>	<a href="#">65230 FUEL OIL</a>	9,500	0	9,500	6,616.77	.00	2,883.23	69.7%
<a href="#">101810</a>	<a href="#">65250 SEWER</a>	1,000	0	1,000	800.00	.00	200.00	80.0%
<a href="#">101810</a>	<a href="#">65338 E-BOOKS CHILDREN</a>	1,000	0	1,000	248.86	.00	751.14	24.9%
<a href="#">101810</a>	<a href="#">65339 AV DVD CHILDREN/TE</a>	1,100	0	1,100	1,050.86	.00	49.14	95.5%
<a href="#">101810</a>	<a href="#">65340 E-BOOKS</a>	6,000	0	6,000	6,036.73	.00	-36.73	100.6%*
<a href="#">101810</a>	<a href="#">65341 AUDIO VISUAL/DVD</a>	14,420	0	14,420	14,548.07	.00	-128.07	100.9%*
<a href="#">101810</a>	<a href="#">65342 LIBRARY COPIER EXP</a>	3,400	0	3,400	3,525.38	.00	-125.38	103.7%*
<a href="#">101810</a>	<a href="#">65431 PROFESSIONAL DUES</a>	1,000	0	1,000	111.22	.00	888.78	11.1%
<a href="#">101810</a>	<a href="#">65432 LIBRARY TECHNOLOGY</a>	13,000	0	13,000	12,818.91	.00	181.09	98.6%



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<a href="#">101810 65433</a>	<a href="#">LIBRARY PROGRAMS</a>	2,480	0	2,480	2,797.54	.00	-317.54	112.8%*
<a href="#">101810 65434</a>	<a href="#">LIB PROG CHILD/TEE</a>	10,000	0	10,000	8,516.08	.00	1,483.92	85.2%
<a href="#">101810 65435</a>	<a href="#">CONFERENCES &amp; WORK</a>	200	0	200	102.02	.00	97.98	51.0%
<a href="#">101810 65480</a>	<a href="#">OTHER PROF SERV -</a>	1,700	0	1,700	2,048.60	.00	-348.60	120.5%*
<a href="#">101810 65500</a>	<a href="#">MAINTENANCE OF BLD</a>	6,000	0	6,000	11,217.45	.00	-5,217.45	187.0%*
<a href="#">101810 65505</a>	<a href="#">REPAIRS</a>	13,000	0	13,000	8,028.71	.00	4,971.29	61.8%
<a href="#">101810 65803</a>	<a href="#">MISCELLANEOUS</a>	1,650	0	1,650	1,088.28	.00	561.72	66.0%
<a href="#">101810 66010</a>	<a href="#">OFFICE SUPPLIES</a>	700	0	700	926.12	.00	-226.12	132.3%*
<a href="#">101810 66012</a>	<a href="#">LIB PROCESSING SUP</a>	3,400	0	3,400	3,391.70	.00	8.30	99.8%
<a href="#">101810 66020</a>	<a href="#">BOOKS/SUBSCRIPTION</a>	37,249	0	37,249	37,462.58	.00	-213.58	100.6%*
<a href="#">101810 66021</a>	<a href="#">BOOKS CHILD/TEEN</a>	14,550	0	14,550	15,235.51	.00	-685.51	104.7%*
<a href="#">101810 67510</a>	<a href="#">OFFICE FURNITURE &amp;</a>	2,000	0	2,000	1,990.52	.00	9.48	99.5%
TOTAL LIBRARY		438,623	0	438,623	434,671.09	.00	3,951.91	99.1%
101830 RECREATION								
<a href="#">101830 64008</a>	<a href="#">RECREATION DIRECTO</a>	81,428	0	81,428	69,406.66	.00	12,021.34	85.2%
<a href="#">101830 64009</a>	<a href="#">ASST DIRECTOR/GEN</a>	59,627	0	59,627	42,056.89	.00	17,570.11	70.5%
<a href="#">101830 64010</a>	<a href="#">EARLY CHILDHOOD SU</a>	42,920	0	42,920	2,445.89	.00	40,474.11	5.7%
<a href="#">101830 64012</a>	<a href="#">RECREATION SUPERVI</a>	46,049	0	46,049	47,093.51	.00	-1,044.51	102.3%*
<a href="#">101830 64013</a>	<a href="#">ASST EARLY CHILDCA</a>	35,313	0	35,313	.00	.00	35,313.00	.0%
<a href="#">101830 64014</a>	<a href="#">LEAD TEACHERS</a>	61,235	0	61,235	1,626.63	.00	59,608.37	2.7%
<a href="#">101830 64015</a>	<a href="#">SAFE/SPORTS COORDI</a>	38,089	0	38,089	25,680.33	.00	12,408.67	67.4%
<a href="#">101830 64016</a>	<a href="#">RECEPTIONISTS</a>	63,250	0	63,250	46,287.32	.00	16,962.68	73.2%
<a href="#">101830 64017</a>	<a href="#">BOOKKEEPER/SECRETA</a>	22,439	0	22,439	18,966.34	.00	3,472.66	84.5%
<a href="#">101830 64020</a>	<a href="#">PT SAFE SCHOOL YEA</a>	30,500	0	30,500	-1,445.60	.00	31,945.60	-4.7%
<a href="#">101830 64021</a>	<a href="#">SAFE SUMMER SALARI</a>	13,650	0	13,650	15,261.32	.00	-1,611.32	111.8%*
<a href="#">101830 64024</a>	<a href="#">FT CUSTODIANS</a>	37,467	0	37,467	34,292.09	.00	3,174.91	91.5%
<a href="#">101830 64025</a>	<a href="#">PRE-SCHOOL STAFF S</a>	162,556	0	162,556	567.85	.00	161,988.15	.3%
<a href="#">101830 64026</a>	<a href="#">INSTRUCTORS STIPEN</a>	0	0	0	975.00	.00	-975.00	100.0%*
<a href="#">101830 64027</a>	<a href="#">CUSTODIAN WAGES</a>	33,711	0	33,711	24,892.67	.00	8,818.33	73.8%
<a href="#">101830 64028</a>	<a href="#">THEATRE TECHNICIAN</a>	250	0	250	.00	.00	250.00	.0%
<a href="#">101830 64030</a>	<a href="#">OVERTIME</a>	4,500	0	4,500	1,687.03	.00	2,812.97	37.5%
<a href="#">101830 64041</a>	<a href="#">FACILITIES MAINT S</a>	53,219	0	53,219	55,028.72	.00	-1,809.72	103.4%*
<a href="#">101830 65010</a>	<a href="#">POSTAGE</a>	1,215	0	1,215	374.86	.00	840.14	30.9%
<a href="#">101830 65020</a>	<a href="#">TELEPHONE &amp; INTERN</a>	3,450	0	3,450	4,023.59	.00	-573.59	116.6%*
<a href="#">101830 65030</a>	<a href="#">TRANSPORTATION</a>	12,000	0	12,000	2,480.99	.00	9,519.01	20.7%
<a href="#">101830 65060</a>	<a href="#">PRINTING</a>	8,500	0	8,500	6,615.17	.00	1,884.83	77.8%
<a href="#">101830 65200</a>	<a href="#">ELECTRICITY / UTIL</a>	36,000	0	36,000	27,384.83	.00	8,615.17	76.1%
<a href="#">101830 65220</a>	<a href="#">WATER</a>	3,322	0	3,322	3,184.77	.00	137.23	95.9%
<a href="#">101830 65230</a>	<a href="#">NATURAL GAS</a>	34,000	0	34,000	31,364.58	.00	2,635.42	92.2%

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<a href="#">101830 65250</a>	<a href="#">SEWER</a>	3,300	0	3,300	1,309.89	.00	1,990.11	39.7%
<a href="#">101830 65300</a>	<a href="#">MACHINE &amp; EQUIPMEN</a>	4,305	0	4,305	3,748.78	.00	556.22	87.1%
<a href="#">101830 65310</a>	<a href="#">VEHICLE MAINTENANC</a>	250	0	250	.00	.00	250.00	.0%
<a href="#">101830 65478</a>	<a href="#">PROGRAM SERVICES</a>	2,500	0	2,500	2,473.54	.00	26.46	98.9%
<a href="#">101830 65480</a>	<a href="#">OTHER PROFESSIONAL</a>	2,500	0	2,500	2,642.00	.00	-142.00	105.7%*
<a href="#">101830 65500</a>	<a href="#">MAINTENANCE OF BLD</a>	14,500	0	14,500	27,202.21	.00	-12,702.21	187.6%*
<a href="#">101830 65521</a>	<a href="#">UNIFORMS</a>	0	0	0	225.72	.00	-225.72	100.0%*
<a href="#">101830 65610</a>	<a href="#">SAFE SCHOOL YEAR P</a>	3,500	0	3,500	1,815.00	.00	1,685.00	51.9%
<a href="#">101830 65615</a>	<a href="#">SAFE SUMMER PROGRA</a>	3,000	0	3,000	3,083.66	.00	-83.66	102.8%*
<a href="#">101830 65630</a>	<a href="#">INSTRUCTORS-CONTRA</a>	27,000	0	27,000	18,245.53	.00	8,754.47	67.6%
<a href="#">101830 65640</a>	<a href="#">SPECIAL EVENTS</a>	13,500	0	13,500	7,027.22	.00	6,472.78	52.1%
<a href="#">101830 65650</a>	<a href="#">SENIOR PROGRAMS</a>	1,500	0	1,500	.00	.00	1,500.00	.0%
<a href="#">101830 65670</a>	<a href="#">TEAM EXPENSE</a>	6,750	0	6,750	2,907.82	.00	3,842.18	43.1%
<a href="#">101830 65680</a>	<a href="#">PRESCHOOL PROGRAM</a>	8,000	0	8,000	447.26	.00	7,552.74	5.6%
<a href="#">101830 65801</a>	<a href="#">CONTRACTED SERVICE</a>	49,000	0	49,000	55,262.85	.00	-6,262.85	112.8%*
<a href="#">101830 65802</a>	<a href="#">ANNEX UTILITIES</a>	2,000	0	2,000	.00	.00	2,000.00	.0%
<a href="#">101830 65803</a>	<a href="#">MISCELLANEOUS</a>	5,500	0	5,500	3,213.33	.00	2,286.67	58.4%
<a href="#">101830 66010</a>	<a href="#">OFFICE SUPPLIES</a>	3,000	0	3,000	2,077.73	.00	922.27	69.3%
<a href="#">101830 66030</a>	<a href="#">OTHER SUPPLIES</a>	3,000	0	3,000	1,116.98	.00	1,883.02	37.2%
<a href="#">101830 66031</a>	<a href="#">THEATRE SUPPLIES</a>	750	0	750	.00	.00	750.00	.0%
<a href="#">101830 66040</a>	<a href="#">JANITORIAL SUPPLIE</a>	15,000	0	15,000	1,161.26	.00	13,838.74	7.7%
TOTAL RECREATION		1,053,545	0	1,053,545	594,212.22	.00	459,332.78	56.4%
101840 HARBORMASTER-K.P.A								
<a href="#">101840 64010</a>	<a href="#">HARBOR MASTER FULL</a>	57,927	0	57,927	60,396.44	.00	-2,469.44	104.3%*
<a href="#">101840 64020</a>	<a href="#">PART TIME SALARIES</a>	14,100	0	14,100	20,432.12	.00	-6,332.12	144.9%*
<a href="#">101840 65010</a>	<a href="#">POSTAGE</a>	250	0	250	341.61	.00	-91.61	136.6%*
<a href="#">101840 65020</a>	<a href="#">TELEPHONE &amp; INTERN</a>	1,100	0	1,100	1,807.10	.00	-707.10	164.3%*
<a href="#">101840 65200</a>	<a href="#">ELECTRICITY</a>	1,800	0	1,800	1,792.85	.00	7.15	99.6%
<a href="#">101840 65220</a>	<a href="#">WATER</a>	500	0	500	168.23	.00	331.77	33.6%
<a href="#">101840 65240</a>	<a href="#">DUMPSTERS/TRASH RE</a>	1,000	0	1,000	872.10	.00	127.90	87.2%
<a href="#">101840 65305</a>	<a href="#">BOAT EQUIPMENT MAI</a>	3,000	0	3,000	3,723.50	.00	-723.50	124.1%*
<a href="#">101840 65311</a>	<a href="#">GAS, GREASE, &amp; OIL</a>	2,000	0	2,000	1,175.43	.00	824.57	58.8%
<a href="#">101840 65452</a>	<a href="#">SAFETY</a>	1,000	0	1,000	453.80	.00	546.20	45.4%
<a href="#">101840 65460</a>	<a href="#">SIGNS</a>	0	0	0	350.29	.00	-350.29	100.0%*
<a href="#">101840 65462</a>	<a href="#">RIGGING</a>	10,000	0	10,000	6,829.92	.00	3,170.08	68.3%
<a href="#">101840 65463</a>	<a href="#">SANITATION</a>	3,500	0	3,500	1,321.50	.00	2,178.50	37.8%
<a href="#">101840 65470</a>	<a href="#">PROFESSIONAL DEVE</a>	1,000	0	1,000	172.13	.00	827.87	17.2%
<a href="#">101840 65480</a>	<a href="#">OTHER PROFESSIONAL</a>	2,500	0	2,500	2,764.30	.00	-264.30	110.6%*
<a href="#">101840 65500</a>	<a href="#">MAIN BLDG/GROUNDS</a>	6,000	0	6,000	4,980.80	.00	1,019.20	83.0%

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<a href="#">101840</a>	<a href="#">65521 UNIFORMS</a>	1,000	0	1,000	353.46	.00	646.54	35.3%
<a href="#">101840</a>	<a href="#">66010 OFFICE SUPPLIES</a>	400	0	400	314.25	.00	85.75	78.6%
<a href="#">101840</a>	<a href="#">66040 JANITORIAL SUPPLIE</a>	500	0	500	165.75	.00	334.25	33.2%
TOTAL HARBORMASTER-K.P.A		107,577	0	107,577	108,415.58	.00	-838.58	100.8%
101930 RESOURCE RECOVERY FACILITY								
<a href="#">101930</a>	<a href="#">64009 SOLID WASTE 40% CO</a>	38,964	0	38,964	40,568.54	.00	-1,604.54	104.1%*
<a href="#">101930</a>	<a href="#">64010 FULL TIME SALARIES</a>	173,637	0	173,637	172,597.08	.00	1,039.92	99.4%
<a href="#">101930</a>	<a href="#">64030 OVERTIME</a>	8,500	0	8,500	7,346.47	.00	1,153.53	86.4%
<a href="#">101930</a>	<a href="#">65020 TELEPHONE &amp; INTERN</a>	2,000	0	2,000	908.67	.00	1,091.33	45.4%
<a href="#">101930</a>	<a href="#">65030 TRANSPORTATION</a>	200	0	200	.00	.00	200.00	.0%
<a href="#">101930</a>	<a href="#">65040 EDUCATIONAL/MEETIN</a>	1,000	0	1,000	.00	.00	1,000.00	.0%
<a href="#">101930</a>	<a href="#">65060 PRINTING</a>	1,500	0	1,500	2,140.00	.00	-640.00	142.7%*
<a href="#">101930</a>	<a href="#">65090 ZERO WASTE PROGRAM</a>	2,500	0	2,500	.00	.00	2,500.00	.0%
<a href="#">101930</a>	<a href="#">65200 ELECTRICITY</a>	11,275	0	11,275	16,207.53	.00	-4,932.53	143.7%*
<a href="#">101930</a>	<a href="#">65220 WATER</a>	950	0	950	527.14	.00	422.86	55.5%
<a href="#">101930</a>	<a href="#">65230 FUEL OIL</a>	1,230	0	1,230	.00	.00	1,230.00	.0%
<a href="#">101930</a>	<a href="#">65300 MACHINE &amp; EQUIPMEN</a>	3,500	0	3,500	10,444.55	.00	-6,944.55	298.4%*
<a href="#">101930</a>	<a href="#">65302 PROTECTIVE &amp; SAFET</a>	1,000	0	1,000	1,150.18	.00	-150.18	115.0%*
<a href="#">101930</a>	<a href="#">65303 FACILITY SAFETY IN</a>	1,250	0	1,250	1,758.93	.00	-508.93	140.7%*
<a href="#">101930</a>	<a href="#">65311 GAS, GREASE, &amp; OIL</a>	12,000	0	12,000	5,132.13	.00	6,867.87	42.8%
<a href="#">101930</a>	<a href="#">65312 TIRES &amp; TUBES</a>	3,000	0	3,000	1,093.91	.00	1,906.09	36.5%
<a href="#">101930</a>	<a href="#">65480 OTHER PROFESSIONAL</a>	270,500	0	270,500	281,281.26	.00	-10,781.26	104.0%*
<a href="#">101930</a>	<a href="#">65500 MAINTENANCE OF BLD</a>	8,000	0	8,000	8,525.94	.00	-525.94	106.6%*
<a href="#">101930</a>	<a href="#">65521 UNIFORMS</a>	2,000	0	2,000	3,312.00	.00	-1,312.00	165.6%*
<a href="#">101930</a>	<a href="#">66009 SHOP SUPPLIES</a>	6,000	0	6,000	3,647.50	.00	2,352.50	60.8%
<a href="#">101930</a>	<a href="#">66010 OFFICE SUPPLIES</a>	250	0	250	145.17	.00	104.83	58.1%
<a href="#">101930</a>	<a href="#">66011 HAND TOOLS</a>	200	0	200	333.78	.00	-133.78	166.9%*
<a href="#">101930</a>	<a href="#">66030 OTHER SUPPLIES</a>	250	0	250	41.99	.00	208.01	16.8%
<a href="#">101930</a>	<a href="#">66040 JANITORIAL SUPPLIE</a>	2,200	0	2,200	1,511.93	.00	688.07	68.7%
<a href="#">101930</a>	<a href="#">67516 PLANT EQUIPMENT MA</a>	12,500	0	12,500	2,989.86	.00	9,510.14	23.9%
<a href="#">101930</a>	<a href="#">67553 ASPHALT SURFACE MA</a>	7,500	0	7,500	.00	.00	7,500.00	.0%
TOTAL RESOURCE RECOVERY FACILITY		571,906	0	571,906	561,664.56	.00	10,241.44	98.2%
103000 SHARED EXPENSES - OTHER INSURA								
<a href="#">103000</a>	<a href="#">64060 FICA EMPLOYER SHAR</a>	441,891	0	441,891	401,392.63	.00	40,498.37	90.8%

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<a href="#">103000 64070 WORKERS' COMP INSU</a>	143,972	0	143,972	124,001.38	.00	19,970.62	86.1%
<a href="#">103000 64090 RETIRED EMP MEDICA</a>	226,535	0	226,535	192,521.81	.00	34,013.19	85.0%
<a href="#">103000 64092 DISABILITY INSURAN</a>	26,419	0	26,419	32,280.74	.00	-5,861.74	122.2%*
<a href="#">103000 65101 MMA RISK POOL</a>	183,124	0	183,124	178,174.10	.00	4,949.90	97.3%
<a href="#">103000 65115 UNEMPLOYMENT COMPE</a>	5,000	0	5,000	24,485.87	.00	-19,485.87	489.7%*
<a href="#">103000 65150 MISCELLANEOUS INSU</a>	4,994	0	4,994	5,787.60	.00	-793.60	115.9%*
<a href="#">103000 65210 UNION CENTRAL LIFE</a>	3,320	0	3,320	2,566.15	.00	753.85	77.3%
TOTAL SHARED EXPENSES - OTHER INSURA	1,035,255	0	1,035,255	961,210.28	.00	74,044.72	92.8%
103001 SHARED EXPENSE - HEALTH/DENTAL							
<a href="#">103001 64090 MAJOR MEDICAL INSU</a>	1,233,556	0	1,233,556	1,180,744.42	.00	52,811.58	95.7%
<a href="#">103001 64091 DENTAL INSURANCE</a>	13,204	0	13,204	13,006.03	.00	197.97	98.5%
TOTAL SHARED EXPENSE - HEALTH/DENTAL	1,246,760	0	1,246,760	1,193,750.45	.00	53,009.55	95.7%
103002 RETIREMENT							
<a href="#">103002 64050 MAINE STATE RETIRE</a>	574,260	0	574,260	506,184.48	.00	68,075.52	88.1%
<a href="#">103002 64051 ICMA EMPLOYER SHAR</a>	29,351	0	29,351	29,774.88	.00	-423.88	101.4%*
TOTAL RETIREMENT	603,611	0	603,611	535,959.36	.00	67,651.64	88.8%
108000 ADULT ED							
<a href="#">108000 69480 ADULT EDUCATION FU</a>	98,970	0	98,970	98,970.00	.00	.00	100.0%
TOTAL ADULT ED	98,970	0	98,970	98,970.00	.00	.00	100.0%
1111 TOWN REVENUE							
<a href="#">1111 43001 PROPERTY TAX REVENUE</a>	-10,223,033	-214,712	-10,437,745	-10,322,651.68	.00	-115,093.32	98.9%*
<a href="#">1111 43003 PROPERTY TAX ABATEME</a>	0	0	0	50,024.91	.00	-50,024.91	100.0%*
<a href="#">1111 43004 PAYMENT IN LIEU OF T</a>	-3,200	0	-3,200	-3,123.30	.00	-76.70	97.6%*
<a href="#">1111 43006 EXEMPT STATE REIMB F</a>	-300,000	0	-300,000	-407,281.00	.00	107,281.00	135.8%

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1111 43007	TREE GROWTH REVENUE	-2,750	0	-2,750	-1,359.68	.00	-1,390.32	49.4%*
1111 43031	EXCISE TAX AUTOMOBIL	-1,600,000	0	-1,600,000	-2,111,718.43	.00	511,718.43	132.0%
1111 43032	EXCISE TAX BOAT	-20,000	0	-20,000	-33,665.80	.00	13,665.80	168.3%
1111 43109	SIGN PERMITS	-2,000	0	-2,000	-2,475.00	.00	475.00	123.8%
1111 43110	CODE ENFORCEMENT FEE	-225,000	0	-225,000	-388,422.93	.00	163,422.93	172.6%
1111 43113	BOARD OF ASSESSMENT	0	0	0	-800.00	.00	800.00	100.0%
1111 43114	ADDITIONAL LAND USE	-3,000	0	-3,000	-5,825.00	.00	2,825.00	194.2%
1111 43115	PLANNING FEES (SUBDI	-10,000	0	-10,000	-3,803.00	.00	-6,197.00	38.0%*
1111 43120	TOWN CLERK FEES	-24,000	0	-24,000	-25,784.40	.00	1,784.40	107.4%
1111 43121	WILDLIFE AGENT FEE	-1,200	0	-1,200	-1,171.80	.00	-28.20	97.7%*
1111 43122	ANIMAL WELFARE AGENT	-1,600	0	-1,600	-1,727.00	.00	127.00	107.9%
1111 43130	TOWN REGISTRATION FE	-25,000	0	-25,000	-44,399.00	.00	19,399.00	177.6%
1111 43135	HWY PERMITS & FEES	0	0	0	-1,724.00	.00	1,724.00	100.0%
1111 43140	SOLID WASTE PERMITS	-70,000	0	-70,000	-125,959.99	.00	55,959.99	179.9%
1111 43145	SOLID WASTE RECYCLIN	-45,000	0	-45,000	-73,097.03	.00	28,097.03	162.4%
1111 43147	DINGHY FEES	-10,000	0	-10,000	-14,698.50	.00	4,698.50	147.0%
1111 43148	TRANSIENT SLIP RENTA	-1,500	0	-1,500	-8,626.00	.00	7,126.00	575.1%
1111 43149	KPA APPLICATION FEES	-500	0	-500	-1,125.00	.00	625.00	225.0%
1111 43150	MOORING FEES	-80,000	0	-80,000	-151,642.10	.00	71,642.10	189.6%
1111 43151	LAUNCH FEE	-12,000	0	-12,000	-17,859.70	.00	5,859.70	148.8%
1111 43152	TRANSIENT MOORING	-2,500	0	-2,500	-7,064.55	.00	4,564.55	282.6%
1111 43153	WAIT LIST FEE	-1,100	0	-1,100	-1,880.00	.00	780.00	170.9%
1111 43154	HARBOR & WATER USAGE	0	0	0	-55.00	.00	55.00	100.0%
1111 43156	PIER USAGE FEE	-1,000	0	-1,000	-2,278.00	.00	1,278.00	227.8%
1111 43157	MOORING LATE FEE	0	0	0	-626.00	.00	626.00	100.0%
1111 43159	KAYAK RACK RENTAL	0	0	0	-1.00	.00	1.00	100.0%
1111 43160	FORT FOSTER FEES	-175,000	0	-175,000	-353,286.05	.00	178,286.05	201.9%
1111 43210	LIEN FEES	-7,000	0	-7,000	-6,355.01	.00	-644.99	90.8%*
1111 43220	PENALTY INTEREST	-38,000	0	-38,000	-53,116.44	.00	15,116.44	139.8%
1111 43221	LIBRARY FINES & FEES	-10,000	0	-10,000	-2,139.48	.00	-7,860.52	21.4%*
1111 43320	RECREATION FEES	-850,000	0	-850,000	-182,585.69	.00	-667,414.31	21.5%*
1111 43330	ANIMAL CONTROL	-4,000	0	-4,000	-1,916.00	.00	-2,084.00	47.9%*
1111 43335	POSTAGE	0	0	0	-49.76	.00	49.76	100.0%
1111 43336	PHOTO COPIES	-200	0	-200	-258.25	.00	58.25	129.1%
1111 43351	ACCIDENT REPORTS	-3,000	0	-3,000	-2,451.00	.00	-549.00	81.7%*
1111 43352	PARKING TICKETS	-30,000	0	-30,000	-49,675.00	.00	19,675.00	165.6%
1111 43353	GUN PERMITS	-2,000	0	-2,000	-1,150.00	.00	-850.00	57.5%*
1111 43354	ELIOT DISPATCHING SE	-123,360	0	-123,360	-123,576.38	.00	216.38	100.2%
1111 43355	ORDINANCE FINES	-350	0	-350	-550.00	.00	200.00	157.1%
1111 43356	WITNESS FEES	-300	0	-300	-40.00	.00	-260.00	13.3%*
1111 43358	FALSE ALARMS	-880	0	-880	-920.00	.00	40.00	104.5%
1111 43359	AMBULANCE DISPTACH F	-16,000	0	-16,000	-16,000.00	.00	.00	100.0%
1111 43410	MDOT HWY MAINTENANCE	-11,500	0	-11,500	-12,000.00	.00	500.00	104.3%
1111 43420	STATE REVENUE SHARIN	-450,000	0	-450,000	-880,452.52	.00	430,452.52	195.7%

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<a href="#">1111 43421</a>	<a href="#">STATE PARK FEE REV S</a>	-275	0	-275	-5,786.56	.00	5,511.56	2104.2%
<a href="#">1111 43443</a>	<a href="#">RESTITUTION INCOME/U</a>	-2,000	0	-2,000	-704.70	.00	-1,295.30	35.2%*
<a href="#">1111 43470</a>	<a href="#">STATE OF MAINE GENER</a>	-45,000	0	-45,000	-33,329.86	.00	-11,670.14	74.1%*
<a href="#">1111 43480</a>	<a href="#">MARY SAFFORD WILDES</a>	-25,000	0	-25,000	-12,500.00	.00	-12,500.00	50.0%*
<a href="#">1111 43510</a>	<a href="#">INTEREST ON INVESTME</a>	-45,000	0	-45,000	-19,407.35	.00	-25,592.65	43.1%*
<a href="#">1111 43530</a>	<a href="#">MISCELLANEOUS REVENU</a>	-15,000	0	-15,000	-6,802.63	.00	-8,197.37	45.4%*
<a href="#">1111 43532</a>	<a href="#">CRF COVID CHILDCARE</a>	0	0	0	-9,000.00	.00	9,000.00	100.0%
<a href="#">1111 43540</a>	<a href="#">SEWER DEPT RENT</a>	-22,900	0	-22,900	-22,900.00	.00	.00	100.0%
<a href="#">1111 43555</a>	<a href="#">SNOWMOBILE/HANDICAP/</a>	-655	0	-655	-628.90	.00	-26.10	96.0%*
<a href="#">1111 43560</a>	<a href="#">GMH HOUSING</a>	-286,000	0	-286,000	-289,136.91	.00	3,136.91	101.1%
<a href="#">1111 43576</a>	<a href="#">TRANSFER IN FROM OTH</a>	-35,000	0	-35,000	-35,000.00	.00	.00	100.0%
<a href="#">1111 43580</a>	<a href="#">USE OF CARRY FORWARD</a>	0	-75,000	-75,000	.00	.00	-75,000.00	.0%*
<a href="#">1111 45015</a>	<a href="#">FEMA REVENUE</a>	0	0	0	-141,126.95	.00	141,126.95	100.0%
<a href="#">1111 45020</a>	<a href="#">MMA W/C DIVIDEND</a>	-10,000	0	-10,000	.00	.00	-10,000.00	.0%*
<a href="#">1111 45025</a>	<a href="#">SCHOOL RESOURCE OFFI</a>	-47,741	0	-47,741	-55,274.39	.00	7,533.39	115.8%
TOTAL TOWN REVENUE		-14,920,544	-289,712	-15,210,256	-16,028,939.81	.00	818,683.81	105.4%
TOTAL TOWN GENERAL FUND		0	0	0	-2,242,889.92	.00	2,242,889.92	100.0%
TOTAL REVENUES		-14,920,544	-289,712	-15,210,256	-16,028,939.81	.00	818,683.81	
TOTAL EXPENSES		14,920,544	289,712	15,210,256	13,786,049.89	.00	1,424,206.11	

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	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	0	0	0	-2,242,889.92	.00	2,242,889.92	100.0%

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

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TOWN OF KITTEERY - LIVE  
YEAR-TO-DATE BUDGET REPORT

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FOR 2021 13

ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
6000 SEWER FUND							
<a href="#">6000 43003 SEWER ADJUSTMENTS</a>	0	0	0	260.30	.00	-260.30	100.0%*
<a href="#">6000 43220 PENALTY INTEREST</a>	-3,000	0	-3,000	-3,439.27	.00	439.27	114.6%
<a href="#">6000 43360 SPECIAL CONTRACT REV</a>	-10,200	0	-10,200	-13,963.18	.00	3,763.18	136.9%
<a href="#">6000 45001 PNSY REVENUE</a>	-585,000	0	-585,000	-387,346.75	.00	-197,653.25	66.2%*
<a href="#">6000 45002 US NAVY HOUSING REV</a>	-123,000	0	-123,000	-122,097.82	.00	-902.18	99.3%*
<a href="#">6000 45003 SEPTAGE REVENUE</a>	-45,000	0	-45,000	-275,515.20	.00	230,515.20	612.3%
<a href="#">6000 45004 TOWN OF ELIOT REVENUE</a>	-205,000	0	-205,000	-152,233.09	.00	-52,766.91	74.3%*
<a href="#">6000 45005 USERS QTRLY REVENUE</a>	-1,500,000	0	-1,500,000	-1,431,216.99	.00	-68,783.01	95.4%*
<a href="#">6000 45006 EXPANSION ASSESSMENT</a>	-50,000	0	-50,000	-142,838.77	.00	92,838.77	285.7%
<a href="#">6000 45007 SEWER INTEREST REVEN</a>	-12,000	0	-12,000	-13,345.60	.00	1,345.60	111.2%
TOTAL SEWER FUND	-2,533,200	0	-2,533,200	-2,541,736.37	.00	8,536.37	100.3%
602702 SEWER LINES							
<a href="#">602702 64010 SEWER LINES LABOR</a>	17,327	0	17,327	18,955.28	.00	-1,628.28	109.4%*
<a href="#">602702 65480 LINES CONTRACT/PRO</a>	28,000	0	28,000	6,333.19	.00	21,666.81	22.6%
<a href="#">602702 65691 LINE SUPPLIES</a>	12,000	0	12,000	3,998.77	.00	8,001.23	33.3%
TOTAL SEWER LINES	57,327	0	57,327	29,287.24	.00	28,039.76	51.1%
602709 PUMP STATIONS							
<a href="#">602709 64010 PUMP STATION LABOR</a>	55,349	0	55,349	45,003.51	.00	10,345.49	81.3%
<a href="#">602709 65015 PUMP STATION TELEP</a>	600	0	600	711.61	.00	-111.61	118.6%*
<a href="#">602709 65200 ELECTRICITY</a>	50,815	0	50,815	45,593.65	.00	5,221.35	89.7%
<a href="#">602709 65220 WATER</a>	1,200	0	1,200	1,156.10	.00	43.90	96.3%
<a href="#">602709 65315 PUMP STATION GENER</a>	2,200	0	2,200	606.38	.00	1,593.62	27.6%
<a href="#">602709 65467 PUMP STATION CONTR</a>	45,000	0	45,000	24,360.27	.00	20,639.73	54.1%
<a href="#">602709 65930 PUMP STATION ALARM</a>	6,700	0	6,700	6,637.40	.00	62.60	99.1%
<a href="#">602709 66300 PUMP STATION SUPPL</a>	5,000	0	5,000	1,645.06	.00	3,354.94	32.9%
<a href="#">602709 66320 PUMP STATION PARTS</a>	20,000	0	20,000	13,396.31	.00	6,603.69	67.0%
TOTAL PUMP STATIONS	186,864	0	186,864	139,110.29	.00	47,753.71	74.4%
602715 PUMP STATION # 6 (PNSY)							
<a href="#">602715 64010 PUMP STATION # 6LA</a>	21,431	0	21,431	12,313.47	.00	9,117.53	57.5%



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TOWN OF KITTEERY - LIVE  
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ACCOUNTS FOR: 6000	SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED	
602715	65200	PUMP STATION # 6 E	15,000	0	15,000	8,575.43	.00	6,424.57	57.2%
602715	65220	PUMP STATION # 6 W	1,000	0	1,000	1,058.00	.00	-58.00	105.8%*
602715	65315	PUMP STATION GENER	800	0	800	166.14	.00	633.86	20.8%
602715	65480	PUMP STATION # 6 C	8,000	0	8,000	8,845.20	.00	-845.20	110.6%*
602715	65930	PUMP STATION # 6 A	300	0	300	182.70	.00	117.30	60.9%
602715	66300	PUMP STATION # 6 S	1,000	0	1,000	235.12	.00	764.88	23.5%
602715	66320	PUMP STATION # 6 P	6,000	0	6,000	2,887.63	.00	3,112.37	48.1%
TOTAL PUMP STATION # 6 (PNSY)		53,531	0	53,531	34,263.69	.00	19,267.31	64.0%	
602716 PUMP STATION # 7 (ELIOT)									
602716	64010	PUMP STATION # 7 L	19,830	0	19,830	17,708.06	.00	2,121.94	89.3%
602716	65200	PUMP STATION # 7 E	4,600	0	4,600	5,090.33	.00	-490.33	110.7%*
602716	65220	PUMP STATION # 7 W	230	0	230	235.88	.00	-5.88	102.6%*
602716	65315	PUMP STATION GENER	425	0	425	859.75	.00	-434.75	202.3%*
602716	65480	PUMP STATION # 7 C	6,500	0	6,500	12,267.43	.00	-5,767.43	188.7%*
602716	65930	PUMP STATION # 7 A	300	0	300	.00	.00	300.00	.0%
602716	66300	PUMP STATION # 7 S	400	0	400	.00	.00	400.00	.0%
602716	66320	PUMP STATION # 7 P	2,500	0	2,500	40.21	.00	2,459.79	1.6%
TOTAL PUMP STATION # 7 (ELIOT)		34,785	0	34,785	36,201.66	.00	-1,416.66	104.1%	
602750 TREATMENT PLANT									
602750	64010	TREATMENT PLANT LA	138,414	0	138,414	164,767.64	.00	-26,353.64	119.0%*
602750	64019	PLANT MAINT LABOR	53,460	0	53,460	47,453.71	.00	6,006.29	88.8%
602750	64030	OVERTIME	40,000	0	40,000	21,722.10	.00	18,277.90	54.3%
602750	64050	MAINE STATE RETIRE	31,760	0	31,760	32,660.75	.00	-900.75	102.8%*
602750	64060	FICA EMPLOYER SHAR	24,056	0	24,056	24,087.79	.00	-31.79	100.1%*
602750	65020	TREATMENT PLANT TE	3,800	0	3,800	4,027.22	.00	-227.22	106.0%*
602750	65040	TREATMENT PLANT ED	5,000	0	5,000	3,810.00	.00	1,190.00	76.2%
602750	65200	TREATMENT PLANT EL	110,000	0	110,000	97,488.01	.00	12,511.99	88.6%
602750	65220	TREATMENT PLANT WA	5,000	0	5,000	3,638.12	.00	1,361.88	72.8%
602750	65230	TREATMENT PLANT FU	16,000	0	16,000	11,091.69	.00	4,908.31	69.3%
602750	65310	TREATMENT PLANT MO	48,000	0	48,000	12,108.97	.00	35,891.03	25.2%
602750	65316	TREATMENT PLANT GE	2,240	0	2,240	785.71	.00	1,454.29	35.1%
602750	65410	TREATMENT PLANT CO	12,000	0	12,000	9,982.75	.00	2,017.25	83.2%
602750	65480	TREATMENT PLANT OT	60,000	0	60,000	56,949.06	.00	3,050.94	94.9%
602750	65500	TREATMENT PLANT BL	5,000	0	5,000	2,435.17	.00	2,564.83	48.7%

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TOWN OF KITTEERY - LIVE  
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ACCOUNTS FOR: 6000 SEWER FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
602750 65930 ALARMS	2,000	0	2,000	107.70	.00	1,892.30	5.4%
602750 65955 TREATMENT PLANT SL	146,000	0	146,000	147,589.23	.00	-1,589.23	101.1%*
602750 66010 TREATMENT PLANT OF	4,000	0	4,000	3,361.22	.00	638.78	84.0%
602750 66300 TREATMENT PLANT SU	32,000	0	32,000	7,014.82	.00	24,985.18	21.9%
602750 66340 LABORATORY CHEMICA	16,000	0	16,000	13,386.33	.00	2,613.67	83.7%
602750 66400 TREATMENT PLANT RE	2,000	0	2,000	1,084.74	.00	915.26	54.2%
602750 66410 TREATMENT PLANT RE	24,000	0	24,000	17,052.45	.00	6,947.55	71.1%
602750 66420 TREATMENT PLANT TO	28,000	0	28,000	7,834.70	.00	20,165.30	28.0%
602750 66450 TREATMENT PLANT CH	106,000	0	106,000	123,731.64	.00	-17,731.64	116.7%*
602750 66520 TREATMENT PLANT SA	14,000	0	14,000	8,236.29	.00	5,763.71	58.8%
TOTAL TREATMENT PLANT	928,730	0	928,730	822,407.81	.00	106,322.19	88.6%
602760 SEWER GENERAL OPERATING							
602760 64011 TOWN MANAGER SALAR	33,891	0	33,891	35,659.33	.00	-1,768.33	105.2%*
602760 64012 SUPERINTENDENT SAL	97,138	0	97,138	101,171.10	.00	-4,033.10	104.2%*
602760 64013 OFFICE CLERK SALAR	48,733	0	48,733	49,844.59	.00	-1,111.59	102.3%*
602760 64031 SALARY & POSITION	14,120	0	14,120	.00	.00	14,120.00	.0%
602760 64050 MAINE STATE RETIRE	15,175	0	15,175	15,151.52	.00	23.48	99.8%
602760 64051 ICMA EMPLOYER SHAR	2,100	0	2,100	2,062.24	.00	37.76	98.2%
602760 64060 FICA EMPLOYER SHAR	14,171	0	14,171	12,941.12	.00	1,229.88	91.3%
602760 64070 WORKERS COMPENSATI	20,000	0	20,000	11,110.20	.00	8,889.80	55.6%
602760 64090 MAJOR MEDICAL INSU	148,686	0	148,686	129,108.24	.00	19,577.76	86.8%
602760 64091 DENTAL INSURANCE	1,406	0	1,406	2,433.00	.00	-1,027.00	173.0%*
602760 64092 DISABILILTY INSURAN	3,927	0	3,927	.00	.00	3,927.00	.0%
602760 65101 MMA RISK POOL	32,316	0	32,316	30,282.90	.00	2,033.10	93.7%
602760 65350 INDIRECT COSTS	22,900	0	22,900	22,900.00	.00	.00	100.0%
602760 65430 AUDIT SERVICES	4,300	0	4,300	4,050.00	.00	250.00	94.2%
602760 66035 ABSTRACTS & LIENS	500	0	500	152.00	.00	348.00	30.4%
602760 68060 SEWER BOND INTERES	139,334	0	139,334	139,333.99	.00	.01	100.0%
602760 68062 SEWER BOND PRINCIP	626,620	0	626,620	626,619.65	.00	.35	100.0%
TOTAL SEWER GENERAL OPERATING	1,225,317	0	1,225,317	1,182,819.88	.00	42,497.12	96.5%
TOTAL SEWER FUND	-46,646	0	-46,646	-297,645.80	.00	250,999.80	638.1%
TOTAL REVENUES	-2,533,200	0	-2,533,200	-2,541,736.37	.00	8,536.37	
TOTAL EXPENSES	2,486,554	0	2,486,554	2,244,090.57	.00	242,463.43	

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	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	-46,646	0	-46,646	-297,645.80	.00	250,999.80	638.1%

\*\* END OF REPORT - Generated by Kendra Amaral \*\*

Town of Kittery FISCAL YEAR 2021  
Fund Balances - Capital Projects and Special Revenues  
For the month ending June 30, 2021 AS OF 7.26.21

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2020	Transfers FY21	CIP Appropriation 7/1/2020	YTD Expense	YTD Revenue	Ending Fund Balance
<b>Special Revenues (Grants, Designated Accounts, etc)</b>								
SR	2005	Senior Tax Credit Program	55,000.00	-		(51,000.00)		4,000.00
SR	2006	FEMA Reimbursement	37,277.60					37,277.60
SR	2012	Fire Hazmat Spill Recovery Fees	12,971.25			(3,195.25)	1,450.60	11,226.60
SR	2014	Police Grants	517.32					517.32
SR	2022	Compensated Absences	188,922.33			(99,182.97)		89,739.36
SR	2028	Ballot Machines	6,078.00					6,078.00
SR	2032	ASA Applicant Code	2,665.33			104,263.24	(111,947.53)	(5,018.96)
SR	2055	ASA Applicant Code NEW	-			(110,772.45)	141,771.31	30,998.86
SR	2038	Kittery Block Party	1,595.34			(708.00)		887.34
SR	2056	Concerts in the Park	(3.09)			(800.00)	1,100.00	296.91
SR	2059	Conservation Comm	912.02			(344.12)		567.90
SR	2060	Wetlands Mitigation	53,343.00				27,360.00	80,703.00
SR	2063	Kittery Community Center (KCC) Donations	20,945.01			(6,367.79)	600.00	15,177.22
SR	2066	Police Forfeiture	9,128.59				2,258.66	11,387.25
SR	2068	Fort Foster Bench Donations	11,280.80			(370.00)	75.00	10,985.80
SR	2069	Boating Infrastructure Grant (BIG)	1,583.71	(1,583.71)				-
SR	2071	D.A.R.E	216.03					216.03
SR	2074-67500	TIF District #1						-
SR	2074-67503	TIF District #3	80,061.44	27,000.00		(6,752.69)		100,308.75
SR	2074-67502	TIF District #2						-
SR	2086	Spruce Creek PH 5 Grant	1,072.19			(12,990.50)	14,270.09	2,351.78
SR	2081	Channel 22 (PEG) Capital Funding	260,947.46	(35,000.00)		(38,888.22)	98,066.64	285,125.88
SR	2082	KCC Playgrounds	64,718.36					64,718.36
SR	2083	One-time Grants	-			(8,607.24)	51,364.91	42,757.67
SR	2091/67500	FEMA Flood Maps Ins Rate Appeal	-					-
SR	2091/43600	FEMA Flood Maps Ins Rate Appeal - Phase 2	-					-
SR	4001-67500/43600	State Aid to Roads General	632,668.76			(290.40)	148,840.00	781,218.36
SR	4001-67502/43602	Whipple Road Improvements	250,601.63			(3,733.71)	2,986.97	249,854.89
SR	4001-67503/43603	Memorial Circle Improvements	47,760.34			(42,208.68)		5,551.66
SR	4001-67508/43608	Walker/Wentworth	200,305.40					200,305.40
SR	4001-67509/43605	Government Street	16,094.50					16,094.50
SR	5024	COVID Vaccination Clinic	-			(2,400.00)	9,416.91	7,016.91
SR	4030	Public Safety Impact Fees	42,593.32			(15,836.27)	62,555.00	89,312.05
SR	2093	LWCF Grant - Emery Field Phase 1	-					-
SR	2094	LWCF Grant - Emery Field Phase 2	83,570.00		300,000.00	(12,825.00)		370,745.00
SR	2210	Ogden KCC Grant	(1,205.06)	(1,194.94)				(2,400.00)
SR	2301	Billable Police Details	14,361.16			(28,675.95)	41,720.00	27,405.21
SR	2303	Grant Supported Police Details	(5,620.84)			(4,528.84)	2,379.43	(7,770.25)

Town of Kittery FISCAL YEAR 2021  
Fund Balances - Capital Projects and Special Revenues  
For the month ending June 30, 2021 AS OF 7.26.21

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2020	Transfers FY21	CIP Appropriation 7/1/2020	YTD Expense	YTD Revenue	Ending Fund Balance
SR	2087	Joint Land Use OEA PH1	(451.93)			(106,705.46)		(107,157.39)
SR	4124	Tax Acquired Properties	(40,479.79)	-		(3,698.05)		(44,177.84)
SR	4125	Fort Foster Restoration (FEMA)	218,822.16	(141,126.95)			(77,695.21)	-
SR	4126	KCC Visual Arts Com	2,024.20			(210.00)	550.00	2,364.20
SR	5023	Library Donations	71,448.02	(63,764.87)		(5,664.68)	9,407.84	11,426.31
SR	5500	MMA Grants	181.56			(4,061.00)	4,000.00	120.56
SR	5501	Mass Transit Reserve Fund	115,000.00			(32,500.00)		82,500.00
SR	5502	Keep Maine Healthy Grant	(1,914.38)			(335,860.70)	338,641.97	866.89
SR	5503	CTCL Election Grant	-			(55,000.00)	55,000.00	-
SR	5024	COVID-19 Vaccine Clinics	-			(2,400.00)	9,416.91	7,016.91
<b>Total Special Revenue</b>			<b>2,454,991.74</b>	<b>(215,670.47)</b>	<b>300,000.00</b>	<b>(892,314.73)</b>	<b>833,589.50</b>	<b>2,480,596.04</b>

CIP Bonds

CP	2036	Kittery Community Center Bonds	373.48	(373.48)				-
CP	2085	2016 Municipal Projects	30,949.03	(30,949.03)		(30,504.38)	34,504.20	3,999.82

CIP Programs

CP	2057	Open space	6,889.64	(6,889.64)				-
CP	2078	Athletic Fields Master Plan (Design)	2,142.34	(2,142.34)				-
CP	4002	Right of Way Reserve	755,317.40		450,000.00	(633,524.09)	18,206.18	589,999.49
CP	4011	KCC Vehicle Reserve	25,121.00			(2,071.34)		23,049.66
CP	4012	Public Works Vehicles/Equipment	74,117.38		361,000.00	(349,746.98)		85,370.40
CP	4013	Fire Apparatus Reserve	195,591.14					195,591.14
CP	4017	GIS/MS4 Compliance	40,320.31			(35,472.91)		4,847.40
CP	4018	KPA Boat Reserve	24,098.02			(18,384.24)	3,575.00	9,288.78
CP	4019	KCC Equipment Reserve	5,162.82					5,162.82
CP	4020	Municipal Technology Reserve	25,229.76	7,637.56	45,000.00	(27,581.89)		50,285.43
CP	4022	Police Vehicle/Equipment	63,657.49		147,000.00	(154,679.09)	25,376.00	81,354.40
CP	4026	Records Preservation	10.13		-			10.13
CP	4027	Municipal Facility Reserve	121,782.50	40,354.49	80,000.00	(23,706.50)		218,430.49
CP	4031	Public Safety Base Station Radio Replace	-					-
CP	4043	Parks Building & Grounds	37,850.05		15,000.00	(10,929.46)		41,920.59
CP	4051	KCC Facility Reserve	8,545.86				(2,500.00)	6,045.86
CP	4053	Pepperrell Cove Paving/Utilities	3,595.52	(1,495.52)		(2,100.00)		-
CP	4055	KPA Equipment Reserve	59,037.30	1,583.71		(7,324.07)		53,296.94
CP	4056	Fire Dept Equipment Reserve	169,736.84		44,000.00	(3,060.00)		210,676.84
CP	4100	Fire Dept Facility Reserve	318.84		13,500.00			13,818.84
CP	4110	PW Sign Shed	20.00					20.00
CP	4116	KPA Facility Reserve	12,888.50	1,495.52		(6,805.22)		7,578.80

Town of Kittery FISCAL YEAR 2021  
Fund Balances - Capital Projects and Special Revenues  
For the month ending June 30, 2021 AS OF 7.26.21

Fund Type	New #	Account Name	Ending Fund Balance 6/30/2020	Transfers FY21	CIP Appropriation 7/1/2020	YTD Expense	YTD Revenue	Ending Fund Balance
CP	4122	Zoning Recodification and GIS Upgrade	23,010.23	(7,637.56)		(15,372.67)		-
CP	4060	Rice Rehab/Expansion	224,314.57	63,764.87		(1,137,541.27)	5,287,512.66	4,438,050.83
CP	4123	LED Streetlight Conversion	40,763.58			(4,124.50)		36,639.08
<b>Total Capital Projects</b>			<b>1,950,843.73</b>	<b>65,348.58</b>	<b>1,155,500.00</b>	<b>(2,462,928.61)</b>	<b>5,366,674.04</b>	<b>6,075,437.74</b>
<b>TOTAL GENERAL OPERATIONS</b>			<b>4,405,835.47</b>	<b>(150,321.89)</b>	<b>1,455,500.00</b>	<b>(3,355,243.34)</b>	<b>6,200,263.54</b>	<b>8,556,033.78</b>
<b>Permanent Funds (Scholarship Funds/Trust Funds)</b>			-					
PF	5001	Connie Samuels Beautification Fund	58,600.93					58,600.93
PF	5002	Public Health	27,275.44			(896.56)		26,378.88
PF	5003	York Hospital Scholarship	16,161.40			(12,960.00)	10,000.00	13,201.40
PF	5005	Lester Raynes Fund	9,228.16			(765.90)		8,462.26
PF	5007	Thresher Memorial Fund	9,262.79			(3,786.38)	2,050.00	7,526.41
PF	5010	Kittery Education Scholarship Fund	4,827.38			(6,350.00)	9,376.66	7,854.04
PF	5021	Cemetery	0.35					0.35
<b>Total Permanent Funds</b>			<b>125,356.45</b>	<b>-</b>	<b>-</b>	<b>(24,758.84)</b>	<b>21,426.66</b>	<b>122,024.27</b>
<b>Enterprise Fund (Sewer)</b>			-					
ER	2900	Sewer Impact fees	640,634.06			(73,331.99)	87,400.00	654,702.07
ER	2901	Sewer Betterment (Entrance)	139,862.55			(3,863.57)	69,000.00	204,998.98
ER	2902	Sewer Safety Grants	2,997.86				(2,971.22)	26.64
ECP	4900	Sewer Vehicle Reserve	45,722.80					45,722.80
ECP	4901	Sewer Capital Reserve	301,639.17			(29,171.25)		272,467.92
<b>Total Enterprise Funds</b>			<b>1,130,856.44</b>	<b>-</b>	<b>-</b>	<b>(106,366.81)</b>	<b>153,428.78</b>	<b>1,177,918.41</b>
<b>GRAND TOTAL ALL FUNDS</b>			<b>5,662,048.36</b>	<b>(150,321.89)</b>	<b>1,455,500.00</b>	<b>(3,486,368.99)</b>	<b>6,375,118.98</b>	<b>9,855,976.46</b>

## TOWN COUNCIL GOALS

### 2021

Work together respectfully toward consensus, capitalizing on our experiences and diversity.

Address proposals for Charter, Ordinance, and Policy changes for improving efficiency and effectiveness of the Town operations including:

- Title 5 - Business License Regulations
- General – Direct Issuance of Civil Penalties for Ordinance Violations

Advance the Comprehensive Plan 5 Year Action Plan, specifically the following:

- Climate Adaptation Study (9.1, 9.2)
  - Develop and implement climate adaptation, flood resiliency and green-house gases strategies and ordinances- ordinance development underway, greenhouse gas inventory complete and under review. Composting being launched at KRRF in Sep.
- Reduce dog and horse waste in open spaces (2.2)
  - Expand/enhance Title 6 Animal Control ordinance - Phase 2 ordinances adopted by Council. New signage at Fort Foster and Seapoint in development.
- Ensure Town planning processes are open, transparent, informative, inclusive, respectful and welcoming (7.1)
  - Complete Title 16 recodification to achieve development goals – Planning Board is finishing review and recommendation to Council.
  - Equip Town Hall to support ongoing hybrid and remote meetings- Working with contractor to upgrade broadcast capability in Council Chambers to digital and to integrate better with remote meeting technology. Policy for remote meetings proposed to Council.
- Develop long range plan for the library (7.2)
  - Advance construction project – Construction currently on schedule and on budget.
  - Begin five-year strategic plan for Library – Seeking grant funds for strategic plan development.
- Guide development to areas already served by public utilities, resulting in more efficient and cost-effective use of these public services (7.3)
  - Develop zoning amendments to uses, dimensional and performance standards that advantage development around utilities. – In development through affordable housing, and Climate Adaptation Committee efforts.
- Continue to support healthy lifestyle choices and wellness by improving walking and biking and infrastructure (5.2)
  - Launch pedestrian and bicycle master plan. – Master Plan process underway. Working group meeting to review identified critical areas.
- Develop a plan for Town facilities and property owners to transition to low and zero impact energy sources (9.2)
  - Develop sustainable ordinances. – Underway with CAC, seeking vendors to quote conversion of interior lighting to LED.
  - Identify Community Solar opportunities. – Agreement being finalized

Adopt a budget that is progressive, responsible, responsive to community expectations and needs, and visionary – moving the community forward. - **Complete**

Give attention to Councilor expressed priorities, including:

- Identify viable properties and an action plan for the re-use or disposition of Town controlled property including (but not limited to):
  - Walker Street Fire Station – Warrant Article approved, Bid to be issued in fall
  - Taylor Building – Warrant Article passed, Council to consider RFP
  - Old Post Properties – Brownfields assessment finished. Meeting with residents about minor zoning amendment to address split zones in the area.
  - 2 Walker Street



## TOWN MANAGER GOALS

### 2021

Support long term planning and growth management objectives:

- Finish the Title 16 recodification process and develop a plan to address identified policy issues – Reviewed by various stakeholders complete. Planning Board finishing review and recommendation vote.
- Propose TIF amendments to provide relief to taxpayers and support desired growth
- Develop zone amendments to promote the increase of housing stock – C zones approved, BL in review stage.
- Advance JLUS Implementation effort and recommendations from Study – Com meetings ongoing, transit study near completion, Urban Land Institute report due in August.

Enhance Financial Stability

- Produce a 2022 budget that seeks to respond to service expectations of the community, and appropriately addresses unmet needs and revenue changes resulting from COVID
- Finish comprehensive technology master plan to inform the capital improvement program - Complete
- Integrate sustainability and climate change priorities into Capital Improvement Program - Complete

Continue to improve organizational efficiency through implementation of technology, and recommended amendments to the Charter, Town Ordinance, and Policy. ongoing

Support Council's efforts to implement the Comprehensive Plan 5 Year Action Plan (see Council Goals) – See update.

Town Assets and Infrastructure

- Develop recommendations and action plans for the reuse or disposition of various town owned or tax-acquired properties – In process
- Develop a sidewalk master plan for replacement, enhancement and addition of town sidewalks – Project launch in May.

Develop and Sustain the Professional Staff

- Complete contract negotiations in a timely fashion - negotiations in process
- Plan for addressing increasing demands for police, fire, public works services, and code enforcement.

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<b>PRIMARY OBJECTIVES</b>			
2 – Natural Resources & Recreation	Establish mechanisms to protect visual assets such as creating a <b>photographic documentation of scenic vistas</b> and establishing an historic preservation committee to create a comprehensive <b>inventory of historic resources</b> . These are the first steps in helping to protect and promote those visual assets that contribute to Kittery’s uniqueness. (2.1)	<ul style="list-style-type: none"> <li>• Conduct an inventory of historic resources, including landscapes, archaeological resources and buildings.</li> </ul>	
2 – Natural Resources & Recreation	Review existing <b>hunting regulations</b> and provide public education regarding these to improve the safety of residents especially in the Town Forest, while at the same time protecting resident’s right to carry firearms and hunt. (2.2)	<ul style="list-style-type: none"> <li>• Create signage about hunting safety and regulations at Town Forest &amp; Rogers Park</li> </ul>	Title 6 amendments complete. New signage being developed for Fort Foster and Seapoint Beach

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
3 - Economic Development	Engage in targeted <b>outreach to business and industry sectors</b> marketing Kittery’s economic development areas. (3.5)	<ul style="list-style-type: none"> <li>• Improve town website and have routine maintenance.</li> <li>• Identify similar business or industry partners who may have insights on what businesses in those sectors are looking for in terms of amenities, infrastructure, costs/revenues, workforce characteristics, etc.</li> <li>• Talk with brokers and real estate agents about marketing property in Kittery.</li> <li>• Work with land owners to actively market properties through websites and brokers.</li> </ul>	<p>Website updated, expanded use of email and social media to share info.</p> <p>Kittery is a member of the Chamber of Commerce and serves on the Exec Board.</p> <p>Regular meetings with Foreside Business Group and outreach to Rte 1 and Bypass businesses.</p>
4 – Housing	Undertake to complete a Comprehensive town-wide <b>Housing Plan</b> that will document existing supply and identify needs and ways of meeting these, including methods for encouraging the development of affordable housing (e.g. creation of new types of housing, including workforce housing, and housing for seniors wishing to downsize, etc.). (4.1)	<ul style="list-style-type: none"> <li>• Create a scope and request for proposals to undertake a comprehensive town-wide housing plan. Plan should include in-depth analysis of housing supply, demand, and strategies to encourage a variety of housing types and prices points.</li> <li>• Explore possibility of local regional planning commission undertaking the study on behalf of the town.</li> </ul>	<p>Affordable Housing ordinances implemented; Addtl zone amendments in review. Housing Com established. Housing fund established and receiving seed funds.</p>

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
5 – Transportation	Evaluate Town-wide current <b>parking</b> conditions and policies and revise to meet development goals by improving management of existing spaces and exploring shared parking and other strategies. (5.4)	<ul style="list-style-type: none"> <li>Review and revise town code to support goal.</li> </ul>	<p>Title 10 revisions completed for Foreside. Badger’s Island completed.</p> <p>JLUS complete. <b>JLUS Implementation project funded and in progress.</b></p> <p>Walker/Wentworth revisions enacted by Council.</p> <p><b>Parking count for Foreside underway. Parking revisions in complete for Pocahontas.</b></p>
7 - Municipal Facilities, Services, & Fiscal Capacity	Increase and improve <b>communication</b> with Town residents. Using a variety of modes including the internet and cable TV in innovative ways will help to keep residents more informed and connected to town government. (7.1)	<ul style="list-style-type: none"> <li>Become more efficient by streamlining the permitting process.</li> <li>Update town’s GIS maps and establish a system for continuous update.</li> <li>Explore ways of reaching the largest number of residents and conduct outreach to actively recruit volunteers, especially representation of demographics that are currently missing or underrepresented.</li> <li>Develop clear messaging regarding what the boards and committees do, roles and expectations and information regarding opportunities and benefits of participation.</li> </ul>	<p>Online permitting launched. Implemented use of social media to expand resident participation on Boards.</p> <p>GIS upgrade complete.</p> <p>Use of Channel 22, FB, Twitter, and website expanded.</p> <p>Council Chambers and Conference Rm A upgraded to support hybrid (in-person/remote) meetings.</p>

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
7 - Municipal Facilities, Services, & Fiscal Capacity	Educate residents about town planning roles and processes and ensure that <b>planning and town management processes</b> are open, transparent, informative, inclusive, respectful and welcoming. (7.1)	<ul style="list-style-type: none"> <li>• Explore the use of communication technologies to increase the communication between residents and Town government.</li> <li>• Revise Town Code so that regulations are clear and easy to use and are aligned with Comprehensive Plan goals.</li> </ul>	<p>Use of Social Media, Channel 22, and website increased. <b>Website refresh planned for FY22 and development of an updated communications plan.</b></p> <p>Title 16 recodification near completion.</p> <p>Finalizing policy for reverse 911 implementation. Reverse 911 software quotes received and funding being identified.</p>
7 - Municipal Facilities, Services, & Fiscal Capacity	Develop a <b>long-range plan for the library</b> including where the library will be located (renovation and expansion on existing site, new building on another site) and whether the Library should become a Town Department. (7.2)	<ul style="list-style-type: none"> <li>• Explore possibilities and compare and contrast advantages and disadvantages of sites being considered for Library facility.</li> <li>• Consider converting the Library to a Town Department.</li> <li>• Support Library Director’s efforts to support literacy, digitize the library’s collection of photographs, and to provide support and programming for the increasing elderly population.</li> </ul>	<p>Library design completed. Construction began Mar 2021. Capital campaign underway to fund enhancements.</p> <p>Library is now a Town Department.</p>

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>7 - Municipal Facilities, Services, &amp; Fiscal Capacity and            8 – Land Use</p>	<p><b>Guide development</b> to areas already served by public utilities, resulting in a more efficient and cost-effective use of these public services. (7.3) (8.1)</p>	<ul style="list-style-type: none"> <li>• Direct new development where feasible, to vacant or underutilized sites and buildings; direct development away from areas with natural constraints, key wildlife or open space corridors, protected shorelands, and areas where public utilities are not yet available and would be costly to extend.</li> <li>• Add utilities map to GIS.</li> <li>• Establish efficient permitting procedures, especially in areas designated as “growth areas” in Future Land Use Plan.</li> </ul>	<p>Mixed Use Neighborhood rezoning complete.</p> <p>Affordable housing ordinance enacted.</p> <p>GIS upgrade complete.</p>
<p>8 – Land Use</p>	<p>Review, update and incorporate where appropriate, the recommendations from the <b>Foreside</b> Forums. Residents have expressed much enthusiasm for recent improvements in the Foreside and support for future infill development that is appropriate in scale and activity. (8.3)</p>	<ul style="list-style-type: none"> <li>• Study the opportunities and challenges associated with the Foreside area to determine if the zoning district boundaries should change in the future. Identify desired uses. Identify the regulations and infrastructure needed to support the future of the area.</li> </ul>	<p>Zoning review underway in conjunction with affordable housing effort. Mini study being completed for Old Post area.</p> <p>Reviewing tax acquired and Town owned property for potential beneficial infill.</p>
<p>9 - Coastal Community Resilience</p>	<p>Complete a <b>climate adaptation study</b> to plan for the potential impacts of sea level rise and prepare for extreme weather events (9.1)</p>	<ul style="list-style-type: none"> <li>• Complete a Climate Adaption Study.</li> </ul>	<p>Climate adaptation committee formed. Flood resiliency checklist complete. Flood vulnerability assessment complete. Kittery joined with regional climate adaptation planning. Kittery a member of ICLEI. EV charging station grant application in process. Incorporating sustainability evaluation into CIP. Town</p>

KITTERY COMPREHENSIVE PLAN  
5 YEAR ACTION PLAN  
PRIMARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
			leasing two EVs for fleet. Solar net energy billing credit project underway.

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 SECONDARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<b>SECONDARY OBJECTIVES</b>			
2- Natural Resources & Recreation	Working with the Kittery Land Trust, develop a <b>strategy for open space acquisition</b> , setting priorities for parcels to be included. (2.1)	<ul style="list-style-type: none"> <li>• Complete an inventory of open spaces in Kittery.</li> <li>• Consider purchase of unprotected open spaces.</li> <li>• Create/amend zoning to prohibit destruction of wetlands (high value, wildlife corridors) and add farmland and unprotected open space for review.</li> <li>• Revisit the inventory of scenic views defined in the 1999 Comprehensive Plan Update, making a photographic record (survey) and updating the inventory, as needed.</li> </ul>	
2- Natural Resources & Recreation and 8 – Land Use	<b>Protect existing open lands</b> , including farmlands and wetlands from over-development by implementing effective strategies such as larger minimum lot sizes in the rural residential zone. As one way of preserving Kittery’s rural character, review and revise the <b>cluster zoning ordinance</b> and provide incentives for developers to use the ordinance. (2.1) (8.1) (8.2)	<ul style="list-style-type: none"> <li>• Review/Revise Cluster Zoning Law</li> </ul>	Review of amendments underway.



KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 SECONDARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
2- Natural Resources & Recreation	Reduce <b>dog and horse waste</b> at area open spaces through enhanced enforcement and public education. (2.2)	<ul style="list-style-type: none"> <li>• Increase awareness regarding enforcement of pet waste ordinance, support the efforts of the Police.</li> <li>• Establish Volunteer Dog Patrol.</li> </ul>	<p>Hired full time ACO.</p> <p>Phase 2 Title 6 update complete.</p>
2 – Natural Resources & Recreation and 5 – Transportation and 6 – Marine Resources and 7 - Municipal Facilities, Services, & Fiscal Capacity	Continue to support <b>healthy lifestyle choices and wellness</b> by increasing <b>recreational opportunities</b> for all ages, evaluating the Athletic Fields Master Plan, improving <b>walking and biking</b> infrastructure so that it is safe and pleasant, ensuring appropriate recreational <b>access to the waterfront</b> , and increasing awareness of existing resources. Updating the Sidewalks Conditions Report (5.2.1) and developing a Bike Plan are among the specific steps recommended (2.2) (2.2.6) (5.2) (6.1) (7.2)	<ul style="list-style-type: none"> <li>• Monitor athletic field planning process.</li> <li>• Evaluate opportunities for providing bike infrastructure on roads including bike lanes, wide shoulders and “Share the Road” signs (ex. “sharrows” and stencils).</li> <li>• Develop a sidewalk and pedestrian plan including updating sidewalk conditions report and inventory to identify existing conditions and gaps in the pedestrian network. Identify opportunities for new trails.</li> <li>• Work with schools, Community Center and Town Departments to prioritize sidewalk projects on town-owned facilities and recreational areas.</li> <li>• Update street and publicly owned shade tree inventory.</li> </ul>	<p>Athletic Field Master Plan accepted, Committee working on updating it to reflect completed work.</p> <p>Sidewalk master plan development underway.</p> <p><b>Bicycle/Pedestrian Master Plan project underway</b></p>

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 SECONDARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<b>3 - Economic Development</b>	Collaborate with property owners in the area around the <b>Route 1 corridor</b> to identify strategies towards making mutually beneficial changes to the area including exploring options to redevelop commercial properties with mixed use (e.g. retail, housing, office) and consider zoning amendments such as an overlay district to provide more flexibility concerning permitted uses. (3.3) (8.5)	<ul style="list-style-type: none"> <li>• Draft a scope of work for planning, market analysis, and transportation engineering services to re-envision the Route 1 area.</li> </ul>	New grant opportunities being evaluated.  <b>Urban Land Institute Study (part of JLUS) complete, report due soon.</b>
<b>6 – Marine Resources and 8 – Land Use</b>	Continue to support Kittery’s <b>maritime based economy</b> including the fishing and shell fishing industry by maintaining access to the working waterfront and creating innovative avenues to better connect fishing to the local economy. (6.2) (8.4)	<ul style="list-style-type: none"> <li>• Conduct poll/outreach/meetings with commercial fishermen and boat operators to determine need (KPA).</li> <li>• Conduct poll/outreach/meetings with commercial fishermen and boat operators to identify areas where navigation is difficult or impossible due to shallow depths (KPA).</li> </ul>	Survey on Pepperrell Cove depths completed.  Identifying “piggy back” projects for cost reduction. Identifying funding for engineering. <b>RFP for engineering being developed and ACOE application for FNP dredge being developed</b>

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 SECONDARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
6 – Marine Resources	Increase awareness in residents and business owners with regard to the <b>effects of pollutants, pesticides, and stormwater runoff</b> and evaluate Town Code regarding the <b>use of pesticides and herbicides with chemicals, in waterfront areas and town-wide</b> . Providing information and incentives for greener practices will help to mitigate these environmental hazards. (6.3)	<ul style="list-style-type: none"> <li>• Prepare easy-to-read materials that summarize Kittery’s water quality challenges and the effects of pollutants and pesticides. Distribute to property and business owners, and post on municipal website.</li> </ul>	Lawn care training conducted. Town transition to environmentally sustainable pesticide treatment complete.
8 – Land Use	Consider an <b>Adaptive Reuse Ordinance</b> to guide redevelopment of existing buildings. By promoting the reuse of existing structures more efficient development can occur in areas already serviced by public utilities and protecting open land from development. (8.1)	<ul style="list-style-type: none"> <li>• Consider adopting a demolition delay ordinance.</li> <li>• Consider adopting Adaptive Reuse Ordinance.</li> </ul>	

KITTERY COMPREHENSIVE PLAN  
 5 YEAR ACTION PLAN  
 SECONDARY OBJECTIVES

TOPIC AREA	GOAL	ACTION ITEMS	STATUS
<p>9 - Coastal Community Resilience</p>	<p>Develop a Plan for Town facilities and property owners to transition to <b>low and zero impact energy sources</b> (9.2)</p>	<ul style="list-style-type: none"> <li>Establish a timeline for converting all Town-owned buildings to renewable energy.</li> </ul>	<p>Physical constraints of municipal sites make PV challenging.</p> <p>Multi-town community solar project approved.</p> <p>Sustainable and low impact development ordinances in development.</p>

KITTERY TOWN COUNCIL Unapproved Minutes

July 12, 2021 Council Chambers

6:00PM

1 1. Call to Order

2 Chair Thomson called the meeting to order at 6:00 p.m.

3 2. Introductory

4 Chair Thomson recognized the passing of Dan Durgin, stated that he had lived in Kittery  
5 all of his life and was a long-time school administrator in the Seacoast area, the father-  
6 in-law of Councilor Dow, father of School Committee Chair, Julie Dow, Judy Durgin, an  
7 administrator in the school system in Special Education and Sergeant Jay Durgin of the  
8 Kittery Police Department. Chair Thomson asked for a moment of silence for a life very  
9 well lived.

10 3. Pledge of Allegiance

11 4. Roll Call

12 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Vice Chair  
13 Judith Spiller, Cyrus Clark, Cameron Hamm and Mary Gibbons Stevens.

14 5. Agenda Amendment and Adoption

15 Under New Business add item j. (070121-13) The Kittery Town Council moves to hold a  
16 Public Hearing on 8/19/2021 to authorize the FY 2020-year end transfers.

17 6. Town Manager's Report - None

18 7. Acceptance of Previous Minutes

19 • June 28, 2021

20 Add under 2. Introductory in recognition of the new Juneteenth federal holiday, Chair  
21 Thomson read excerpts from the emancipation proclamation.

22 Line 46 spelling correction from Tomson to Thomson.

23 Chair Thomson cast one vote to approve the June 28, 2021 minutes as amended.

24 8. Interviews for the Board of Appeals and Planning Board

25 9. All items involving the town attorney, town engineers, town employees or other town  
26 consultants or requested offices.

27 a. (070121-1) The Kittery Town Council moves to receive a presentation from the  
28 UNH Capstone Project.

29 Parker Philbrick presented the UNH Capstone Project presentation as well as answered  
30 any questions the Town Council had.

31 10. PUBLIC HEARINGS

32 a. (070121-2) The Kittery Town Council moves to hold a public hearing to authorize  
33 the Town Manager to enter into a Net Energy Billing Credit Agreement, Chair Thomson  
34 gave an overview of the Net Energy Billing Credit Agreement.

35 Councilor Dow moved that in accordance with Title 30-A MRS §3001 and Town Charter  
36 §§2.14 and 6.11(3), the Town of Kittery hereby ordains approval for the Town Manager  
37 to execute a twenty – year agreement for the Net 20 Energy Billing Credit program,  
38 seconded by Councilor Clark.

39 Motion Carried 7-0-0

40 b. (070121-3) The Kittery Town Council moves to hold a public hearing on a New  
41 Victualer's license application from La Fritanga mobile food unit.

42 Moved by Vice Chair Spiller, seconded by Councilor Clark.

43 Motion Carried 7-0-0

44 11. DISCUSSION

45 a. Discussion by members of the public (three minutes per person) - None

46 b. Chairperson may read written comments into the record. - None

47 c. Chairperson's response to public comments. - None

48 12. UNFINISHED BUSINESS

49 13. NEW BUSINESS

50 Donations/gifts received for Council disposition:

51 a. (070121-4) The Kittery Town Council moves to approve a donation in the amount  
52 of \$2,500.00 to be deposited into account 5023-43600.

53 Moved by Councilor Dow, seconded by Vice Chair Spiller.

54 Motion Carried 7-0-0

55 b. (070121-5) The Kittery Town Council moves to approve a renewal liquor license  
56 application from Misto! located at 436 US Route 1, Kittery, Maine.

57 Moved by Vice Chair Spiller, seconded by Councilor Dow.

58 Motion Carried 7-0-0

59 c. (070121-6) The Kittery Town Council moves to approve a renewal Victualer's  
60 license application from Misto! located at 436 US Route 1, Kittery, Maine.

61 Moved by Vice Chair Spiller, seconded by Councilor Clark.

62 Motion 7-0-0

63 d. (070121-7) The Kittery Town Council moves to approve an application for a Special  
64 Activity Amusement Permit, from Misto! located at 436 US Route 1, Kittery, Maine.

65 Moved by Councilor Hamm, seconded by Councilor Stevens.

66 Motion Carried 7-0-0

67 e. (070121-8) The Kittery Town Council moves to approve a renewal Liquor license  
68 application from the Corner Pub, located at 4 Wallingford Square, Kittery.

69 Moved by Councilor Stevens, seconded by Councilor Dow.

70 Motion Carried 7-0-0

71 f. (070121-9) The Kittery Town Council moves to appoint Tim Carven to the Shellfish  
72 Conservation Committee for a term to expire 12/31/2024.

73 g. (070121-10) The Kittery Town Council moves to appoint Erin Kempster to the  
74 Shellfish Conservation Committee for a term to expire 12/31/2024.

75 Chair Thomson stated the Council would take one action to appoint Tim Carven and  
76 Erin Kempster to the Shellfish Conservation Committee for terms to expire 12/31/2024.

77 Moved by Vice Chair Spiller, seconded by Councilor Clark.

78 Motion Carried 7-0-0

79 h. (070121-11) The Kittery Town Council moves to approve a request from the Great  
80 New England Craft and Artisan Shows, for sign placement in various parts of the  
81 town.

82 Moved by Councilor Hamm, seconded by Councilor Stevens.

83 Motion Carried 7-0-0

84 i. (070121-12) The Kittery Town Council moves to accept the resignation of Anne  
85 Formalarie from the Conservation Commission.

86 Vice Chair Spiller moved to accept with thanks, seconded by Councilor Dow.

87 Motion Carried 7-0-0

88

89 j. (070121-13) The Kittery Town Council moves to hold a Public Hearing on 8/09/2021  
90 to authorize the FY 2020-year end transfers.

91 Moved by Chair Thomson, seconded by Vice Chair Spiller.

92 Motion Carried 7-0-0

#### 93 14. COUNCILOR ISSUES OR COMMENTS

94 Councilor Stevens gave her condolences for Mr. Durgin.

95 Councilor Hamm also gave his condolences for Mr. Durgin, Councilor Hamm also  
96 mentioned his concerns with the potholes in the Village and around the town.

97 Councilor Clark said as someone who used to live the Village, the roads are pretty bad.  
98 He gave his condolences for Mr. Durgin and his family.

99 Councilor Dow thanked the Council for their condolences and spoke about how Dan  
100 Durgin was always involved in the community and what a great grandfather he was.

#### 101 15. COMMITTEE AND OTHER REPORTS

##### 102 a. Communications from the Chairperson

103 Chair Thomson reminded the Councilors of the workshop the Council is having on  
104 Monday, July 19, 2021, at 5:00 p.m.

##### 105 b. Committee Reports - None

#### 106 16. EXECUTIVE SESSION - None

#### 107 17. ADJOURNMENT

108 Vice Chair Spiller moved to adjourn at 6:38 p.m., seconded by Councilor Dow.

109 Motion Carried 7-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website.





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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: August 9, 2021  
From: Kendra Amaral, Town Manager  
Subject: Transfer Requests for Fiscal Year 2021  
Councilor Sponsor: Chairperson Jeff Thomson

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**EXECUTIVE SUMMARY**

In accordance with Town Charter 6.09(4) Transfer Appropriation, the following is a request to transfer unencumbered appropriation balances from Fiscal Year 2021 to various accounts and carryforwards as specified below.

I am seeking to utilize approximately \$497,112 of the operating budget surplus for directed needs, rather than pass it through to the undesignated reserve fund. The projected remainder, approximately \$890,093, may be left to cover audit adjustments and pass through to the undesignated reserve fund to bring the Town into compliance with its financial policy. Approximately \$667,000 is needed for the Town to meet its undesignated reserve policy for the coming year.

**STATEMENT OF NEED**

As the close of the Fiscal Year 2021 is being prepared, a few departmental deficits have emerged. Due to significant success with grant applications, the Town was able to fund a number of operating costs including PPE, safety supplies and equipment, elections, and some staff time from outside fund sources. Transfer requests are minimal this year and address minor deficits in two departments.

The Other Funds transfers are primarily focused on the compensated absences account, and accounts where a request to transfer from the undesignated reserve would otherwise be necessary. Details for each transfer request are below.

Carryforward requests are for targeted efforts that were not completed, or budgeted for FY22 but deemed worthwhile activities to advance in the coming fiscal year.

**OPERATING BUDGET**

The transfer requests are rounded up from the actual anticipated deficit to allow for any residual bills from FY21 yet to be received, and for audit adjustments that may occur. Any remaining surpluses will pass directly to the undesignated reserve fund when the audit is completed.

- **From Elections and Fire to Police: \$35,000**

The Police department is expected to end the year approximately \$30,154 over budget. The overage is primarily the result of overtime. Due to Kittery's lean staffing model at the Police Department, a vacancy or long-term absence results in significant overtime costs needed to fill shifts and vacancies.

- **From DPW to Harbormaster: \$1,000**

The department is expected to finish the year approximately \$839 over budget. The transfer will support any final year-end expenditures and audit adjustments that occur in the closing of the FY21 books.

- **From DPW to County Taxes: \$484**

The County Tax budget is based on the estimate provided by York County in the spring. The actual assessment is not finalized and billed until July each year. The FY21 assessment was slightly higher than the budget estimate.

### ***CARRYFORWARDS***

- **From KCC to FY22 DPW: \$20,000**

This carryforward will provide the funding for the signage replacement project at Fort Foster and Seapoint Beach. The project includes consolidating information about rules and hours of each site onto well designed, visually appealing welcome signage.

- **From KCC to FY22 DPW: \$40,000**

This carryforward will provide the funding to redesign and implement landscaping at the approaches to the Traffic Circle. Though the beach grass has not caused safety issues, it is a perennial complaint of residents. MDOT turned the site over to the Town during the past year, effectively releasing the Town to alter the landscaping to meet our objectives.

- **From KCC to FY22 Police \$20,000**

This carryforward will provide the seed funding to support a new regional partnership between local law enforcement and social worker specialists to provide follow-up support and assistance for those in need of social and mental health services. Initial planning is underway, and grant funding is being sought. However, the need for social service support for law enforcement and those they encounter is critical. This will allow the Town to participate in the partnership this coming year.

- **Other Carryforward Option: FY22 Revenue**

The significant budget surplus from FY21 was directly due to the uncertainty of the pandemic as reported in the Year End Financial Report. Our goal is to have between 2% and 3% surplus, not the 9% we experienced this year. That makes FY21 a true anomaly.

The Council could choose to carryforward some of the budget surplus as "other revenue" in FY22, and effectively further lower the property tax levy for FY22, though doing so has the potential to result in significantly higher than usual tax increases in subsequent years. When the surplus does not materialize in subsequent years, this "other revenue" will have to be raised through other means including property taxes.

We will be reviewing the revenue projections for FY22 and updating them based on the year end data from FY21. I expect we will be increasing our projections approximately \$200,000 to \$300,000, prior to the Council committing the taxes in September. Through revenue projection increases we could land at a zero % increase in the tax levy for FY22. Therefore, any proposed carryforward of revenue would lower the levy over the prior year.

### ***OTHER FUNDS/CAPITAL***

- **From Overlay to a new Overlay Reserve: \$214,712**

Typically, the Town is able to cover its abatement exposure in its annual budget and overlay. The Town increased the Overlay in FY21 as a safety measure for the recently completed revaluation. The revaluation effort did not lead to significant abatements. However, COVID has led to large abatement applications from commercial properties from entities such as Simon Malls. The Town Attorney has advised that one particular case has the potential to cost the Town up to \$330,000 if the State finds for the applicant. We do not believe this is likely, however, if it occurs, the impact on the annual operating budget could be significant. The reserve provides a fund to offset the impact of losing the case.

- **From Administration to Compensated Absences Reserve: \$200,000**

Consistent with the prior four years' transfer requests, this transfer will rebuild a reserve balance that will be needed to offset future paid-time-off liabilities. Since FY18, we have paid \$516,283 in paid-time-off liabilities, of that \$89,739 was in FY21. The account has been able to handle these expenditures without having to utilize undesignated funds, because the Town Council has agreed to transfers from operating surpluses for the past four years.

The current paid-time-off liability, based on pre-contract renewal rates is \$1.43M. Though only a fraction of the current employees has the possibility of large cash outs each year, the cost of the liability grows each year. If approved, the transfer will bring the account balance to \$289,799.

The town is required to pay paid-time-off balances in accordance with Employee Retirement Income Security Act (ERISA), town ordinance, and collective bargaining agreements with the various Teamster units. The annual operating budget does not have sufficient funds to absorb larger payouts from employee departures.

- **From KCCs to Ogden Grant Fund: \$2,400**

In FY18 the Town received a grant from the Ogden foundation to work on communications and programming for the Star Theater. The scope of work has been completed. The remaining costs need to be matched by the Town. This transfer will close out the fund and the project.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve transfers and carryforwards as requested.

### **ATTACHMENTS**

- FY2021 Budget Roll-Up
- FY2021 Year End Transfers

Report to Council  
 Fiscal Year 2021  
 Year End Transfers & Carry Forwards  
 All Funds

**GENERAL FUND TRANSFERS**

FROM			TO		
101130	Elections	\$ 22,000	101310	Police	\$ 22,000
101320	Fire	\$ 13,000	101310	Police	\$ 13,000
101735	DPW	\$ 1,000	101840	Harbormaster	\$ 1,000
	DPW	\$ 484	101150	County Tax	\$ 484
<b>Total General Funds Transfers</b>		<b>\$ 36,484</b>			<b>\$ 36,484</b>

**OTHER FUNDS TRANSFERS**

FROM			TO		
101110	Administration	\$ 100,000	2022	Compensated Absences	\$ 100,000
101830	KCC	\$ 100,000	2022	Compensated Absences	\$ 100,000
101160	Overlay	\$ 214,712	NEW	Reserve for Abatement Exposure	\$ 214,712
101830	KCC	\$ 2,400	2210	Ogden Grant	\$ 2,400
<b>Total Other Funds Transfers</b>		<b>\$ 417,112</b>			<b>\$ 417,112</b>

**UNDESIGNATED RESERVE TRANSFERS**

FROM			TO		

**CARRYFORWARD**

Account			Purpose	
KCC	\$	20,000	Fort Foster/Beach Signage	\$ 20,000
KCC	\$	40,000	Traffic Circle Landscaping	\$ 40,000
KCC	\$	20,000	Police - Social Services Partnership	\$ 20,000

Report to Council

Fiscal Year 2021

Budget Roll-Up

	BUDGET	TRANSFERS	REVISED BUDGET	YTD ACTUAL	PROJECTION	AVAILABLE	YTD % COLLECTED/SPENT
<b>REVENUE</b>	\$14,920,544		\$15,210,256	\$16,028,940	(\$250,000)	\$568,684	105.4%
<b>OPERATING FUNDS</b>	<b>BUDGET</b>	<b>TRANSFERS</b>	<b>REVISED BUDGET</b>	<b>YTD ACTUAL</b>	<b>PROJECTION</b>	<b>AVAILABLE</b>	<b>% COLLECTED/SPENT</b>
Administration	\$1,137,633	\$75,000	\$1,212,633	\$959,176	\$0	\$253,457	79%
Overlay	\$214,712	\$0	\$214,712	\$0	\$0	\$214,712	0%
Police	\$2,341,806	\$0	\$2,341,806	\$2,371,960	\$0	(\$30,154)	101%
Fire	\$373,312	\$0	\$373,312	\$353,701	\$0	\$19,611	95%
DPW	\$2,020,492	\$0	\$2,020,492	\$1,927,304	\$0	\$93,188	95%
Planning	\$550,928	\$0	\$550,928	\$531,701	\$0	\$19,227	97%
Misc	\$678,970	\$0	\$678,970	\$581,473	\$0	\$97,497	86%
KCC	\$1,053,545	\$0	\$1,053,545	\$594,212	\$0	\$459,333	56%
Harbormaster	\$107,577	\$0	\$107,577	\$108,416	\$0	(\$839)	101%
Health & Dental	\$1,246,760	\$0	\$1,246,760	\$1,193,750	\$0	\$53,010	96%
Other Insurances	\$1,035,255	\$0	\$1,035,255	\$961,210	\$0	\$74,045	93%
Retirement	\$603,611	\$0	\$603,611	\$535,959	\$0	\$67,652	89%
Debt Service	\$914,532	\$0	\$914,532	\$814,532	\$0	\$100,000	89%
Library	\$438,623	\$0	\$438,623	\$434,671	\$0	\$3,952	99%
Capital Improvement	\$1,455,500	\$0	\$1,455,500	\$1,455,500	\$0	\$0	100%
<b>TOTAL</b>	<b>\$14,173,256</b>	<b>\$75,000</b>	<b>\$14,248,256</b>	<b>\$12,823,567</b>	<b>\$0</b>	<b>\$1,424,689</b>	<b>90%</b>
County Tax	\$935,000	\$0	\$935,000	\$935,484	-	(\$484)	100%
TIF	\$27,000	\$0	\$27,000	\$27,000	\$0	\$0	100%
<b>TOTAL</b>	<b>\$15,135,256</b>	<b>\$75,000</b>	<b>\$15,210,256</b>	<b>\$13,786,051</b>	<b>\$0</b>	<b>\$ 1,424,205</b>	<b>91%</b>



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

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**REPORT TO TOWN COUNCIL**

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Meeting Date: June 7, 2021  
Updated: June 28, 2021, August 9, 2021  
From: Kendra Amaral, Town Manager  
CC: Dutch Dunkelberger, Planning Board Chairperson  
Subject: Title 5 and Title 16 Marijuana Businesses  
Councilor Sponsor: Chairperson Jeffrey Thomson

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**BACKGROUND**

The Kittery Town Council has been discussing marijuana businesses since the State legalized adult-use marijuana in 2016. Between 2016 and 2019, the Town developed a framework for potential licensing in town, placed a non-binding referendum on the ballot regarding marijuana businesses, and presented a series of informationals on adult-use marijuana.

In November of 2019, the Council requested the staff resume work on developing ordinances for possible adult-use marijuana in Kittery. The Working Group was re-established and met on Feb 25, 2020. Shortly after resuming working group meetings, COVID-19 hit, diverting staff attention to pandemic-focused operations.

The Town received a certified petition in November of 2020 to enact a licensing ordinance for adult-use and medical marijuana businesses. The petition had a fatal flaw in that it only sought to enact an ordinance to allow for licensing a marijuana business. It did not address the prohibition of the use in for all zones Title 16 (Land Use Code). In accordance with Council direction, we have worked with the petitioner to develop an alternative licensing ordinance, and a corresponding land use ordinance that could be pursued through a normal ordinance process rather than an election

A draft ordinance was developed, working with the Town Attorney and the petitioner's attorney. The draft Title 16 land use ordinance amendment was presented to the Planning Board for recommendation. They held a public hearing that stretched over two meetings. They made edits to the proposal and recommended it unanimously to the Council.

**TITLE 5 AND TITLE 16 PLANNING BOARD RECOMMENDATION**

On March 15, Town Council held a workshop with the Planning Board to discuss the recommended draft Title 16 amendment. On March 22, 2021 the Council voted to turn back the draft ordinance amendment to the Planning Board specifically to look further into:

- Not allow retail in the C-2 zone due to traffic concerns;
- Limit C1 and MU zones to retail only;
- Adopt the 1,000-foot buffer to schools;
- Limit the number of cultivation and manufacturing facilities to 5;
- Require engineered traffic studies for retail; and

- 
- Create clear separation between major and minor home occupations for caregivers to allow minor occupations going forward and eliminate major home occupations for medical caregivers.

The Planning Board held two additional meetings on the draft ordinance amendment. They made additional adjustments to the draft and unanimously voted to recommend the revised draft to the Town Council.

The current version of the Title 16 proposal specifically:

- Prohibits cultivation facilities in the C-1 and MU zones;
- Adopts a consistent 500-foot buffer from public and private schools;
- Engineered traffic studies are already called for in Title 16 and can be requested, when not required, by the Planning Board;
- Eliminated the Medical Caregiver Home Occupation and created a Medical Caregiver Home Establishment that is to be reviewed and permitted by the Planning Board (rather than the Board of Appeals) and ensures the operation is truly a home occupation and not a medical or adult use storefront masquerading as a home occupation;
- Introduces a 1,500-foot buffer between marijuana operations; and
- Adjusted and added performance standards.

The Planning Board declined to recommend a prohibition of retail marijuana in the C-2 zone. Limitations on the number of licenses for retail stores is handled in Title 5, which is outside of the Planning Board's purview.

Changes to the proposed ordinances that are significantly different from the Workshop version have been highlighted in yellow. Minor corrections in grammar, typos, and reference corrections are not highlighted.

### **STAFF RECOMMENDATIONS**

All who have been involved in the development and review of this ordinance are rightly concerned about marijuana cultivation and manufacturing preempting redevelopment in the C-1 and MU areas where the Town is hoping to see mixed-use affordable housing developments. The Staff also share the Planning Board's and Council's concerns with traffic impacts along the more congested areas. The Planning Board recommendations generally address these issues, though Staff recommend a few different solutions; as noted below.

Draft Title 5 and Title 16 have been reviewed by the Town Attorney for consistency with state law and for advice regarding implementation challenges experienced elsewhere in the state.

Staff have updated Title 5 to address any inconsistencies with the proposed Title 16 amendment.

The Planning Board added an annual review process for Medical Caregiver Home Establishments. The process is duplicative of the Title 5 license renewal process. Staff are recommending handling this through the annual licensing process (Title 5) only. Therefore, staff have removed from the recommended Title 16 amendment the annual renewal section for Home Establishments.

The Planning Board amended the minimum duration of video surveillance storage from 30 days to 45 days. The 45 days is technologically unfeasible and creates a potentially fatal hurdle for applicants, and has been challenged and amended elsewhere in the state. There is no arguable public safety request or need

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for 45 days of surveillance data being stored. Staff recommend reverting back to the 30 days originally proposed.

Staff are recommending deletion of the 1,500-foot buffer between marijuana businesses recommended by the Planning Board. The Planning Board inserted this buffer in response to the traffic and clustering concerns raised during the Council Workshop and their tour of a facility in Eliot.

The Town currently does have buffer provisions in Title 16 for storage facilities and gas stations. These were put in place after the uses were already present in Town. However, retail marijuana is a new use and therefore the implementation of the buffer creates a uniquely complex roll-out.

Title 5 restricts the number of retail licenses to five; and the expectation will be that all five licenses will be applied for (and a subsequent wait list created) immediately upon enactment of the ordinance. Applicants will be placed in a “race” to get licensed first, or at least before any other proposed business within 1,500 feet of their facility. If another entity does get approved, it automatically disqualifies the other applicants who may be well into their application process. Normal delays in the review process, unique to each application, can expose the Town to accusations of gaming the system to block out an applicant based solely on how another applicant is moving through the process. We have been advised against including a buffer.

The Planning Board has the ability to address traffic through their requirement to have a traffic study that incorporates other traffic data and activity along the connecting road. For example, Route 236 traffic has been studied significantly and that data should be incorporated into any traffic analysis of turning movements and traffic control devices (signalization) for buildout along that route; regardless of the business type. The Planning Board should be aggressive about requiring traffic control devices when warranted, and err on the side of requiring traffic control devices when the traffic study indicates something is “on the edge” of needing them. Traffic control design and infrastructure should be a mitigation tool used for all land use permits regardless of the business use or adjoining road.

Though it is recognized that it may be less than desirable to have certain marijuana operations clustered along busy roads. Conversely, clustering may have a positive impact on the general economic growth and buildout for the Town as a whole, by not artificially encouraging marijuana businesses to spread throughout all the available zones.

Given the challenges, mitigating tools through traffic studies, and unknowns of how the buildout will occur, the Staff are recommending the 1,500 buffer between marijuana uses be removed. If the Council is interested in adding more retail licenses in the future, the Council and Planning Board may want to revisit the buffer matter.

#### **UPDATE**

Following the Council workshop on July 19, the following changes have been made to the draft Title 5 language:

- Limit licenses to one per Tax Identification Number (TIN) issued by the State of Maine.

The following changes have been made to the draft Title 16 language:

- Added a definition for “playing fields”



- 
- Increased the buffer from schools to 1,000 feet, and added playing fields to the buffer requirement.

The Council requested staff look into limiting the number of licenses per zone as an alternative to addressing the Planning Board's concerns about clustering and traffic. The limited licenses per zone would more directly address the concern. The Council would have to address the total number of available licenses, as the current draft has five licenses available for four zones. Staff continue to note that Title 16 has the mechanisms, through site plan review, to address any identified traffic concerns presented by each application. The limited number of available licenses also limit the possibility for clustering.

The Council requested staff look into a lottery approach rather than first-come-first-serve for the license applications. We continue to believe we can safely manage a first-come-first-serve approach and that it limits the areas for human error and unintended delay or impact to a license application. It is consistent with our current time stamp protocols. However, if the Council wishes to implement a lottery approach, the staff have developed a process that may be workable.

The process would require all applications be received by a date certain, which would be no less than 30 days from the date of the vote and no more than 45 days. The Planning Department will receive pre-applications, and timestamp them for proof they were received by the deadline. Once the pre-application is reviewed for completeness it will be assigned a "lottery number". The lottery will have to be held approximately two weeks after the pre-application deadline, to allow applicants time to address any minor errors in their pre-application.

The Town will seek someone outside of the Planning Department to draw numbers, with this person not knowing which number applies to which applicant. Numbers will be drawn to establish the first, second, third (and so on) applicant in line to receive a license. The first five applicants (or first for each zone depending on how the Council addresses the clustering concern) will be invited to apply for their license. If any applicant drops out before receiving their license, the next on the applicable list will be invited to apply for their license.

If a lottery is the desired approach, the staff recommend changing one of the pre-application requirements, specifically the proof of right, title and interest in the site. Requiring an applicant to lease a property just for a chance at the lottery can be seen as an unreasonable bar for the applicant and the impacted property owner. We recommend changing this to allow for "owner permission" if the site is not owned by the applicant. This is similar to how we handle building permit applications from non-owners.

We identified that the lottery process could lead to gaming the system, in that an applicant that can afford the pre-application fee can enter multiple applications for multiple locations to increase their chances of getting a license. We cannot find a reasonable and fool proof way to avoid this.

## **ATTACHMENTS**

- Title 5 and Title 16 Draft Ordinance Amendments
- Title 5 and Title 16 Enactment
- Town Attorney Memo on Petition and Petition Comparison
- July 19 Workshop Questions and Information

**TITLE 5 - BUSINESS LICENSES and REGULATIONS  
and  
TITLE 16 – LAND USE CODE  
MARIJUANA OPERATIONS**

**1. ADD Title 5.11 Marijuana Businesses as follows:**

1 CHAPTER 5.11 Marijuana Businesses

2 5.11.1. Purpose and Authority

3 The purpose of this Title is to set forth procedures and standards for the issuance of local licenses for  
4 Marijuana Businesses and Medical Marijuana Registered Caregiver Home Establishments in order to protect  
5 public health, safety and welfare.

6 5.11.2. Definitions

7 As used in this Title, the terms below are defined as indicated. All other terms used in this Title, if not  
8 defined below, are the same definition as set forth in 22 MRS § 2422 (for medical marijuana businesses), 28-  
9 B.M.R.S. § 102 (for adult use marijuana businesses), or the Land Use and Development Code, Title 16 of the  
10 Kittery Town Code.

11 Applicant means a person who has submitted an application for licensure as a Marijuana Business pursuant  
12 to this Chapter.

13 Licensed Premises means the premises specified in an application for a license pursuant to this Title or within  
14 a license issued pursuant to this Title.

15 Licensee means a person licensed pursuant to this Title.

16 Licensing Authority means the Town Council or Town Manager as designated in this Title to be the issuer of  
17 the particular type of Marijuana Business license.

18 Marijuana Business means an Adult Use Marijuana Store, Medical Marijuana Registered Dispensary,  
19 Medical Marijuana Caregiver Retail Store, Marijuana Cultivation Facility, Marijuana Manufacturing Facility,  
20 or Marijuana Testing Facility, all as defined in the Town of Kittery Land Use Ordinance.

21 Marijuana Retail Store means a Medical Marijuana Registered Dispensary, Medical Marijuana Caregiver  
22 Retail Store or an Adult Use Marijuana Store.

23 Medical Marijuana Registered Caregiver Home Establishment means a permitted medical marijuana  
24 registered caregiver business operating within a primary dwelling unit.

25 Owner means a person whose beneficial interest in a Marijuana Business is such that the person bears risk of  
26 loss other than as an insurer, has an opportunity to gain profit from the operation or sale of the Marijuana  
27 Business and/or has a controlling interest in the Marijuana Business.

28 Person means a natural person, partnership, association, company, corporation, limited liability company or  
29 organization, or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not  
30 include any governmental organization.

31 Premises means the physical location at which a Marijuana Business is to conduct its business.

32 State License means any license issued by the State Licensing Authority.

33 State Licensing Authority means the authority created or designated by the state for the purpose of regulating  
34 and controlling licensing for Marijuana Businesses.

35 Town Manager means the Town Manager of the Town of Kittery or designee.

### 36 **5.11.3. License Requirement**

37 A Marijuana Business or Medical Marijuana Registered Caregiver Home Establishment may not begin or  
38 continue operations unless it has and is in possession of a license issued pursuant to this Title. Marijuana  
39 Registered Caregivers that hold an approved land use permit (major home occupation approval) and/or are  
40 operating as of the effective date of this Section must submit a completed application within 30 days of the  
41 effective date, and have a grace period of 60 days after the effective date to receive a license, which may be  
42 extended by order of the Council if justified due to the anticipated timeline of the review process.

### 44 **5.11.4. Licensing Authority**

45 All Medical Marijuana Registered Caregiver Home Establishment license applications, whether new or  
46 renewal, must be reviewed and may be approved by the Town Manager. All other initial license applications  
47 are to be reviewed and may be approved by the Town Council after public hearing. The Town Manager is  
48 the Licensing Authority for renewal licenses, as specified in Section 5.11.5.E.

### 49 **5.11.5. Licensing Procedures**

50 The review procedures described below are the same for initial license applications as well as renewals,  
51 unless otherwise indicated. In reviewing license applications, the Licensing Authority and any consulting  
52 Town officials may consider the approval standards under this Title as well as other applicable local, state or  
53 federal laws and, for license renewals, the Licensee's record of compliance with the same.

54 A. Application. License applications must be submitted to the Town in writing using a form prepared by  
55 the Town for the purpose and must include all information required by this Title and by the form.  
56 Applications for initial licensure of Marijuana Retail Stores may not be accepted until the applicant has  
57 been pre-certified in accordance with Section 5.11.9.C.

58 B. Initial Review. The Town Manager is responsible for the initial investigation of the application to  
59 ensure compliance with the requirements of this Title and to obtain recommendations from other Town  
60 officials as required.

61 C. License Conditions. The Licensing Authority has the authority to impose any conditions on a license  
62 that may be reasonably necessary to ensure compliance with the requirements of this Title or to address

- 63 concerns about operations. Failure of any Licensee to comply with such conditions are considered a  
64 violation of the license and of this Title.
- 65 D. Staff Review. No license may be granted by the Licensing Authority until the Town Manager, Police  
66 Chief, Fire Chief, Code Enforcement Officer, and other staff as deemed appropriate by the Town  
67 Manager, have all made positive recommendations regarding the Applicant’s ability to comply with this  
68 Title or any other applicable Town ordinance, Planning Board conditions of approval, or state or federal  
69 law enforced by such officials.
- 70 E. Renewal. For renewal licenses, the application, fee and review process are the same as for initial  
71 licenses except that the Town Manager is the Licensing Authority. If any reviewing staff member finds  
72 that new conditions should be attached to the renewal license or that the renewal license should be  
73 denied, the renewal application must be forwarded to the Town Council for final action. Renewal  
74 licenses for Marijuana Retail Stores may be granted by the Town Manager only upon a finding that the  
75 Store has in the past license term been operating in accordance with this Title as well as with the  
76 Store’s previously submitted Operations Plan.
- 77 F. Type of License. Licenses may be approved only for the type(s) of use identified in the application. A  
78 Licensee who intends to expand or convert the Licensed Premises to a different type of use that is not  
79 specifically approved in a license must obtain a new license for that use.
- 80 G. State Approvals. Any Licensee that is required to obtain approval from the State of Maine will provide  
81 the Town copies of all necessary approvals prior to operating the licensed business.
- 82 H. Inspection. Any Licensee must, prior to operating the licensed business, contact the Town to request an  
83 inspection to determine the compliance, as built, with the requirements of this Title, any conditions of  
84 licensure, and the submitted Operations Plan (if applicable). Any municipal official with authority to  
85 make recommendations, grant licenses or enforce this or other municipal ordinances regarding  
86 Marijuana Businesses or Medical Marijuana Registered Caregiver Home Establishments has authority  
87 to enter the premises of an Applicant or Licensee without notice during operating hours to make any  
88 inspection reasonably necessary to ensure continued compliance with all applicable Town ordinances.
- 89 I. License term. Each license issued under this Title is valid for the term of license granted by the State  
90 License Authority (“the license year”), or otherwise for one (1) year from the date of issuance.  
91 Applications for renewal licenses should be submitted no fewer than 60 days prior to expiration of the  
92 existing term to allow for timely processing. Any Licensee who fails to apply for a renewal license  
93 prior to expiration of the existing term does not have authority to operate until a renewal license is  
94 granted. A late fee of 10% of the total license fee will be assessed to applications submitted 1 to 30  
95 days past expiration of the existing license, and 20% will be assessed for applications submitted  
96 thereafter. Any Marijuana Retail Store which fails to obtain a renewal license within 30 days following  
97 expiration of the existing term forfeits its license, unless the applicant timely submitted the application  
98 and the delay is due to circumstances not within the applicant’s control.
- 99 J. Forfeiture. A License is forfeited if the Licensee:

- 100 1. Fails to obtain a renewal license within thirty (30) days of expiration of an existing license;  
101 2. Makes any other active use of the Licensed Premises other than for the licensed business  
102 operation; or  
103 3. Is not actively operating the licensed business for a period exceeding six (6) consecutive  
104 months, except that the Licensing Authority may, upon written request from the Licensee, allow for  
105 a suspension of use of up to one year if the suspension in use is caused by damage to the Licensed  
106 Premises, renovation, repair, active attempts to sell the Licensed Premises as a turnkey business  
107 operation, or other bona fide circumstances out of the Licensee's control.

#### 108 **5.11.6. Application Submission Requirements**

109 Each applicant for a license must complete and file an application on the form provided by the Town,  
110 together with the applicable license fee. If multiple types of business operations are to be conducted on a  
111 single Premises, each business operation must obtain a separate license and pay the applicable fees  
112 associated with the appropriate business type. ~~If multiple types of business operations are to be conducted~~  
113 on a single Premises, the applicant must pay the application fee for each type of business Applications  
114 must include:

- 115 A. Proof of the Applicant's right, title, or interest in the Premises, such as a deed, lease, sublease, (must  
116 include lease and authorization for sublease, if applicable) or purchase and sale agreement.
- 117 B. A copy of the Applicant's State License application and supporting documentation, as submitted to the  
118 State Licensing Authority, if a State License is required.
- 119  
120 C. Evidence of all state approvals or conditional approvals required to operate the business, including, but  
121 not limited to, a State License as defined by this Title, caregiver registration, a State retail certificate, or a  
122 State health license.
- 123 D. If not included in the Applicant's State License application, attested copies of any articles of  
124 incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern  
125 the entity that will own and/or operate the business.
- 126  
127 E. If not included in the Applicant's State License application, an affidavit on a form to be provided by the  
128 Town that identifies all owners, officers, members, managers or partners of the Applicant, their  
129 ownership interests, and their places of residence at the time of the application and for the immediately  
130 preceding three (3) years.
- 131 F. A release for each Applicant and for each officer, owner, member, manager or partner of the Applicant  
132 seeking a license allowing the Town of Kittery or its officials to obtain criminal records and other  
133 background information related to the individual.
- 134 G. Evidence of all land use approvals or conditional land use approvals required to operate the business,  
135 including, but not limited to building permit, special exception approval, site plan review approval,  
136 and/or a change of use permit. Where site plan approval is required, evidence of submission of a

137 complete site plan review application is sufficient, but any license issued is conditioned upon site plan  
138 approval and issuance of any necessary building or occupancy permits.

139 H. Evidence of all other local approvals or conditional approvals required to operate the business, including  
140 any applicable food or victualer’s license. If the Marijuana Business or Medical Marijuana Registered  
141 Caregiver Home Establishment is not in use as of the date of license application, the applicant must list  
142 any licenses required and issuance of such licenses will be made a condition of the Marijuana Business  
143 License.

144 I. A description of the premises for which the license is sought, including a plan of the premises.

145 J. A copy of any state or municipal license held for any other Marijuana Business, including any home  
146 occupation, owned or operated by the Applicant or by any officer, owner, subsidiary, member, manager  
147 or partner of the Applicant, as well as any notices of violation received from the state or municipality for  
148 such Marijuana Business and proof that any violation has been resolved.

149 K. Certification from the Fire Chief that the location of the Marijuana Business or Medical Marijuana  
150 Registered Caregiver Home Establishment on the subject Premises will not pose an undue risk of fire or  
151 other safety hazard.

152 L. For Marijuana Retail Stores, an Operations Plan, describing the Applicant’s:

- 153 1. Security plan;
- 154 2. Provisions to ensure against loitering and using marijuana and marijuana products on or near the  
155 Premises;
- 156 3. Protocols for hiring and training employees;
- 157 4. Experience and training in the State of Maine’s seed-to-sale tracking system;
- 158 5. Protocols for odor control and disposal of waste marijuana or marijuana products; and
- 159 6. Protocols for ensuring the safety and security of product.
- 160 7. Fire Suppression annual certification

161 If the Town determines that a submitted application is not complete, the Town must notify the applicant of  
162 the additional information required to process the application. If such additional information is not  
163 submitted within thirty (30) days of the Town’s request, the application may be denied.

#### 164 **5.11.7 Transfer of Ownership**

165 A license for a Marijuana Business may be transferred to another owner if an updated application form and  
166 ownership affidavit are provided to the Town and all persons listed on the affidavit successfully pass  
167 background checks and otherwise meet the criteria of this Title. See Section 5.11.9.F regarding transfer of  
168 licenses for Marijuana Retail Stores.

#### 169 **5.11.8 Transfer of Location**

170 Marijuana Business and Medical Marijuana Registered Caregiver Home Establishment licenses are limited to  
171 the Premises for which they are issued and are not transferable to a different location. A Licensee who seeks  
172 to operate in a new location must acquire a new license for that location.

173 5.11.9 Limit on and Special Procedures for Marijuana Retail Stores

174 A. Limit on marijuana retail store licenses. The total number of licenses issued for Marijuana Retail Stores  
175 may not exceed five.

176 B. No business may have more than one Marijuana Retail Store license in Kittery. The Town will utilize the  
177 Maine Tax Identification Number to determine compliance.

178 C. Pre-application required. Applications for initial licensure of Marijuana Retail Stores will not be  
179 accepted for processing unless and until the applicant has successfully completed a pre-application  
180 process as set forth here.

181 1. Pre-application forms will be available starting on the effective date of this Title. Applicants  
182 seeking licensure as a Marijuana Retail Store must complete the form and return it to the Town  
183 along with the following supporting documentation:  
184 a. Completed, signed and notarized ownership affidavit  
185 b. Pre-application fee  
186 c. Evidence of right, title and interest in the Premises (deed, purchase and sale agreement, lease  
187 and/or sublease)  
188 d. Evidence demonstrating the applicant's financial capacity to build out (if applicable) and  
189 operate the Marijuana Retail Store (e.g., bank letter, letter of credit, loan commitment)  
190 e. Evidence demonstrating that the applicant has applied for conditional licensure from the State  
191 of Maine

192 2. Upon receipt of a pre-application, the Town must note the date and time of the receipt and,  
193 without unreasonable delay, process the application to determine whether all required fields have  
194 been filled and all required supporting documentation has been provided. If the Town  
195 determines that a submitted pre-application is not complete, it must notify the applicant of the  
196 additional information required to process the pre-application. If such additional information is  
197 not submitted within thirty (30) days of the Town's request, the pre-application will be rejected.

198 3. The Town Manager must evaluate complete pre-applications and certify the eligibility of  
199 applicants if they meet the following standards:  
200 a. The applicant has demonstrated right, title and interest in the Premises;  
201 b. The applicant has demonstrated adequate financial capacity to build out (if applicable) and  
202 operate the retail store.  
203 c. The Premises is located in a zone in which Marijuana Retail Stores are permitted.  
204 d. The applicant has applied for or received conditional license approval from the State of Maine  
205 for the subject Marijuana Retail Store.

206 4. The Town Manager must issue a written decision to the applicant indicating whether it has met  
207 the standards for pre-application certification. Applications for licensure may be submitted as  
208 soon as the certification decision is issued.



209 D. Priority. License applications for Marijuana Retail Stores will not be received or processed until the date  
210 announced by the Town as the first day license applications will be accepted. Any license applications  
211 received by mail prior to the announced date will be returned to the sender. Licenses for Marijuana  
212 Retail Stores will be assigned priority based upon the date and time a completed pre-application was  
213 received by the Town. The first five (5) certified applicants will be invited to provide completed license  
214 applications within thirty (30) days of certification, which will be processed in accordance with Section  
215 5.11.6

216 E. Waiting list procedures. If a license for a Marijuana Retail Store becomes available, the Town will  
217 invite the pre-certified applicant with the next priority to apply for licensure. If such applicant does  
218 not submit an application within thirty (30) days from invitation, the Town must proceed to the next  
219 applicant. Applications will not be processed from the wait list if there have been any material  
220 changes to ownership, as indicated on the ownership affidavit, or where there is a change to location  
221 of the Premises.

222  
223 F. Change in ownership of Marijuana Retail Store. In the event of a proposed change in ownership of a  
224 Marijuana Retail Store (including a material change of members of an LLC or partnership), the new  
225 owner(s) must apply for a new license within thirty (30) days following the date of the transfer by  
226 submitting a full, completed / updated application package to the Town. The application is subject to  
227 the same application process as new licenses and, after initial staff review, will be presented to the  
228 Town Council for consideration if the proposal involves a change in majority ownership or control of  
229 the Marijuana Retail Store. If the new owner does not apply for a new license within said thirty (30)  
230 day period, the license will be considered forfeited. The license may not be transferred if any active  
231 use other than for the licensed Marijuana Retail Store has been made of the Licensed Premises prior  
232 to or within the thirty (30) days following the transfer of ownership.

233 **5.11.10 Denial, Revocation or Suspension of a License**

234 A license application for a Marijuana Business or Medical Marijuana Registered Caregiver Home  
235 Establishment must be denied by the Licensing Authority, suspended by the Town Manager, or after notice  
236 and hearing revoked by the Town Council, if the Applicant, or any Owner of the Applicant or Licensee:

237 A. Fails to meet the requirements of this Title.

238 B. Is not at least twenty-one years of age.

239 C. Has had a license required for the Marijuana Business or Medical Marijuana Registered Caregiver  
240 Home Establishment suspended or revoked by the Town, by a municipality in the State of Maine, or  
241 by the State of Maine.

242 D. Is in violation of this or any ordinance or has unpaid penalties assessed by a court, related to the  
243 Marijuana Business or Medical Marijuana Registered Caregiver Home Establishment.

244 E. Has not acquired all necessary state and local approvals (other than final state approval) prior to  
245 issuance of the license.



- 246 F. Fails to meet zoning or other requirements of the Land Use and Development Code.
- 247 G. Has been convicted of a criminal violation arising out of operation of a Marijuana Business.
- 248 H. Has, within ten years prior to the date of the application, been convicted of selling marijuana, alcohol,  
249 or any scheduled drug to a minor.
- 250 I. Has provided false or misleading information in connection with the license application.
- 251 **5.11.11 Approval and Operating Requirements**
- 252 In order to obtain and retain a license pursuant to this Title, the Applicant/Licensee must demonstrate  
253 that the following requirements are met. The Licensee must comply with each of these requirements  
254 during the term of the license:
- 255 A. Display of License. The current License must be displayed at all times in a conspicuous location  
256 within the Premises.
- 257 B. Premises. All Licensed Premises must be fixed, permanent locations. Licensees are not permitted  
258 to operate Marijuana Establishments in other than the Licensed Premises, such as at farmer’s  
259 markets, farm stands or kiosks.
- 260 C. Loitering. The facility owner/operator must make adequate provisions to prevent patrons or other  
261 persons from loitering on the Premises. It is the Licensee’s obligation to ensure that anyone found to be  
262 loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a  
263 Licensed Premises is ordered to leave.
- 264 D. Other laws. A Marijuana Business or Medical Marijuana Registered Caregiver Home Establishment  
265 must meet all operating and other requirements of state and local law. To the extent the State of Maine  
266 has adopted or adopts in the future any law or regulation governing marijuana businesses that conflicts  
267 in any way with the provisions of this Title, the more restrictive provisions control.
- 268 E. Changes to operations. Marijuana Businesses and Medical Marijuana Registered Caregiver Home  
269 Establishment must operate in accordance with all material representations made in the approved  
270 license application and Operations Plan (if applicable). If the Licensee is required to notify the State of  
271 a change related to the Marijuana Business, the Licensee must promptly provide the Town with a copy  
272 of such notification. If the Town determines that the change is not in accordance with the requirements  
273 of this Title, or requires additional conditions of approval, the change must be forwarded to the Town  
274 Council for consideration.

275 **5.11.12 Appeals**

- 276 A. The following appeals may be decided by the Town Council in a *de novo* hearing in  
277 which it will hear evidence on the application and make its own findings of fact and conclusions of  
278 law:

279 1. Appeal of the Town Manager’s denial of an application.

280  
281 2. Appeal by any aggrieved party having legal standing of any decision by the Town Manager to grant a  
282 license under this Title.

283  
284 3. Appeal by a Licensee challenging conditions attached to a License, to which the Licensee objects.

285 Appeals must be filed with the Town Clerk within thirty (30) days of the date of the decision subject to  
286 appeal. The Town Council must hold the hearing on the appeal and render a decision within thirty (30)  
287 days of the date of the appeal, unless all parties consent to a delay.

288 B. Appeals from any decision of the Town Council under this Title may be made only to York County  
289 Superior Court within thirty (30) days of the date of the decision being appealed.

290 **5.11.13 Enforcement and Penalties**

291 The operation of any Marijuana Business or Medical Marijuana Registered Caregiver Home Establishment  
292 without the required license or in violation of the requirements of this Title is a violation of this Title. The  
293 Town Manager must enforce the provisions of this Title. A violation of any provision of this Title is a  
294 civil violation, and a civil penalty of \$250 to \$2,500 applies and may be assessed for each day that the  
295 violation continues. The penalty for operating a Marijuana Business or Medical Marijuana Registered  
296 Caregiver Home Establishment without a valid license is \$2,500 per day for Marijuana Retail Stores and  
297 \$500 per day for other Marijuana Businesses or Medical Marijuana Registered Caregiver Home  
298 Establishments. The Town Manager may suspend the license, and the Town Council may revoke the  
299 license after notice and hearing.

300 **5.11.14 Other Laws**

301 Except as otherwise specifically provided herein, this Title incorporates the requirements and procedures  
302 set forth in the Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1, as may be amended and the  
303 Maine Medical Use of Marijuana Act, 22 M.R.S. Chapter 558-C, as may be amended. In the event of a  
304 conflict between the provisions of this Title and the provisions of said Acts or any other applicable state  
305 or local law or regulation, the more restrictive provision must control.

**2. ADD Marijuana Business License Fees to Appendix A as follows:**

<u>Marijuana Retail Store – Preapplication fee</u>	<u>\$750</u>
<u>Marijuana Retail Store – License fee</u>	<u>\$6,000</u>
<u>Marijuana Cultivation Facility</u>	
<u>Tier 1</u>	<u>\$750</u>
<u>Tier 2</u>	<u>\$1,500</u>
<u>Tier 3</u>	<u>\$2,000</u>
<u>Tier 4</u>	<u>\$3,000</u>

<u>Marijuana Manufacturing Facility</u>	<u>\$ 3,000</u>
<u>Marijuana Testing Facility</u>	<u>\$ 3,000</u>
<u>Medical Marijuana Caregiver Home Establishment</u>	<u>\$ 100</u>
<u>Transfer of license – other than Marijuana Retail Stores</u>	<u>\$750</u>

**3. AMEND Title 16.2 Definitions for marijuana operations as follows:**

- 306 ~~MARIJUANA MEDICAL USE—The cultivation, manufacturing, or distribution of cannabis by a medical~~  
 307 ~~marijuana cultivation facility, a medical marijuana dispensary, a medical marijuana testing facility, or a~~  
 308 ~~primary caregiver, as defined in § 16.2.2 of this Code. This definition is not intended to restrict a caregiver~~  
 309 ~~that is a licensed hospice provider, long-term nursing care facility or convalescent care facility from~~  
 310 ~~distributing cannabis to their qualifying patients, per 22 M.R.S., Maine Medical Use of Marijuana Act.~~
- 311 ~~MARIJUANA RETAIL USE—The cultivation, manufacture, distribution or selling of cannabis by a retail~~  
 312 ~~marijuana establishment or retail marijuana social club, as referenced in 7 M.R.S.~~
- 313 ~~MEDICAL MARIJUANA CULTIVATION FACILITY—A facility registered in accordance~~  
 314 ~~with 22 M.R.S. § 2428 that cultivates and manufactures marijuana or related supplies for a registered medical~~  
 315 ~~marijuana dispensary under common management and operating under the same state and local license(s).~~
- 316 ~~MEDICAL MARIJUANA DISPENSARY—A not-for-profit entity registered under 22 M.R.S. § 2428 that~~  
 317 ~~acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses~~  
 318 ~~marijuana or related supplies and educational materials to qualifying patients who have designated the~~  
 319 ~~dispensary to cultivate marijuana for their medical use, and the primary caregivers of those patients.~~
- 320 ~~MEDICAL MARIJUANA QUALIFYING PATIENT or PATIENT—A person who has been~~  
 321 ~~diagnosed by a medical provider as having a debilitating medical condition and who possesses a valid~~  
 322 ~~written certification regarding medical use of marijuana, as defined under 22 M.R.S. § 2422.~~
- 323 ~~MEDICAL MARIJUANA TESTING FACILITY—A public or private laboratory that:~~
- 324 ~~A. —Is licensed, certified or otherwise approved under 22 M.R.S. § 2423 A to analyze contaminants in,~~  
 325 ~~and the potency and cannabinoid profile of, samples; and~~
- 326 ~~B. —Is accredited pursuant to standard International Standards Organization/International Electrotechnical~~  
 327 ~~Commission 17025 of the International Organization for Standardization by a third-party accrediting body~~  
 328 ~~or is certified, registered, or accredited by an organization approved by the state.~~

329 **MARIJUANA, ADULT USE STORE** means a facility licensed under 28-B MRS Chapter 1 to purchase  
330 adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, and to sell adult use  
331 marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

332 **MARIJUANA BUSINESS** means an Adult Use Marijuana Store, Marijuana Cultivation Facility, Medical  
333 Marijuana Registered Dispensary, Medical Marijuana Caregiver Retail Store, Marijuana Manufacturing  
334 Facility, or Marijuana Testing Facility.

335 **MARIJUANA CULTIVATION FACILITY** means a facility licensed by the State of Maine to purchase  
336 marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package marijuana; to  
337 sell marijuana, marijuana seedlings, plants and seeds to products manufacturing facilities, marijuana stores,  
338 caregivers or other cultivation facilities.

339 Tier 1: Up to 500 square feet of plant canopy  
340 Tier 2: Up to 2,000 square feet of plant canopy  
341 Tier 3: Up to 7,000 square feet of plant canopy  
342 Tier 4: Up to 20,000 square feet of plant canopy

343 **MEDICAL MARIJUANA CAREGIVER RETAIL STORE** means a store that has attributes generally  
344 associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours,  
345 accessibility to the public and sales of goods or services directly to a consumer, and that is used by a  
346 registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

347 **MARIJUANA MANUFACTURING FACILITY** means (1) a registered tier 1 or tier 2 manufacturing  
348 facility, as designated by state law, or a person authorized to engage in marijuana extraction under 22 MRS  
349 §2423- F; or (2) a facility licensed under M.R.S. 28-B, Subchapter 2 to purchase marijuana from a cultivation  
350 facility or another products manufacturing facility; to manufacture, label and package marijuana and  
351 marijuana products; and to sell marijuana and marijuana products to marijuana stores and to other products  
352 manufacturing facilities.

353 **MARIJUANA TESTING FACILITY** means a public or private laboratory that is authorized and accredited  
354 in accordance with state law for the research and analysis of marijuana, marijuana products or other  
355 substances for contaminants, safety or potency.

356 **MEDICAL MARIJUANA REGISTERED CAREGIVER** means a person or an assistant of that person  
357 registered in accordance with state law to provide care for a qualifying patient in accordance with state law.

358 **MEDICAL MARIJUANA REGISTERED CAREGIVER HOME ESTABLISHMENT** means a medical  
359 marijuana registered caregiver business operating within the caregiver's primary dwelling unit.

360 **MEDICAL MARIJUANA REGISTERED DISPENSARY** means an entity registered under 22 M.R.S. §

361 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or  
362 dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying  
363 patients and the caregivers of those patients.

364 **RECREATION, PUBLIC FACILITY** means a facility open to the general public, for no charge or a  
365 **subsidized charge, where organized recreational or athletic activities and events are held.**

**4. ADD Medical Marijuana Registered Caregiver Home Establishment as a Special Exception Use to ALL Zones.**

366 Medical Marijuana Registered Caregiver Home Establishment

**5. AMEND Title 16.3 Land Use Zone regulations to allow marijuana operations in certain zones.**

367 § 16.3.2.11 **Commercial (C-1, C-2, C-3).**

368 (1) C-1 special exception uses.

369 (p) Marijuana Business, except a Marijuana Cultivation Facility, or if,

370 **[NOTE: STAFF ARE NOT RECOMMENDING THE FOLLOWING PROVISION]**

371 i. Not located within 1,500 feet of another Marijuana Business unless:

372 a. the nature of the Marijuana Businesses are functionally distinct and mutually dependent;

373 b. the Marijuana Businesses are located on the same lot of record; and

374 c. the Marijuana Businesses are under common ownership

375 (2) C-2 special exception uses.

376 (q) Marijuana Business, if:

377 **[NOTE: STAFF ARE NOT RECOMMENDING THE FOLLOWING PROVISION]**

378 i. Not located within 1,500 feet of another Marijuana Business unless the nature of the Marijuana

379 a. Businesses are functionally distinct and mutually dependent;

380 b. the Marijuana Businesses are located on the same lot of record; and

381 c. the Marijuana Businesses are under common ownership

382 (3) C-3 special exception uses.

383 (q) Marijuana Business, if:

384 **[NOTE: STAFF ARE NOT RECOMMENDING THE FOLLOWING PROVISION]**

385 i. Not located within 1,500 feet of another Marijuana Business unless: [

386 a. the nature of the Marijuana Businesses are functionally distinct and mutually dependent;

387 b. the Marijuana Businesses are located on the same lot of record; and

388 c. the Marijuana Businesses are under common ownership

389 § 16.3.2.13 **Mixed-Use MU.**

390 C. Special exception uses.

391 19. Marijuana Business, except a Marijuana Cultivation Facility, or if:

392 [NOTE: STAFF ARE NOT RECOMMENDING THE FOLLOWING PROVISION]

393 i. Not located within 1,500 feet of another Marijuana Business unless:

394 a. the nature of the Marijuana Businesses are functionally distinct and mutually dependent;

395 b. the Marijuana Businesses are located on the same lot of record; and

396 c. the Marijuana Businesses are under common ownership

**6. ADD Marijuana Businesses to Title 16 Design and Performance Standards for Built Environment as follows:**

397 §16.8.29 Marijuana Businesses

398 16.8.29.1 General

399 This section regulates Marijuana Businesses as defined uses within the Town of Kittery. The permitting  
400 standards outlined here must be adhered to for all Marijuana Businesses, in addition to other applicable  
401 standards in this and other ordinances or state law.

402 16.8.29.2 Standards

403 Marijuana Businesses must meet the following standards:

404 A. Marijuana Businesses may not locate within ~~500~~1,000 feet of a public or private school or a public  
405 recreation facility measured from the exterior wall of the Marijuana Business in a straight line to the  
406 property line of the protected use. This section does not prohibit the activity of a caregiver or other  
407 authorized individual from administering medical marijuana to a qualified patient who is located within  
408 one of these protected areas.

409 B. Marijuana Businesses may not have any odor of marijuana detectible beyond the area controlled by the  
410 business, whether that be a leased or owned area that is a portion or all of a recorded parcel of land.  
411 Odors must be controlled by whatever best practices exist.

412 C. Marijuana grown by any Marijuana Business may be grown indoors only. For the purpose of this section  
413 hoop houses or outdoor tunnels must not be considered as an indoor growing facility and are prohibited  
414 for marijuana cultivation by a Marijuana Business.

415 D. The design of any building containing a Marijuana Business must conform to the standards within this  
416 Title and the Town of Kittery Design Handbook.

- 417 E. The area of any Marijuana Business accessible to customers must be no less than 400 nor more than  
418 2,000 square feet.
- 419 F. Parking must conform to Article IX.
- 420 G. Any building containing a Marijuana Business must be protected by fire suppression measures and fire  
421 alarms to the satisfaction of the Fire Chief and in accordance with all applicable building codes.
- 422 H. The Owner of any Marijuana Business, at the time of application for a building permit, must provide an  
423 affidavit from a master electrician or electrical engineer certifying that the electrical components can  
424 meet the electrical load demands of the use.
- 425 I. Security.
- 426 1. The Licensed Premises must have video surveillance capable of covering the exterior and interior of  
427 the facility. The video surveillance system must be operated with continuous recording twenty-four  
428 hours per day, seven days per week and video retained for a minimum duration of thirty (30) days.  
429 Such records must be made available to law enforcement agencies when investigating a criminal  
430 complaint.
- 431 J. The Licensed Premises must have an approved wastewater discharge plan in accordance with this Title and  
432 Title 13.
- 433 K. The Licensed Premises must have exterior lighting that conforms with this Title and the Town of Kittery's  
434 Design Handbook. The Planning Board, at its discretion, may require motion sensors covering the full  
435 perimeter of the building(s).

**7. ADD Medical Marijuana Registered Caregiver Home Establishment to Title 16 Design and Performance Standards for Built Environment as follows:**

436 **§16.8.30 Medical Marijuana Registered Caregiver Home Establishment**

437 **16.8.30.1 General**

- 438 A. A Medical Marijuana Registered Caregiver Home Establishment may not conduct activities that would  
439 qualify the use as a Medical Marijuana Registered Dispensary, Adult Use Marijuana Store, Medical  
440 Marijuana Caregiver Retail Store, Marijuana Manufacturing Facility or Marijuana Testing Facility.
- 441 B. Any Medical Marijuana Registered Caregiver legally operating with Town approval as a Home  
442 Occupation as of the Effective Date of this Section, but otherwise not meeting the definition of a Medical  
443 Marijuana Registered Caregiver Home Establishment, may continue to operate provided it has a valid  
444 Medical Marijuana Registered Caregiver Home Establishment license from the Town and any applicable



445 State License, and is maintained in accordance with this Title. Such operations may not be built, used or  
446 occupied in any way that constitutes a material difference from any representations in either the approved  
447 application, Findings of Fact, or approval conditions for the Major Home Occupation. If majority  
448 ownership of such an operation is transferred to any other person(s), the business must be brought into  
449 conformance with the definition and standards applicable to a Medical Marijuana Registered Caregiver  
450 Home Establishment, or may be permitted and licensed as any other type of Marijuana Business allowed  
451 on the property.

452 **16.8.30.2 Standards**

453 A Medical Marijuana Registered Caregiver Home Establishment must meet the following standards, except  
454 that a Medical Marijuana Registered Caregiver legally operating with Town approval as a Major Home  
455 Occupation as of the Effective Date of this Section is not required to meet these standards to the extent  
456 the Major Home Occupation application, as approved, specifically allowed activities, uses or  
457 development that are not in conformance with these standards.

458  
459 A. Manufacturing of medical marijuana products may occur only in zoning districts where a Marijuana  
460 Manufacturing Facility is permitted.

461 B. A Medical Marijuana Registered Caregiver Home Establishment is restricted to the property of a  
462 dwelling unit serving as the primary residence of the Registered Caregiver. Proof of primary residence  
463 will be determined by voter registration, vehicle registration, property tax bill and/or other documentation  
464 acceptable to the Town.

465 C. The Registered Caregiver must provide documentation demonstrating ownership of the dwelling unit or a  
466 lease agreement permitting the registered caregiver to operate a Medical Marijuana Registered Caregiver  
467 Home Establishment.

468 D. A Medical Marijuana Registered Caregiver Home Establishment must be an accessory use of the  
469 property, and is limited to utilize 40% or 400-square feet, whichever is greater, of the total floor area  
470 available within the dwelling unit.

471 E. A Medical Marijuana Registered Caregiver Home Establishment is permitted only to see patients,  
472 provide consultations, and perform other functions, pursuant to 22 M.R.S. 558-C §2423-A.

473 F. Hours of operation may be between 7 am and 7 pm Sunday through Saturday inclusive, and must be by  
474 appointment only.

475 G. A Medical Marijuana Registered Caregiver Home Establishment may not have more than three (3)  
476 employees.



- 477 H. There must be adequate parking on the lot to accommodate the property’s residents in accordance with  
478 this Title and zone-specific standards of this Title; provided that at a minimum the site must include two  
479 parking spots plus one spot for each employee.
- 480 I. A Medical Marijuana Registered Caregiver Home Establishment must mitigate offensive odors such  
481 that they are not detectable by reasonable means at the property lines. Odors must be controlled by  
482 whatever best practices exist.
- 483 J. A Medical Marijuana Registered Caregiver Home Establishment is permitted to cultivate a cumulative  
484 total of 30 mature plants or 500 square feet of plant canopy, 60 immature plants, and unlimited  
485 seedlings. Cultivation may occur indoors, outdoors, or both.
- 486 K. The installation and displaying of signage advertising the presence of a Medical Marijuana Registered  
487 Caregiver Home Establishment on a lot is prohibited.

**8. ADD Marijuana Business and Medical Marijuana Registered Caregiver Home Establishment Application and Review as follows:**

488 §16.10.3.8.1 Marijuana Businesses and Medical Marijuana Registered Caregiver Home  
489 Establishments

- 490 A. The Planning Board is the reviewing authority for all applications for new Marijuana Business  
491 applications.

492 §16.10.11 Medical Marijuana Registered Caregiver Home Establishment

493 §16.10.11.1 General

- 494 A. Pursuant to 22 MRS §2429-D, municipalities are prohibited from restricting the number of registered  
495 caregivers operating within their jurisdiction. The regulation of registered caregivers as provided for  
496 herein is not intended to proscribe their operation, but rather to promote the health, safety and welfare of  
497 the Town of Kittery by ensuring that a registered caregiver home establishment is compatible with both  
498 the area it is situated and the community as a whole.

499 §16.10.11.2 Permit required.

- 500 A. An applicant seeking Planning Board approval for a Medical Marijuana Registered Caregiver Home  
501 Establishment must submit a complete application with the following furnished documents:
- 502 i. Proof of property ownership or lease agreement in the Town of Kittery;
  - 503 ii. Proof of residency in Town of Kittery as determined by voter registration, vehicle registration or  
504 other documentation deemed acceptable to the Town;
  - 505 iii. All relevant State of Maine license information demonstrating the applicant as a valid registered

- 506 caregiver;  
507 iv. A site plan that depicts all proposed outdoor growing areas. The Planning Board may require a site  
508 plan designed by a licensed surveyor or civil engineer registered in the State of Maine.  
509 v. A floor plan of the building showing the existing and proposed layout and square footage.  
510 vi. Narrative describing the nature of the registered caregiver operation.

511 B. An application will be approved or approved with conditions if the Planning Board makes a positive  
512 finding based on the information presented that the proposed Medical Marijuana Registered Caregiver  
513 Home Establishment demonstrates compliance with §16.8.30.2 Standards.

514 [NOTE: (NOT PART OF THE DRAFT ORDINANCE) PLANNING BOARD RECOMMENDED AN  
515 ANNUAL PERMITTING PROCESS FOR HOME OCCUPATION WITHIN TITLE 16. THE  
516 RECOMMENDATION IS DUPLICATIVE OF TITLE 5 RENEWAL PROPOSAL AND WOULD  
517 ESTABLISH AN UNNECESSARY BURDEN FOR HOME ESTABLISHMENTS. STAFF HAVE  
518 REMOVED THE DUPLICATION]

**9. REMOVE Marijuana Caregiver as an allowable Home Occupation as follows:**

- 519 § 16.8.22.3 Major home occupation standards.  
520 C. Prohibited uses. The following uses are categorically prohibited as major home occupations: motor  
521 vehicle repair; motor vehicle sales or rental; commercial parking; commercial outdoor storage; junkyard;  
522 auto salvage yard; ~~marijuana retail use~~ Marijuana Business; and ~~marijuana medical use~~ Medical Marijuana  
523 ~~Registered Caregiver Home Establishment~~ except the activities of a primary caregiver registered under 22-  
524 ~~M.R.S. § 2425.~~

**KITTERY TOWN CODE –  
TITLE 5 AND TITLE 16  
MARIJUANA BUSINESSES**

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

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

10 **WHEREAS**, the Town of Kittery seeks to allow well-regulated medical and adult-use marijuana  
11 cultivation, manufacturing, caregiver, and retail operations in Kittery; and

12 **WHEREAS**, the Town of Kittery seeks to establish the land use zones where such uses are  
13 allowed, and establish performance standards for their built environment; and

14 **WHEREAS**, the Town of Kittery seeks to support medical caregiver home occupations, while  
15 addressing compliance of existing home occupations that are operating as retail storefronts; and

16 **WHEREAS**, the Town of Kittery seeks to establish an annual licensing process for all marijuana  
17 businesses to ensure adherence to state law, the Town’s performance standards, and safe  
18 operating practices of these businesses;

19 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN  
20 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AN ADDITION TO TITLE 5,  
21 BUSINESS LICENSES AND REGULATIONS, MARIJUANA BUSINESSES AND  
22 AMENDMENTS TO TITLE 16, LAND USE and DEVELOPMENT CODE, MARIJUANA  
23 BUSINESSES AND MEDICAL CAREGIVER HOME ESTABLISHMENTS OF THE TOWN  
24 CODE, AS PRESENTED.

25 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,  
26 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor  
27 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
28 passed by a vote of \_\_\_\_\_.

29 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,  
30 Maine on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, {NAME}, \_\_\_\_\_, Chairperson

31 **Attest:** {NAME}, \_\_\_\_\_ Town Clerk

Stephen E.F. Langsdorf  
slangsdorf@preti.com

## **M E M O R A N D U M**

**TO:** Kendra Amaral, Manager, Town of Kittery

**FROM:** Stephen E.F. Langsdorf, Town Attorney

**DATE:** August 3, 2021

**RE:** **Marijuana Business Ordinance**

---

I have had an opportunity to review the draft Marijuana ordinances to be added to Title 5 and Title 16 of the Kittery Town Ordinances. Preti Flaherty has been involved in the drafting of this ordinance language and has provided legal advice during the enactment process. It is our opinion that all of the provisions of these draft ordinances are in compliance with State law. Regulation of marijuana businesses, including medical marijuana caregiver home businesses, through licensing and zoning is specifically permitted by State law. Please let me know if you have questions.

To: Kittery Town Council

From: Rice Public Library

Date: 7/7/21

For your consideration,

The donation shall be deposited into the library donation fund (Account ~~SR 5024~~ #5023/43600). This donation is from the Friends of Rice Public Library. They wish these funds to be dedicated for the use of the Capital Campaign fund for furniture, specifically chairs for the children's room in the library addition.

Thank you,



Lee Perkins

3003



**FRIENDS OF THE RICE PUBLIC LIB**  
2 FOLLETT LN  
KITTERY POINT, ME 03905-5103

**KENNEBUNK SAVINGS**  
52-7450/2112

7/7/2021

PAY TO THE  
ORDER OF Town Of Kittery - Rice PL

\$ \*\*5,000.00

DOLLARS

Five Thousand Only\*\*\*\*\*

Rice Public Library  
8 Wentworth Street  
Kittery, Maine 03904



*D. Gray*  
AUTHORIZED SIGNATURE

8881/0319/04-11

Security features. Details on back.

MEMO

Chairs for children's room (furniture)



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

---

**REPORT TO TOWN COUNCIL**

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Meeting Date: August 9, 2021  
From: Kendra Amaral, Town Manager  
Subject: Title 2 Amendments - Firefighters  
Councilor Sponsor: Chairperson Jeffrey Thomson

---

**OVERVIEW**

The proposed amendments incorporate the firefighter position into the Administrative Code of Title 2 in accordance with the FY22 budget approval to add full-time firefighters to the Fire Department.

**PROPOSED TITLE 2 REVISIONS**

Kittery's firefighters are dedicated, well-trained and equipped, and committed to the fire service. In 1975, Kittery had 72 firefighters on the roster. Today, Kittery has a total of 25, however only 15 are qualified, or approximately 60%, based on the State of Maine certification requirements and medical review. Only qualified firefighters may enter any immediately dangerous to life and health atmospheres. Firefighters that are not qualified are still very helpful at fire incidents and on fire scenes, however they are not available resources for all fire calls.

Regardless of qualifications or status, a firefighter must still respond to a call for service to be truly helpful. As discussed in previous years and in the FY22 budget, the availability of call-firefighters is on a steady decline. The lack of availability weekday mornings and afternoons is clearly impacting the town's ability to provide safe and effective fire response. Therefore, the Council approved funding for four full-time firefighters to become a part of the Town's Fire Department.

The proposed amendments add Firefighters to the Administrative Code and incorporate them into the personnel system.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve amendments as proposed.

**ATTACHMENTS**

- Draft Title 2 Firefighter Amendments
- Draft Title 2 Firefighter Enactment

**TITLE 2  
PERSONNEL POSITIONS UPDATE**

1 **ADD Firefighter to Title 2.4.8 as follows:**

2 **2.4.8.6 Firefighter.**

3 The purpose of the Kittery Firefighter is to provide cost-effective services for the preservation and protection  
4 of life, property, and environment from adverse effects of fire, medical emergencies, natural disasters, and  
5 other hazardous conditions for those who live, work and travel in and through the Town of Kittery, and  
6 perform additional tasks as assigned by the Fire Department Officers.

7 **Amend § 2.5.1 Enumeration of positions as follows:**

<b>Section</b>	<b>Position</b>	<b>Established By</b>
<b>Fire</b>		
2.4.8.1	Fire Chief	Council
2.4.8.2	Assistant Chief	Council
2.4.8.3	Deputy Chief	Council
2.4.8.4	Captain	Council
2.4.8.5	Lieutenant	Council
<u>2.4.8.6</u>	<u>Firefighter</u>	<u>Council</u>



**KITTERY TOWN CODE  
TITLE 2  
PERSONNEL POSITION - FIREFIGHTER**

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

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

10 **WHEREAS**, the Town Council seeks to add Firefighters to the Administrative Code and  
11 personnel system;

12 **NOW THEREFORE**, IN ACCORDANCE WITH TITLES 30-A MRS §3001 AND TOWN  
13 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENT TO TITLE 2  
14 OF THE TOWN CODE, AS PRESENTED.

15 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,  
16 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor  
17 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
18 passed by a vote of \_\_\_\_\_.

19 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,  
20 Maine on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, {NAME}, \_\_\_\_\_, Chairperson

21 **Attest:** {NAME}, \_\_\_\_\_ Town Clerk



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

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**REPORT TO TOWN COUNCIL**

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Date: August 9, 2021  
From: Kendra Amaral, Town Manager  
Subject: Disposition of Taylor Building – Request for Proposals  
Councilor Sponsor: Chairperson Jeffrey Thomson

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**EXECUTIVE SUMMARY**

The Town is seeking to dispose of the Taylor Building in a manner consistent with the Taylor Building Committee recommendations, as reported to the Council in January.

To successfully accomplish this, we are recommending a Request for Proposal approach that allows the Town to evaluate proposals for their ability to meet the goals articulated for the site, rather than just focus on highest price offer. Per Town Code Title 3.2.10, the Town Council must approve any alternative approach to disposition of real property.

**REQUEST FOR PROPOSALS**

Attached is a draft Request for Proposals. This draft is intended to a rough draft, with sections still to be added including logistics of submitting a proposal, selection process, and complete index of appendices. The RFP language will be further refined and added to prior to issuance.

Once issued, the final version of the RFP will be posted on our website and advertised in the local newspaper. We will schedule a site walk for interested parties, which is typically occurs two or more weeks prior to the deadline for RFPs.

For the selection process, it is recommended that one or two members of the Council join a team of staff in reviewing proposals and recommending the winning proposal to the full Council. Once the winning proposal is accepted by the Council as a whole, the staff will engage in negotiations on the detailed terms of the sale or lease of the property.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve the use of a Request for Proposal approach.  
Establish consensus on the selection process for the winning proposal.

**ATTACHMENTS**

- Draft Request for Proposals
- Town Code Title 3
- Taylor Building Committee Recommendation Report



Town of Kittery  
Maine

Request for Proposals

**DRAFT**  
**REDEVELOPMENT OF TAYLOR BUILDING**  
**2 WALKER STREET**  
**KITTERY, MAINE**

**Proposals Due**  
**[DATE]**  
**[TIME]**

at  
Town Manager's Office  
200 Rogers Road  
Kittery, ME 03904

**TOWN OF KITTERY MAINE  
REDEVELOPMENT OF TAYLOR BUILDING**

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## INTRODUCTION

### 1. OVERALL VISION

The Town of Kittery (“Town”) is seeking a buyer or lessee with a use or redevelopment plan for the Taylor Building site relating to and supporting the arts, culture, or other community-related purpose that adds to the vitality of the Foreside and surrounding neighborhoods.

### 2. PURPOSE OF SOLICITATION

The Town of Kittery seeks responses and offers for the sale, lease, or redevelopment of property located at 2 Walker Street in the Foreside neighborhood (Map 4 Lot 89), commonly known as the Taylor Building and described in this RFP as the “Property.” The proposed redevelopment on the Property shall focus primarily on a plan to create a business or other active uses that support the arts, culture, or other community-related purpose that adds to the vitality of the Foreside.

The proposed use or redevelopment must be consistent with the Town of Kittery’s Mixed-Use Foreside (MU-KF) zoning district regulations and other applicable ordinances and regulations. The Property is described more particularly in Section 2, Property Description.

The Town reserves the right to award the right to purchase/lease and redevelop/develop all or a portion of the Property to one Offeror, or to the extent practicable, to award the right to purchase/lease and redevelop/develop distinct portions of the Property to separate and multiple Offerors.

Individual firms and teams responding to this RFP shall:

- demonstrate the capability and resources to operate an arts or culture related use compatible within a neighborhood of a mix of commercial, residential, and institutional uses,
- demonstrate the ability to direct arts or cultural activities that support economic growth in collaboration with private sector and public sector partners and communities,
- demonstrate the ability to execute a financial closing within approximately six months of execution of a contract or development agreement with the Town, and
- use or redevelop/develop the Property in a timely manner, as awarded.

The Town places strong emphasis on proposals that include collaboration with nearby entrepreneurs and businesses in the Foreside, as well as the provision of public or shared-use parking arrangements.

### 3. OVERVIEW OF THE TAYLOR BUILDING DISPOSITION PROCESS

The Town is issuing this RFP as the owner of the property. The Taylor Building, at 2 Walker Street, a former courthouse built in 1965, has housed part of the Rice Public Library collections since 1990. The Town intends to discontinue use of the Taylor Building in April of 2022, when it relocates its collections and Library services to the expanded and renovated Rice Public Library building.

In March 2019, the building was appraised by Mainland Consultants at \$770,000. Its current assessed value is \$559,000.

36 The Town formed the Taylor Committee in May 2018 to conduct research and outreach to identify  
37 what opportunities and concerns are related to the sale, lease, or re-use of the Taylor Building  
38 property, and to develop a request for concept proposals process, including reviewing proposals and  
39 recommending the most advantageous concept to Town Council based on criteria it establishes.

40 Over the course of 3 years and 14 meetings, the Committee reviewed documents like the Foreside  
41 Study and the Comprehensive Plan, and the status of other Town-owned properties in the Foreside  
42 (which include the Walker Street Fire Station/Ambulance Service site and the former Dineen property  
43 at 3 Walker Street), along with the Taylor Building site.

44 In November 2018, Committee members assisted the Town with gathering responses to the Foreside  
45 use survey, primarily by asking residents to complete the survey at the Community Center on Election  
46 Day. Although the survey was not dedicated to the Taylor Building (and did not mention the  
47 property), the Committee wanted to help generate a large number of responses to get a significant  
48 amount of public input on the future of the Foreside. Over a period of two weeks, 603 residents  
49 completed the survey. Results suggested that Kittery residents prioritized additional arts, music, and  
50 cultural opportunities in the Foreside, followed by restaurants and retail. In another question,  
51 residents prioritized additional housing above ground floor commercial (i.e., preferring it to other  
52 types of residential development), and a third question about public space indicated that residents  
53 prioritized green spaces with seating, followed by waterfront access. Another question prioritized  
54 "Preserving the character" of the Foreside. The full survey results are attached.

55 At the June 2019 Foreside Block Party, the Committee gathered further public input, specific to the  
56 Taylor Building, via postcards distributed at a table outside of the building, with about 25 cards  
57 gathered, which included varied suggestions for the future use of the property.

58 In fall of 2019, the Committee prepared a proposal submission process for "concept proposals" on  
59 future uses of the site, with the intention that such proposals cast a wide net and be easily accessible  
60 to any individual or entity wishing to submit a proposal, although the proposals needed to  
61 demonstrate serious intent and the capacity to carry out the project (See Appendix A for the full  
62 proposal). Criteria included the following:

- 63 • the extent to which the project is reasonable and feasible,
- 64 • the extent to which the proposal contributes to economic/community development within the  
65 Foreside,
- 66 • the extent to which the proposal will enhance the future quality of life for the community.

67 Due to the COVID emergency, the original proposal deadline of March 25 was extended to April 9 and  
68 then until September 15, 2020.

69 After reviewing the submissions, the Taylor Committee recommended that the Town of Kittery  
70 prioritize the sale or long-term lease of the Taylor Building to a non-profit organization that supports  
71 the arts, culture, or other community-related purpose that adds to the vitality of the Foreside. It  
72 further recommended that such sale or lease include terms that support public use of the parking lot  
73 in a manner supportive of the Foreside. Finally, if the building is sold to a non-profit organization, the  
74 Committee recommended the Town build in safeguards to any agreement that ensure future

75 transfers of the property are to be consistent with the goals of supporting art, culture, or other  
76 community-related purpose that adds to the vitality of the Foreside.

#### 77 **4. TOWN OF KITTERY AND KITTERY FORESIDE OVERVIEW**

78 The Town of Kittery is the oldest town in the State of Maine, incorporated in 1647. Early settlers from  
79 England became fishermen, merchants, and shipbuilders in Kittery. Today, approximately 10,000  
80 people live in Kittery.

81 Kittery was known for shipbuilding during colonial times and in 1800 the first Federal shipyard in the  
82 United States was established here. Construction of submarines started during World War I, and  
83 today the Portsmouth Naval Shipyard continues to play a pivotal role in maintaining the nation's  
84 defenses. Kittery is the southernmost town in Maine and many travelers headed north visit here first.  
85 Although known for its retail outlet stores along US Route 1, Kittery has an abundance of history and  
86 character, showcased most notably by the Foreside neighborhood.

87 The Foreside is the historic center of commerce and activity in Kittery. It contains some of the oldest  
88 commercial structures and homes in the Town and is a lively and active mixed-use neighborhood. The  
89 Portsmouth Naval Shipyard entrance is in the Foreside and directly across the street from the Taylor  
90 Building. In the last decade, the Foreside has become a center for critically acclaimed restaurants and  
91 unique retail offerings.

#### 92 **5. PROPERTY DESCRIPTION**

93 The Property, located at 2 Walker Street, Kittery, Maine 03904, is approximately .35 acres (15,246  
94 square feet) with a 4,900 square-foot commercial building built in 1965. The site includes XX off-  
95 street parking spaces. Property information via the Tax Assessor database is included in the  
96 addendum. The site is in the heart of the Foreside neighborhood, with frontage located along both  
97 Walker Street and Wentworth Street.

98 The Property is currently zoned Mixed-Use Kittery-Foreside (MU-KF) and zoning district standards  
99 may be found at [www.kitteryme.gov](http://www.kitteryme.gov). Any proposed project design and development are subject to  
100 the Kittery Design Handbook found at [www.kitteryme.gov/planning-and-development](http://www.kitteryme.gov/planning-and-development), site specific  
101 zoning approvals, and will also be subject to various other ordinances, covenants, conditions,  
102 restrictions, requirements and/or public policy objectives designed to assist the Town of Kittery in  
103 achieving their related vision for property and the Foreside.

### 104 **SCOPE – PROJECT REQUIREMENTS AND PREFERENCES**

#### 105 **6. Site Development Requirements and Preferences for the Property**

106 The Town of Kittery contemplates that the Taylor Building redevelopment will be a valuable asset to  
107 the community and a transformative redevelopment effort. To ensure the community focus of the  
108 process, the selected offer must advance several important goals through the redevelopment,  
109 activation, and use of the Property. While these goals are generally described in this document, the  
110 Town of Kittery reserves the right to incorporate additional goals, program components and/or  
111 preferences in the development of the site by amending this RFP.

112 **7. Proposal Requirements**

113 Submitted proposals should include detailed information on the following requirements and  
114 preferences.

115 **A. Arts, Culture, and Community Engagement**

116 The Foreside neighborhood is a vibrant center of commercial and residential activity, and hosts public  
117 and private events that add to the culture and sense of community in Kittery. The Town desires a use  
118 for the Taylor Building that will contribute to the arts or cultural use that will complement the current  
119 retail, restaurant, services, and residential uses that dominate the Foreside. The Town desires to  
120 support strong, livable communities with increased creative recognition and activity. This emphasis  
121 invites people to gather, enriches the cultural lives of residents and honors the cultural, artistic, and  
122 creative activities that promote the culture, heritage, and artistic practices of the neighborhood while  
123 offering opportunities for the display of community-enriching art. Arts and culture support social and  
124 physical connectivity, drive economic prosperity, reinforce community preservation and renewal,  
125 honor and foster new ideas and creativity, and celebrate traditions and heritage. The plan submitted  
126 by the Offeror should recognize and support these goals and include arts and culture as an integral  
127 part of the overall design and activation of the Property, as well as embrace the community and  
128 maintain robust and innovative community engagement throughout the activation, development,  
129 and implementation of the redevelopment plan for the Property.

130 Minimum Proposal Requirements:

- 131 • A-1. Describe how art and culture reflective of the community will be integrated into the building  
132 use, site layout, and activation strategy.
- 133 • A-2. Describe the strategies planned to support the proposed use and create a use  
134 complementary to the community.

135 Strong Preferences:

- 136 • A-3. Identify opportunities to collaborate with other stakeholders in the area (businesses,  
137 government, and non-profit entities, etc.) to encourage a non-duplicative diversity of art and  
138 culture offerings on the site.

139 **B. Land Use and Site Plan**

140 It is the Town of Kittery's desire to attract development that contributes to the historic nature of the  
141 Foreside neighborhood and complements the existing form and scale of development found in the  
142 community.

143 Minimum Requirements:

- 144 • B-1. Demonstrate that the proposed use conforms to the requirements of the Mixed-Use Kittery  
145 Foreside zoning district.
- 146 • B-2. Describe what the redevelopment of the Property may include and how the project design  
147 will compliment or interact with other architecture in the Foreside.

148 Strong Preferences:



149 • B-3. Describe how the redevelopment will reuse – rather than demolish – the existing building  
150 and/or retain the form and scale of a site that has not appreciably changed since 1965.

151 • B-4. Describe how the redevelopment may support a provision for shared-use parking or public  
152 parking arrangement during off-peak hours.

### 153 **C. Economic Development**

154 The Town of Kittery has defined in the vision for the site its desire to create a project that  
155 complements the existing services and activities in the Foreside but that assists in its economic  
156 growth. Preference will be given to proposals that demonstrate a clear understanding of the  
157 Foreside’s business culture. Proposals should consider creative models that encourage partnerships  
158 with entities that will enhance the Foreside neighborhood.

#### 159 Minimum Requirements:

160 • C-1. Demonstrate how the proposed use and/or plan supports the economic development goals  
161 of the Foreside and the Town of Kittery.

162 • C-2 Demonstrate an understanding of the Foreside’s business and neighborhood culture.

#### 163 Strong Preferences:

164 • C-3 Describe any proposed shared uses for the site such as maker spaces, art studios, or other  
165 creative ideas that may stimulate and support local entrepreneurs and small businesses in Kittery.

### 166 **D. Financial Feasibility and Development Timeline**

167 The plan submitted for the Property must be innovative, inclusive of the minimum requirements  
168 highlighted in this Section 3, but importantly, must be financially feasible. The Town of Kittery wishes  
169 to repurpose the Property expeditiously following the Town’s relocation of the library operations in  
170 April 2022; thus, the selected plan must demonstrate a realistic and achievable financial plan and  
171 structure that will support the timely redevelopment of the Property. In addition, the development  
172 plan must offer a realistic timeline for completion of the various components of the plan.

#### 173 Minimum Requirements:

174 • D-1. Describe the financial feasibility of the proposed project through a clear description of  
175 sources and uses of funds to effect the redevelopment, specific partners, subsidies or grants  
176 anticipated, phasing, and estimated closing timelines.

177 • D-2 Describe an actionable timeline for redevelopment and activation of the Property. The timeline  
178 must begin at the execution of the purchase and sale agreement and delineate any phasing.

### 179 **E. Development Team**

180 The development team must demonstrate that it has the technical capacity and commitment to  
181 implement the development plan in a timely and efficient manner.

#### 182 Minimum Requirements:

- 183 • E-1 Demonstrate successful experience in developing and operating businesses or projects similar  
184 in nature and scope of the proposed project.
- 185 • E-2 Submit resumes of individuals, organizations or firm(s) involved in the project and assigned  
186 professional/key personnel of the development team.
- 187 • E-3. List three (3) business or professional references for the Offeror team.

188 **8. PRICE PROPOSAL**

189 The Town will entertain sale or long-term lease proposals for the Property. The Town's Strong  
190 Preference is to sell the Property with covenants that ensure a commitment that future uses of the  
191 site are consistent with the goals of supporting the arts, culture, or other community-related  
192 activities that add to the vitality of the Foreside and surrounding neighborhoods.

193 Offeror must submit a preliminary acquisition/lease price proposal for the property as part of the  
194 Offeror's overall proposal submission. The acquisition/lease price proposal for the Property shall  
195 include the proposed structure of the Property purchase and/or lease. The price proposal should  
196 include information on the fair market value as determined by a licensed appraiser and describe what  
197 factors the Town should consider relative to the redevelopment proposal that may increase or  
198 decrease fair market value. The Town of Kittery may order an independent appraisal once a response  
199 is selected.

200 **9. PROPOSAL SUBMISSIONS**

201 [Will be populated with standard language prior to issuance]

202 **10. SELECTION PROCESS**

203 [Will be populated following Council discussion]

204 **11. EXISTING CONDITIONS**

205 Descriptions of the site and building provided, verbal or otherwise, are intended only as an aid. The  
206 Offeror will be responsible for verifying all existing conditions prior to transacting a purchase or lease.

207 **12. CANCELLATION OF RFP, REJECTION OF PROPOSALS, ACCEPTANCE OF ALTERNATIVES**

208 The Town reserves the right to cancel the RFP and/or reject any and all proposals and/or to waive any  
209 informalities if deemed in the best interest of the Town to do so. The Town reserves the right to  
210 accept or reject proposed alternatives if deemed in its best interest. The Town is the sole judge of its  
211 best interest.

**APPENDICES**

**§ 3.2.10. Disposal of property.**

- A. All municipally owned property, real or personal, must be disposed of either by:
- (1) Trade-in on purchase of new equipment. Any item that is offered as a trade-in must also be offered for sale by competitive bid. The higher amount of the two (trade-in allowance or bid) must be accepted;
  - (2) Sealed bids; or
  - (3) Auction.
- B. Monies received from the disposal of property. **[Added 11-10-2014 by Ord. No. 14-07; amended 10-14-2020 by Ord. No. 20-07]**
- (1) Real property obtained through tax foreclosure. Unless otherwise requested by the Town Manager and so directed by the Council, monies received from the disposal of real property obtained through tax foreclosure, pursuant to Subsection A(2) and (3), must be credited to the housing reserve fund, net of taxes owed on the property, fines and fees associated with the foreclosure and sale of the property, and any and all municipal fines and fees associated with the property.
  - (2) Personal property. Unless otherwise requested by the Town Manager and so directed by the Council, monies received from the disposal of personal property pursuant to Subsection A(2) and (3) above must be credited to the vehicle or equipment reserve fund revenue account designated as the current vehicle or equipment fund used by the department for which it was purchased.
  - (3) Other property. Unless otherwise requested by the Town Manager and so directed by the Council, all other monies received from the disposal of property, real or personal, must be credited to the undesignated reserve fund, net of any fines, fees, or taxes associated with the property or its disposal.
- C. This chapter does not apply to disposal of:
- (1) Items commonly termed refuse, waste or trash;
  - (2) Recycled material emanating from the solid waste facility;
  - (3) Compost or sludge materials developed by treatment of sewage;
  - (4) Interdepartmental transfers approved by the Town Manager; or
  - (5) Property whose estimated value is less than \$100.
- D. The above procedure must be followed at all times unless prior approval is obtained from the Town Council.

## **Taylor Building Committee Report and Recommendations January 19, 2021**

### **Recommendation**

The Taylor Committee recommends that the Town of Kittery prioritize the sale or long-term lease of the Taylor Building to a non-profit organization that supports the art, culture, or other community-related purpose that adds to the vitality of the Foreside. It further recommends that such sale or lease includes terms that support public access to the parking lot in a manner that supports the Foreside. Finally, if the building is sold to a non-profit organization, the Committee recommends that the Town build in safeguards to the sale agreement to ensure future transfers of the property must be consistent with the goals of supporting art, culture, or other community-related purpose that adds to the vitality of the Foreside.

### **History and process of the Taylor Committee, May 2018-December 2020**

The Taylor Building, located on a .35-acre lot at 2 Walker Street, a former courthouse built in 1965, has housed part of the Rice Public Library collections since 1990.

In March 2019, the building was appraised by Mainland Consultants at \$770,000. Its current assessed value is \$559,000.

The Committee began to meet in the May of 2018, charged by the Town Council to conduct research and outreach to identify what the opportunities and concerns are related to the sale, lease or re-use of the Taylor Building property, and to develop a request for proposals and oversee the process, including reviewing proposals and recommending the most advantageous concept to the Council based on criteria it establishes.

Over the course of 3 years, and 14 meetings, the Committee reviewed documents such as the Foreside Study and the Comprehensive Plan, and the status of other town-owned properties in the Foreside (which include the Walker Street Ambulance Service site and the former Dineen property at 3 Walker Street), and the Taylor site.

In November 2018, Committee members assisted the Town with gathering responses to the Foreside use survey, primarily by asking residents to complete the survey at the Community Center on Election Day. Although the survey was not dedicated to the Taylor Building (and did not mention the property), the Committee wanted to help generate a large number of responses to get a significant amount of public input on the future of the Foreside. All told, over a period of two weeks, 603 residents completed the survey. Results suggested that Kittery residents prioritize additional arts, music & cultural opportunities in the Foreside, followed by restaurants and retail. In another question, residents prioritized additional housing above ground floor commercial (i.e. preferring it to other types of residential development), and a third question about public space indicated that residents prioritized green spaces with seating, followed by waterfront access. Another question prioritized “Preserving the character” of the Foreside (The full survey results are available in Appendix A).

At the June 2019 Block Party, the Committee gathered further public input, specific to the Taylor Building, via postcards distributed at a table outside of the building, with about 25 cards gathered, with varied suggestions for future use of the property.

In fall of 2019, the Committee prepared a proposal submission process for “concept proposals” on future use of the site, with the intention that such proposals cast a wide net and be easily accessible to any individual or entity wishing to submit a proposal, although the proposals needed to demonstrate serious intent and the capacity to carry out the project (See Appendix B for the full proposal). Criteria included the following:

- the extent to which the project is reasonable and feasible;
- The extent to which the proposal contributes to economic/community development within the Foreside;
- The extent to which the proposal will enhance the future quality of life for the community.

Due to the COVID emergency, the original proposal deadline of March 25 was extended to April 9 and then until September 15, 2020. Three proposals were submitted, as follows:

- From Seacoast-Apart Hotels, a proposal to purchase the property and construct a 12-unit extended stay hotel with studio apartment aimed at contractors, visiting nurses, and others needing short-term lodging in Kittery. The proposed height of the building would be the same as 60 Government Street. The facility would have 14 parking spaces, some of which could be available for other uses during the middle of the day.
- From Jaqueline and Jeffrey Kilty, a proposal to purchase the property to develop a 20-unit (single room) micro-apartment building with shared amenities aimed at providing workforce housing opportunities.
- From the Kittery Art Association, a proposal for a long-term lease of the property from the town so that it could relocate from its Kittery Point location to the Foreside. The KAA would have workshops, arts shows and other events at the Taylor. Parking would be available to the general public when KAA events were not happening.

As part of this process, the Committee reviewed estimates on costs for establishing a park or a parking lot at the site, as well as leasing scenarios prepared by town officials (Appendix C and Appendix D), along with how proceeds from a sale might be used by the Town.

A rough estimate cost analysis by the Town Manager and Director of Planning & Economic Development suggested that developing the Taylor property into a parking lot would cost approximately \$255,649, including demolition, site work, and paving. The estimated cost for transforming the property into a park is approximately \$210,766. These estimates are based on various (and recent) cost estimates associated with the Rice Library project and the Emery field project.

If the building were to be leased, the Committee concurred it should be a double-net lease agreement, for no less than 10 years (or longer) with renewal options, and that the tenant would take on the

responsibility for the upkeep and repair of the building, and would fund any improvements or renovations to the building, with major improvements approved by the Town. One advantage of leasing is the Town maintains ownership and oversight, to a degree, of that corner of the Foreside for the foreseeable future.

If the Taylor Building were sold, funds could be used in various ways, including designating \$100-200K for furniture and equipment for the Rice Public Library Project; lowering bond and/or debt service (\$500,000 will save approximately ~\$30,000 a year on debt service); applying to other capital projects (e.g. roads and sidewalks, open space/parks, removal of Cole Street Rec Center building; sustainability/energy efficiency initiatives; fund relocation of ambulance service to Gorges Road), or adding to undesignated reserve for future needs. Per Kittery's Town Charter, voters would need to authorize the council to sell the building through a public vote (not to a specific buyer, but to give Council authorization to make the sale).

After debate and discussion, the Committee opted not to recommend the future use of the Taylor site as a park or parking lot. While recognizing that the preservation of open space in the Foreside is an important goal, the general feeling was that the location is not ideal for a park (especially given its proximity to the busy intersection), and that a parking lot is not the best use of this prominent corner of the Foreside.

Upon further discussion and review of the two private development proposals, the committee opted not to recommend this type of development – essentially a fairly large three-story building --as the building scale felt out of proportion for that corner. The committee recognized the need both for affordable housing and a short-term stay hotel, but thought that these proposals might be better suited to other parcels in the Foreside.

After reviewing the proposal submitted by the Kittery Art Association, and a follow-up informational meeting between KAA representatives and the Town Manager and Planning Director, the Committee met again in December 2020 to further discuss the proposals.

At that meeting, the Committee came to a consensus that the best future use of the Taylor Building is its sale or lease to a non-profit organization supporting the arts, culture, or other purpose that benefits the community, and adds to the vitality of the Foreside.

At the January 19, 2021 meeting of the Committee, George Dow motioned to send the Taylor Committee's recommendation to the Town Council. Jeff Thomson seconded the motion. The motion was approved unanimously.

Additionally, at that meeting, Jeff Thomson motioned to send the accompanying report on the Taylor Committee history and process to the Town Council. Jan Lamont-Rodonets seconded the motion. The motion was approved unanimously.

Report to Council

Meeting Date: Monday, August 9, 2021

Subject: Letter of Support for Kittery Land Trust's MNRCF Grant Application

Councilor Sponsor: Vice-Chair Judy Spiller

### **Executive Summary**

The Kittery Land Trust (KLT) has requested a letter of support from the Town Council for their grant application to the Maine Natural Resources Conservation Fund (MNRCF). The funding would be directed to the Land Trust's acquisition and preservation of 87 acres of land in Kittery and Eliot, currently owned by the Wollerscheid family. This property, adjacent to Rustlewood Farm now protected from development. The Wollerscheid property has high development potential, but it encompasses important and sensitive natural resources, making it worthy of protection. It includes Kittery's only gravel-sand aquifer and trout and other anadromous fish breeding sites in Cutts Ridge Brook, which crosses the land. The KLT is the grant sponsor, and the application is being submitted in collaboration with the Great Works Land Trust (GWLT) and the Maine Coast Heritage Trust (MCHT). The grant application does not commit the Town of Kittery to any funding.

### **Background**

The Kittery Land Trust (KLT) seeks funding to purchase a 87 acre property with diverse wildlife habitat, aquatic resources, and land forms from the Wollerscheid family. The property straddles the Kittery/Eliot town line. The 35 acres in Kittery feature mature woodland, Cutts Ridge, and 320' of Cutts Ridge Brook, a tributary of the York River. Existing woods roads and trails provide excellent views of Mt. Agamenticus from the high points on Cutts Ridge (a glacial feature identified as a significant aquifer). The 52 acre portion in Eliot includes another 0.36 miles of Cutts Ridge Brook, associated wetlands and springs, significant upland buffer, woodland, and a hay field providing field/forest interface.

To the south, the property abuts Rustlewood Farm, the 300 acre working dairy farm, protected from development by multiple conservation easements purchased by KLT in 2014. Access to the Wollerscheid property includes frontage along Goodwin Road (Route 101) in Eliot and a 50 foot wide right of way from the north end of Remick Lane in Kittery.

KLT is collaborating with the Great Works Land Trust (GWLT) and the Maine Coastal Heritage Trust to acquire the property. As the project sponsor, KLT will own and manage the property. The land is included in the focus areas of the Mt. Agamenticus to the Sea Conservation Initiative, the York River Whole Place Plan, and the Great Thicket NWR Acquisition Boundary. Cutts Ridge Brook is part of the York River watershed, recommended for designation as a Partnership Wild and Scenic River under the National Park Service's Wild and Scenic Rivers Program.

The property has high development potential and with the rapidly escalating housing market in Eliot and Kittery, there is a high level of urgency to conserve this property. The family has been approached by two developers to sell the property for residential lot development. The family, however, prefers that the land be conserved, and they approached the KLT to buy the property. The family would make a 3 acre division of land in Eliot for the farmhouse on what is currently a 90 acre property. The KLT would maintain trails on the remaining 87 acres and seek



to provide a small parking area for stewards and visitors. Property would include invasive species management.

A letter of support from the Kittery Town Council would not commit to the Town to any funding.

**Recommended Action**

Move to provide a letter of support:

The Kittery Town Council moves to provide a letter of support for the Kittery Land Trust's application to the Maine Natural Resources Conservation Program for a grant to assist in the Land Trust in acquiring the Wollerscheid property.

Draft Letter of Support

August [REDACTED], 2021

To: Maine Natural Resources Conservation Program Review Committee  
Maine Department of Environmental Protection

Dear Committee Members:

The Kittery Town Council is writing to express its strong support for the Kittery Land Trust's (KLT) application for a Maine Natural Resources Conservation Program (MNRCP) grant to help acquire and preserve 87 acres of land in Kittery and Eliot currently owned by the Wollerscheid family. KLT is the Project Sponsor and is collaborating with Great Works Regional Land Trust (GWRLT) and Maine Coast Heritage Trust (MCHT) to prepare the application.

The Wollerscheid property is a mixture of mature woodland, wetlands, upland buffers, a hay field, and the northerly part of Kittery's only sand and gravel aquifer. To the south it borders 300-acre Rustlewood Farm, owned by the Johnson family, which is protected from development via two conservation easements acquired in 2014 through the efforts of the KLT and support from several agencies and both the Towns of Kittery and Eliot. Cutts Ridge Brook (designated as brook trout habitat by Maine DEP) flows for over 2,200 feet through the property. Springs located at the north end of the aquifer drain to the Brook.

Supporting the KLT efforts to preserve the Wollerscheid property will have a positive impact on the aquatic resources of the Cutts Ridge Brook, a tributary to the York River. KLT has a strong record of protecting important Kittery natural resources, preserving and providing stewardship on over 830 acres since 1987. The Kittery Town Council recognizes the value that the KLT's efforts to the benefit of Kittery's residents and its environment. The environmental importance of Wollerscheid property and the experienced project team make this project a worthy recipient of your funding.

Thank you for the opportunity to express support of this important preservation project.

Sincerely



**TOWN OF KITTELY**  
**200 Rogers Road, Kittery, ME 03904**  
**Telephone: 207-475-1329**

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**REPORT TO TOWN COUNCIL**

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Date: August 9, 2021  
From: Kendra Amaral, Town Manager  
Subject: Remote Meeting Policy  
Councilor Sponsor: Chairperson Jeffrey Thomson

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**EXECUTIVE SUMMARY**

In accordance with 1 MRS §403-B, the Town must adopt a policy for remote meeting participation by members of Town Council, Boards, Commissions, and Committees.

The proposed policy allows for both members of the public body and the public to participate in meetings entirely remotely (under certain circumstances) and via hybrid meetings.

The policy follows the sample policy drafted by the Maine Municipal Association following the adoption of the new law.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve the policy as proposed.

**ATTACHMENTS**

- Draft Remote Participation Policy
- 1 MRS §403-B

1 **POLICY FOR REMOTE MEETINGS OF THE COUNCIL, BOARDS, COMMISSIONS AND**  
2 **COMMITTEES**

3 Pursuant to 1 MRS §403-B, the following policy is established to govern the participation, via remote  
4 methods, of members of the Town of Kittery Council, Boards, Commissions, and Committees.

5 Members of the Kittery Town Council, and the Boards, Commissions, and Committees established by  
6 Town Charter or Town Code (Title 4) are expected to be physically present for meetings except when  
7 not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via  
8 remote methods, or if a members may experience significant difficulty in traveling to the meeting  
9 location due to illness, or other physical condition or temporary absence from the Town.

10 **1. Determination of Remote Meeting Participation**

11 A member of the body who is unable to attend a meeting in person will notify the Chair or presiding  
12 officer (i.e. Vice Chair, Chair pro tempore, etc.) of the body as far in advance as possible.

13 A member of the body who participates remotely will be considered present for the purposes of a  
14 quorum and voting.

15 In the case of an emergency or urgent issue, the Chair, or presiding officer of the body, in consultation  
16 with other members if appropriate and possible, will make a determination that remote methods of  
17 participation are necessary in as timely a manner as possible under the circumstances.

18 **2. Method of Remote Meeting Participation**

19 Remote methods of participation may include telephonic or video technology allowing simultaneous  
20 reception of information and may include other means necessary to accommodate disabled persons.  
21 Remote participation will not be by text-only means such as email, text messages, or chat functions.

22 **3. Public Participation**

23 The public will be provided a meaningful opportunity to attend via remote methods when any member  
24 of the body participates via remote methods. If public input is allowed or required at the meeting, an  
25 effective means of communication between the body and the public will also be provided. The public  
26 will also be provided an opportunity to attend the meeting in person, unless there is an emergency or  
27 urgent issue that requires the entire body to meet using remote methods.

28 **4. Notice of Remote Participation**

29 When the public may attend via remote methods, notice will include the means by which the public may  
30 access the meeting remotely and will provide a method for disabled persons to request necessary  
31 accommodation to access the meeting. Notice will also identify the location where the public may  
32 attend the meeting in person. The body will not restrict public attendance to remote methods except in  
33 the case of an emergency or urgent issue that requires the body to meet using entirely remote methods  
34 of attendance only.

35 **5. Votes During Remote Meetings**

36 All votes taken during a meeting where members are using remote methods will be by roll call that can  
37 be seen and heard if using video technology (including broadcast video), or heard if using audio  
38 technology only, by other members of the body and the public.

39 **6. Technical Issues**

40 It is recognized that the technology required to accomplish hybrid meetings is not perfected, and some  
41 technical issues may occur. Every effort will be made to ensure participation via video technology and  
42 audio technology is seamless and without issues.

43 When technical issues arise, the Chair or presiding officer will determine whether the technical issues  
44 directly prohibit public input if allowed or required at the meeting (public hearing, public comment), or if  
45 the technical issues prohibit the body's roll call votes from being heard or seen by other members of the  
46 body or the public.

47 **7. Policy Exception and Review**

48 All applicable provisions of State Law, Town Charter, and Town Code apply to the meeting of Town of  
49 Kittery public bodies. The policy will be reviewed and updated by the Town Council, as needed, to  
50 ensure compliance with applicable laws.

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

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S.P. 40 - L.D. 32

**An Act Regarding Remote Participation in Public Proceedings**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the state of emergency declared by the Governor pursuant to the Maine Revised Statutes, Title 37-B, section 742 in response to the public health emergency caused by the spread of the novel coronavirus disease referred to as COVID-19 may terminate sooner than 90 days after the adjournment of the First Special Session of the 130th Legislature; and

**Whereas,** the Maine Revised Statutes, Title 1, section 403-A governs remote participation in public proceedings of certain public bodies but is automatically repealed 30 days after the termination of the state of emergency declared by the Governor; and

**Whereas,** there is a need to have in place a law that governs remote participation in public proceedings of certain public bodies after the termination of the state of emergency declared by the Governor; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 1 MRSA §403-B** is enacted to read:

**§403-B. Remote participation in public proceedings**

**1. Remote participation.** This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

**2. Requirements.** A public body subject to this subchapter may allow members of the body to participate in a public proceeding using remote methods only under the following conditions:

A. After notice and hearing the body has adopted a written policy governing the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods;

B. The policy adopted pursuant to paragraph A must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include:

(1) The existence of an emergency or urgent issue that requires the public body to meet by remote methods;

(2) Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under section 406;

(3) With respect to a public body with statewide membership, significant distance a member must travel to be physically present at the location in the notice under section 406; and

(4) The area of the public body's jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities;

D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided;

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except under the conditions in paragraph B, subparagraph (1);

F. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;

G. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public; and

H. The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend

the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

**3. Remote participation not permitted.** This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

**4. Application.** This section does not apply to:

A. The Legislature; or

B. A public body to which specific statutory provisions for remote participation apply.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.





**TOWN OF KITTERY**  
**Planning and Development Department**  
**200 Rogers Road, Kittery, ME 03904**  
**Telephone: 207-475-1307**

**TO:** KENDRA AMARAL, TOWN MANAGER  
**FROM:** ADAM CAUSEY, DIRECTOR OF PLANNING & DEVELOPMENT  
**SUBJECT:** PROPOSED TITLE 16 LAND USE TEXT AMENDMENT: GAS STATION BUFFERS  
**DATE:** AUGUST 3, 2021

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Cumberland Farms, an operator of convenience stores and gas stations in eight states, is interested in developing a new one at 355 US Route 1 in Kittery. The current zoning restrictions in the C-1 zone prohibit gas stations within 1,000 feet of a private residence and within 150 feet of an existing structure. An existing residence is located within 1,000 feet to the southeast, crossing US Route 1 and Spruce Creek and, since the existing zoning code defines a structure as “anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground,” the site clearly does not meet the current buffer restrictions. Cumberland Farms requests to amend Title 16 Land Use Code with a proposed text amendment that would alter the existing buffer restrictions for gas stations located in Section 16.3.2.11.C(1)(a) with the following language:

“Gas sales if: i) not located within 1,000 feet of an existing gasoline station; ii) not located within 1,000 feet of an existing private residence unless that 1,000-foot measurement is bisected by an arterial as defined in Article 16.8.4.3.A. in which case not located within 800 feet of an existing private residence; and iii) not located within 150 feet of an existing building.”

The Planning Board held a public hearing on the request at their regularly scheduled meeting on Thursday, July 22, 2021. After deliberation, the Planning Board affirmatively voted 4 to 2 that the amendment as proposed should not be recommended for adoption by Town Council. As the municipal reviewing authority, the Town Council must decide whether to hold a public hearing on this matter.

While the proposed language would narrowly permit such a gas station use at the subject site, there are sound reasons that warrant a denial of or no further action on this proposed amendment:

- The Town of Kittery Comprehensive Plan contains the following goal for the Route 1 corridor: “Develop guidelines for the future redevelopment of the RT. 1 corridor into a mixed-use, pedestrian-oriented area” (Goal Statement 3.3, page 81). While one could argue that a gas station represents a “mix” of uses amongst the existing retail environment along Route 1, it hardly qualifies as “pedestrian-oriented” due to its primary use of servicing the

fueling needs of automobiles. Comprehensive Goal Statement 4.1.4., “Update zoning regulations to encourage multi-family housing where appropriate” supports a recent update to the C-1 zone explained further below. Comprehensive Goal Statement 5.3 declares the Town’s intent to “explore ways of providing non-vehicular modes of transportation,” supporting the provision of alternative modes of transportation and sustainable green transportation practices; goals that are undercut by making gas stations more prevalent along Route 1.

- To fulfill the above, Town staff, various citizen committees, the Planning Board, and Town Council have spent considerable time and resources amending the C-1 zoning district to position the corridor for redevelopment into a pedestrian-friendly, mixed-use corridor via the inclusion of denser residential uses that previously were not permitted. Approving language that would more easily permit an automobile centered use like a gas station works against this goal.
- Likewise, the Town has spent time and resources on the recodification of Title 16 in an effort to make the zoning code more straightforward, user-friendly, and easier to implement. The proposed amendment, while narrowly written to allow a gas station at this location, is a fairly technical revision to a fairly simple buffer requirement. As illustrated by the maps provided by the Town Planner in his report to the Planning Board, the proposed buffer language actually creates multiple distances of buffers depending on the uses on either side of Route 1 and I-95/Maine Turnpike, or another “arterial highway.” Adding the proposed paragraph injects complicated language in a land use code that staff is trying to simplify.
- The applicant included site plans and architectural renderings of a hypothetical Cumberland Farms gas station at the identified location that elicited a lengthy discussion between the Planning Board and the applicant’s site designers. However, it is important to note that the proposed text amendment does not guarantee that the submitted renderings or even a specific brand of gas station would ultimately be built. An entirely separate site plan review process is required should an allowable use be proposed for a site, and the submission of any site plans or drawings at this point is completely irrelevant. The proposed text amendment would allow any gas station to operate at a location meeting the proposed buffer, subject to its approval after all required Planning Board and staff reviews, and the satisfaction of all applicable Town ordinances, state laws, and design standards. Development projects routinely fail for many reasons – real estate issues, market and financial changes, environmental concerns, etc. – and any promise by the applicant of a specific architectural standards, upgraded landscaping, increased tax revenue, or enhanced economic growth cannot be relied upon at this time.

The Town Planner presented the proposed amendment and his analysis of the practical impacts of it to the Planning Board in accordance with Town ordinances. As the department head responsible for the Town’s economic development planning, it is my recommendation to the Town Manager

that the proposed amendment does not advance the Town's objectives regarding future development of the Route 1 corridor and other reasons cited above.

Thank you,  
Adam Causey, AICP  
Director of Planning & Development

## Town of Kittery Planning Board Meeting July 22, 2021

### ITEM 1— Land Use Development Code Amendments—Proposed Revisions to Title 16 to Amend Distant Requirements between a Gas Station and Protective Structures.

Action: Continue to a subsequent meeting, close public hearing, issue recommendation to Town Council. Pursuant to M.R.S.A Title 30-A, Chapter 187, §4352 and §16.1.9 *Amendments* of the Town of Kittery Land Use and Development Code, the Planning Board seek to hold a public hearing for a proposed amendment to §16.3 *Land Use Regulations* from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.

#### PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
Yes	Public Hearing	July 22, 2021	Ongoing
Yes	Recommendation	Made be made at the July 22, 2021 meeting	Pending

### Background

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The purpose of text amendment change is for the applicant to be permitted to use a certain property (Map 47- Lot 3A) for gasoline sales. Currently, as the code is written, pursuant to §16.3.2.11.(C)(1)(a.)<sup>1</sup>, gasoline sales are not permitted if an existing gas station or dwelling unit is within 1,000-ft. thereof. Moreover, the provision states that a gas station cannot be less than 150-ft from a structure. The currently language would prohibit outright the installation of a gas station at the lot in question, while the proposed language<sup>2</sup> that would narrowly permit such a use. Staff did a buffer analysis illustrating what this would look like for the rest of C-1 zoning district. It appeared that if the text amendment were to be codified, no other gas station other than the one to be proposed would be permitted as a result the protective land use types within and abutting the C-1 zoning district. The language appeared to tailor the use to a specific location and, if approved, would disallow any further gasoline stations to be located within the zone based on the current land use characteristics.

From a standpoint of concern over the proliferation of gasoline sales within the zoning district, it appears that the text amendment coupled with the proposed site location and existing land use characteristics would zone out any further gas stations within the C-1 zone. Accordingly, the Board should not be concerned over more gasoline sales stations establishing within the zoning district.

As regards the justification for the zoning amendment, the petitioner reference multiple sections of the comprehensive plan that reference economic activity improvement, tourism accommodation, increase in tax revenue, and redevelopment opportunities of underutilized and vacant properties. Also in the comprehensive plan, which were not referenced by the applicant are references to traffic mitigation efforts, implementing climate change adaptation measures and uses, making more accommodations for alternative modes of transportation, protect natural resources, and improve safety of existing roads.<sup>3</sup>

Accordingly, the Board needs to review the comprehensive plan and determine if the incorporation of additional gasoline sales establishments within the C-1 zoning district fits into the vision that the comprehensive plan had established for that area. The Board should consider the merits the text change would bring and compare them to the disadvantages that it might produce and make a recommendation to Town Council.

### Planning Board Procedural Steps

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After the Board has been presented with the petition and deliberation has exhausted, the following procedural sequence must take place:

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<sup>1</sup> The applicant mistakenly reference the incorrect provision, which was originally stated as §16.3.2.11.C(1)(b.)

<sup>2</sup> Proposed language from petition: Gasoline Sales if : i) not located within 1,000 feet of an existing gasoline station; ii) no location within 1,000 feet of an existing private residence unless that 1,000-foot measurement is bisected by an arterial as defined in Article 16.8.4.3.A. in which case not located within 150 of an existing building.

<sup>3</sup> See pages 16-30 of volume 1 of the Kittery Comprehensive Plan 2015-2025.

[https://www.kitteryme.gov/sites/g/files/vyhlf3316/f/uploads/000-complete\\_comp\\_plan\\_vol\\_1\\_final\\_no\\_exec\\_summary\\_3.22.18.pdf](https://www.kitteryme.gov/sites/g/files/vyhlf3316/f/uploads/000-complete_comp_plan_vol_1_final_no_exec_summary_3.22.18.pdf)

1. Continue the application to a subsequent meeting;
2. Close the public hearing
3. Make recommendation to Town Council

## **Recommended Motions**

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Below are recommended motions for the Board's use and consideration:

### *Motion to continue petition*

Move to continue the public hearing for a proposed amendment to §16.3 Land Use Regulations from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.

### *Motion to recommend to Town Council*

Move to recommend / not recommend to Town Council the proposed amendment to §16.3 Land Use Regulations from petitioner Cumberland Farms Inc., and agent Archipelago Law, LLP by amending §16.3.2.11.C(1)(b.) to reduce the required distance between Gasoline Sales and protected uses and certain types of structures.



**ADDITIONS AND MODIFICATIONS TO THE EXISTING CODE**

<b>Code section number to be amended</b>	Article 16.3.2.11.C(1)(b)
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<b>Proposed amendment language</b>	Please see attached
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**Provide a narrative of why the proposed amendment would be beneficial for the Town in the space provided below. Include benefits and hardship this would address.**

Please see attached

**Amendment to the Land Use Zoning Map**

**Provide a narrative of the proposed change including benefits for the Town, compatibility to the abutting land uses and any supporting information. Also, attach a sketch of the proposed map change with this application.**

N/A

## PROPOSED KITTERY ZONING ORDINANCE AMENDMENT

### Article: 16.3.2.11.C(1)(b)

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#### I. Introduction

For some time now, Cumberland Farms has envisioned repurposing the parcel located at 355 U.S. Route 1, the former location of the Super Shoes store, with a new Cumberland Farms convenience store and bakery with state-of-the-art fuel service. This vision is supported by the Town's most recent update to the Comprehensive Plan, wherein the Town expresses an interest in exploring, with outlet property owners, the eventual adoption of more of a mixed-reuse approach to the Kittery outlet area. Attached to this Application as Attachment 1 are examples of the style and landscaping at similar new Cumberland Farms stores. As can be seen, the Kittery Cumberland Farms store and landscaping plan would be designed to assist in the Town's vision for the outlet area, through enhancement and beautification of that section of Route 1.

The 355 U.S. Route 1 property is located in the Town's Commercial (C-1) Zone. Gasoline sales are a Special Exception Use in the C-1 Zone. (Article 16.3.2.11.C). Per Article 16.3.2.11.C(1)(b) as presently drafted, gasoline sales is a permitted use in the C-1:

- i) if not located within 1,000 feet of an existing station or private residence; and
- ii) not located within 150 feet of an existing structure.

The drawing attached as Attachment 2 shows the 1,000-foot perimeter from the proposed point of fuel sales at the 355 U.S. Route 1 property.<sup>1</sup> If measured "as the crow flies" there is one residential structure and one partial residential structure within that perimeter. If measured linearly along the travelled way, the closest residential structure is greater than 1,000 feet from the proposed point of sale.<sup>2</sup>

The intent of the 1,000-foot perimeter appears to be to separate fuel sales from existing residential structures. In this case however the proposed use and the residential structures are bisected by U.S. Route 1, an arterial highway at the 355 U.S. Route 1 property that serves approximately 14,000 vehicles each day.<sup>3</sup>

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<sup>1</sup> The Code Enforcement Officer ("CEO") has determined that the 1,000-foot perimeter is to be measured from point of sale on the property to the closest point of the residential structure.

<sup>2</sup> The CEO has determined that the distance should be measured "as the crow flies" as opposed to linearly along the travelled way.

<sup>3</sup> MaineDOT 2019 Average Daily Traffic (ADT) count. The Ordinance defines "arterial highways" as "major traffic ways that provide connections with other thoroughfare or interstate roads and have a high potential for the location of significant community activity centers as well as retail, commercial and industrial facilities. The average daily traffic count (ADT) would be 9,001 or more trip ends." (Article 16.8.4.3.A.).



In addition, the Ordinance defines the term "structure" as:

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. The term includes decks. The term does not include fences less than eight feet in height, nor any required by the Planning Board or Town Planner to be taller; flagpoles no higher than 50 feet in height; signs located in conformance with Article X of Chapter 16.8; and electricity generators and propane and oil tanks for residential use only and the pads on which they are located, provided the pad is less than 20 square feet in size.

The term structure does not exclude such items typically located in a developed commercial area, such as utility poles, light poles, guardrails and parking stanchions.

The intent of this section would appear to be designed to keep gasoline station buildings separated from other *buildings* in the C-1 Zone.

## II. Proposed Amendment

To allow for redevelopment of the 355 U.S. Route 1 property with the convenience store and bakery with fuel service, Cumberland Farm proposes the following revised language for Article 16.3.2.11.C(1)(b):

Gasoline sales if: i) not located within 1,000 feet of an existing gasoline station; ii) not located within 1,000 feet of an existing private residence [ unless that 1,000-foot measurement is bisected by an arterial as defined in Article 16.8.4.3.A. in which case not located within 800 feet of an existing private residence; and iii) not located within 150 of an existing building. ]

## III. Compliance with the Comprehensive Plan; Town Benefits

The Kittery Comprehensive Plan 2015-2025 ("Plan") notes that more than 6,000 workers commute to Kittery daily from Massachusetts, New Hampshire and northern areas of Maine. (Plan; page 44). "Kittery also functions as the tourist and principle economic gateway to Maine" with Route 1 "playing a role in welcoming and servicing both the

commercial traveler and the tourist” which has greatly expanded with the development of the Outlet Mall area. (Plan pages 44-45).

With this in mind, the proposed amendment to Article 16.3.2.11.C(1)(b) to allow for a convenience store with fuel sales use is well supported by the Town’s Plan:

- While the Plan recognizes that the Route 1 Outlet Malls area has contributed a substantial amount over time to the commercial tax base in Kittery and that the area continues to draw visitors, particularly from all over Northern New England, it also recognizes that changes in retailing threaten to leave long term vacancies and lost revenue. (Plan; page 119). This has certainly been the case for the property located a 355 U.S. Route 1 which has been vacant since at least 2019. The redevelopment of the 355 U.S. Route 1 property would provide the Town with significant new tax revenue.
- The area around the Outlet Mall is seen in the Plan as successful but with an uptick in vacancies. The Town’s vision is to encourage the Town to look for ways to provide property owners with the tools appropriate for redevelopment options. (Plan; page 78). The Plan recognizes that there is a desire expressed by residents to see more of a mixed-use in that area which might include the addition of housing; however, the Plan also expresses a desire to direct new commercial development to existing commercial areas. (Plan; page 77). The Plan discusses possible consideration of establishing Design Guidelines in this area of Route 1 to guide future development. (Plan; page 130). The attractively designed Cumberland Farms store supports that vision by providing a convenience store and bakery in a developed commercial area but also within walking distance of the envisioned future mixed-uses as well as convenient fuel service both for the travelling public and for nearby residents. The New England styled architecture with particular attention to landscaping will provide a model for future commercial design guidelines.
- The Town has stated as an objective to economic development to “continue to promote economic development in areas already identified by the town” as growth areas. (Plan; page 30). The Route 1 Outlet Mall area, including the 355 U.S. Route 1 property, is a mapped growth area in the Plan. (Plan; page 134).
- As part of its Future Land Use Plan, the Plan provides that the “Town should look to direct new development, where feasible, to vacant or underutilized sites and buildings within developed areas.” (Plan; page 125). Again, the property located at 355 U.S. Route 1 has been vacant and underutilized for over two years.



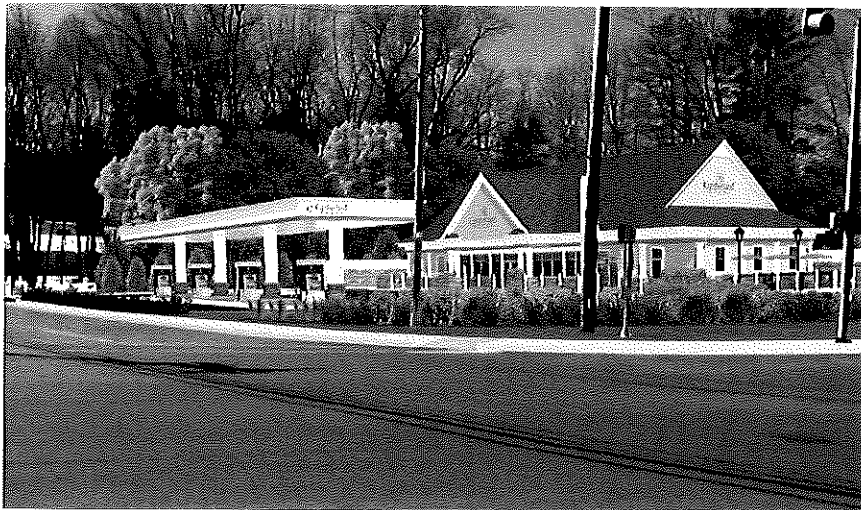
I, Thomas Cacciola, on behalf of my company Cumberland Farms, Inc., hereby authorize our attorneys, Archipelago Law, LLP, and our engineers, Civil Design Group, LLC, to sign any and all State of Maine or Town of Kittery permit, zoning amendment, and/or appeal applications on our behalf with regard to the proposed Cumberland Farms development located at 355 US Route 1, Kittery, Maine (Map 47, Lot 3A) (the "Project"). I further authorize any of the attorneys in that firm to appear on behalf of Cumberland Farms, Inc. and to represent the Company before any department, board, committee or agency of said State or Town, including, but not limited to, the Maine Department of Environmental Protection, Planning Board and the Zoning Board of Appeals, regarding the Project.

DATED: May 17, 2021

Cumberland Farms, Inc.

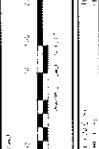
A handwritten signature in black ink, appearing to read "Thomas Cacciola", written over a horizontal line.

By: Thomas Cacciola  
Its: Senior V.P. of Real Estate,  
Construction



NOT FOR CONSTRUCTION

NO.	DATE	REVISIONS
1	08/11	ISSUED FOR PERMITTING
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3	08/11	ISSUED FOR PERMITTING
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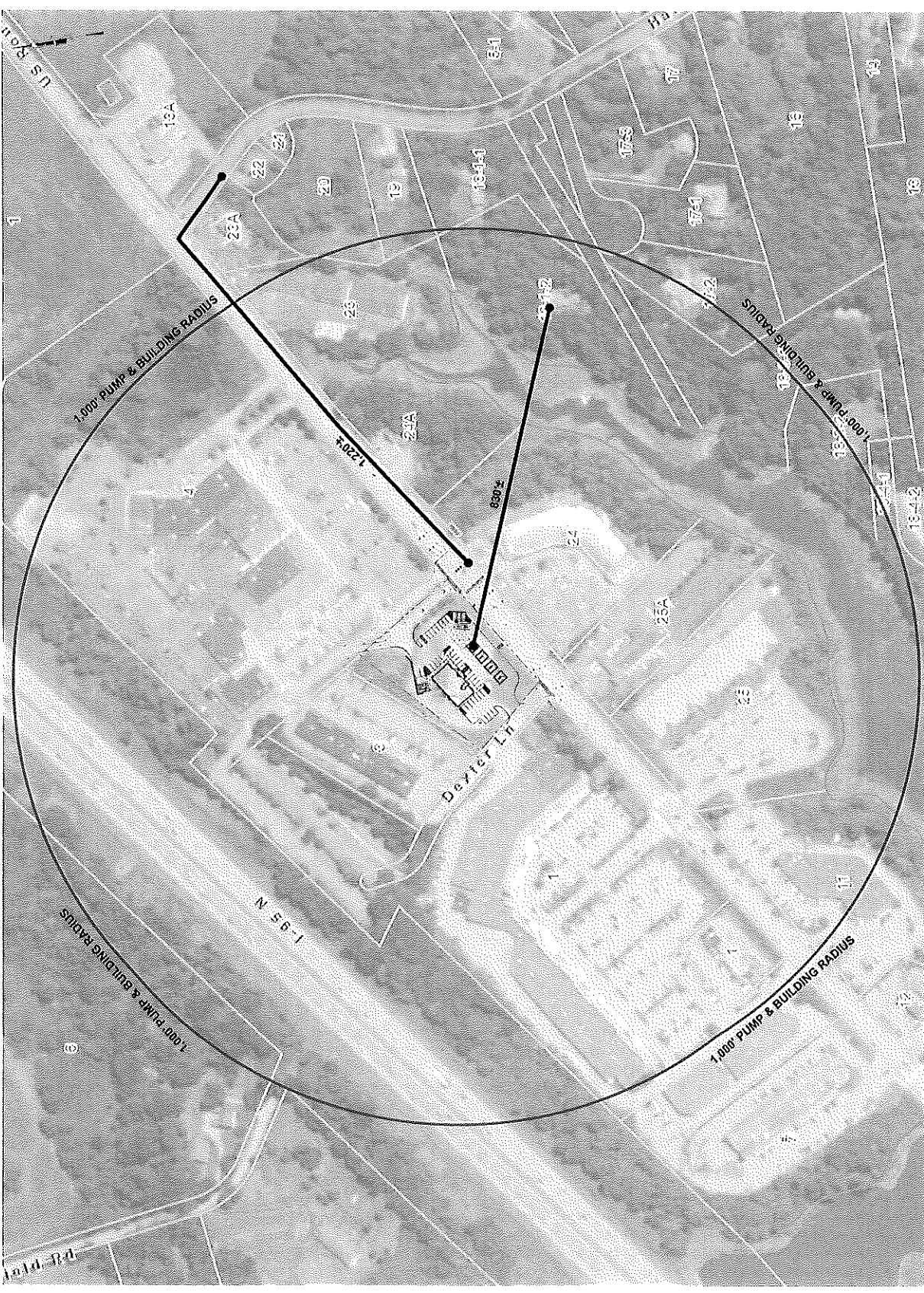
DATE: 08/11  
SCALE: AS SHOWN  
PROJECT: 1000' PUMP & BUILDING RADIUS

**Cumberland**  
185 FLANCERS ROAD  
WESTPORT, MA 01886  
TEL: 978-335-1100  
FAX: 978-335-1101  
WWW.CUMBERLAND-MA.COM

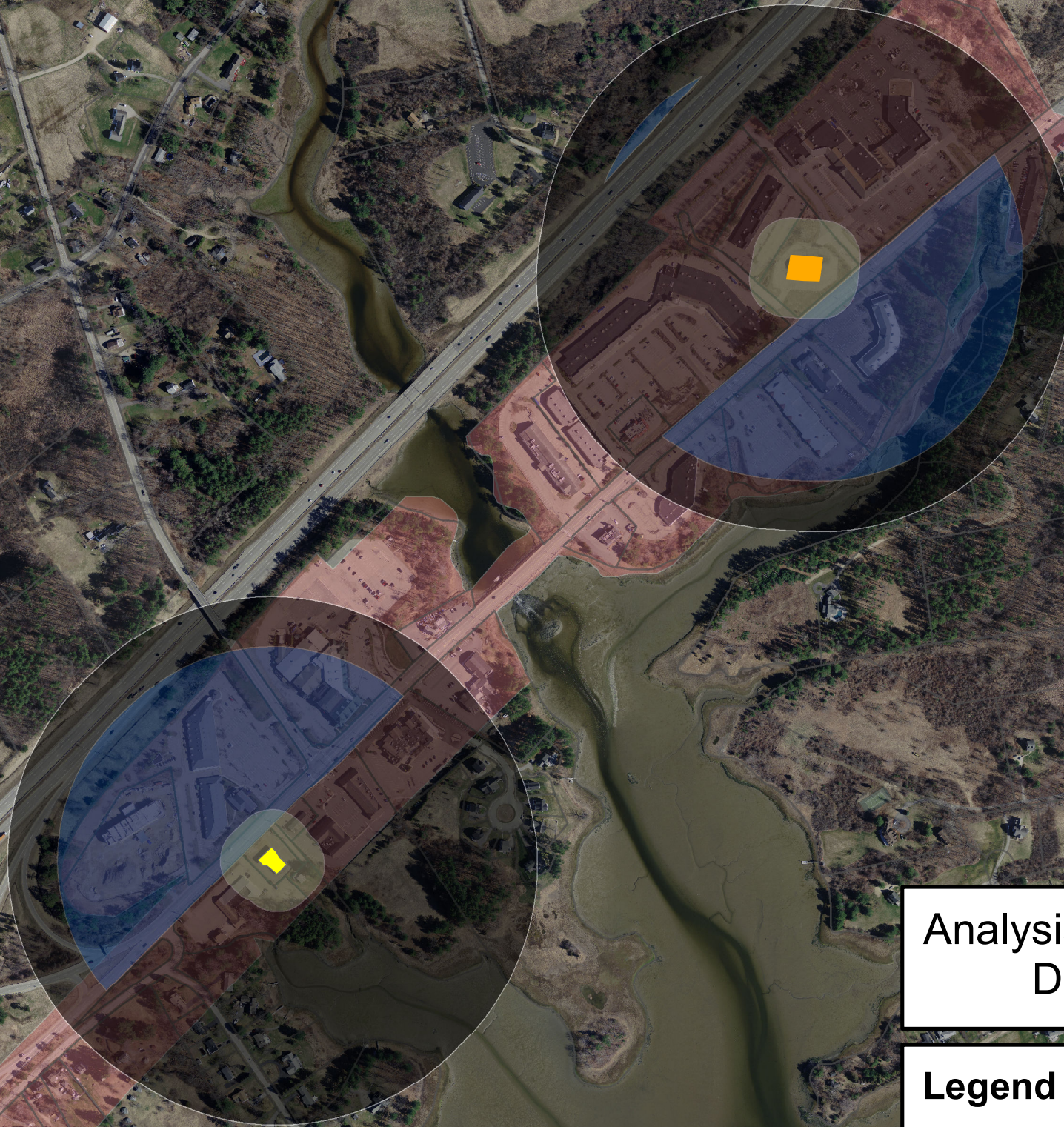
**CIVIL DESIGN GROUP, LLC**  
21 HIGH STREET, SUITE 200  
NORTH ANDOVER, MA 01858  
P: 978-742-2100 F: 978-682-9171

**1,000' RADIUS EXHIBIT EXH-1**

NO.	DATE	REVISIONS
1	08/11	ISSUED FOR PERMITTING
2	08/11	ISSUED FOR PERMITTING
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




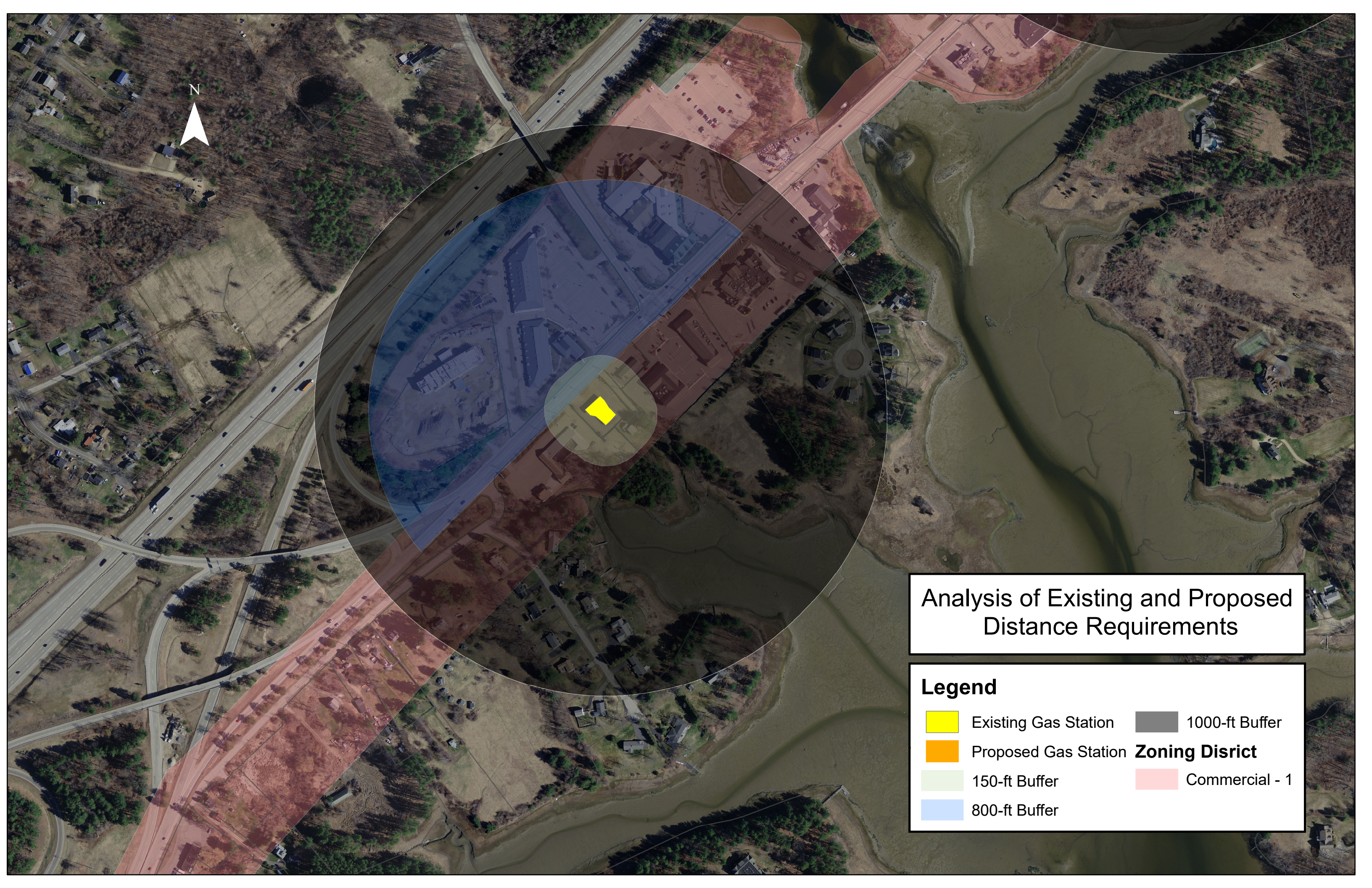


# Analysis of Existing and Proposed Distance Requirements

**Legend**







 Existing Gas Station	 1000-ft Buffer
 Proposed Gas Station	<b>Zoning District</b>
 150-ft Buffer	 Commercial - 1
 800-ft Buffer	



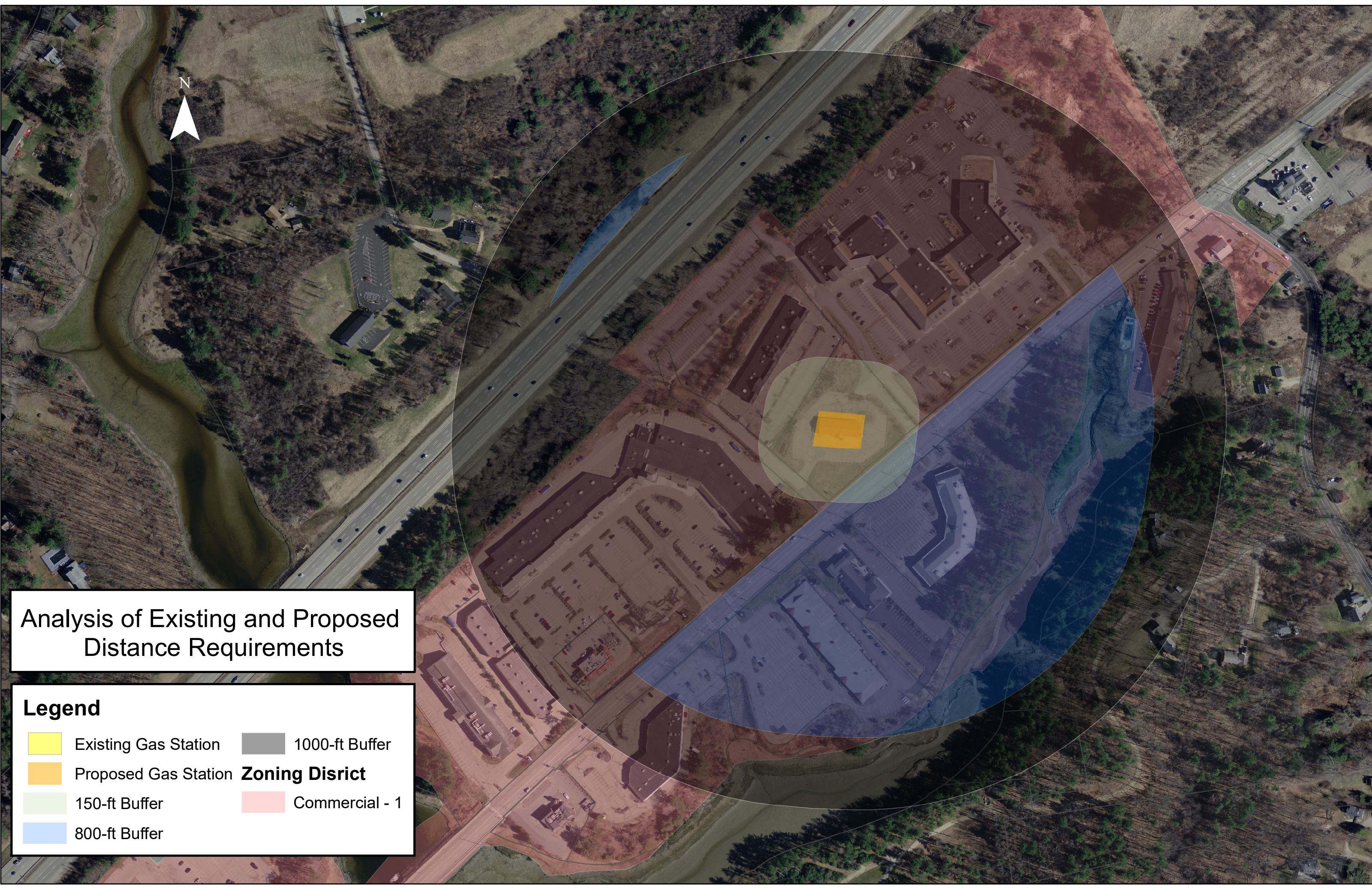


# Analysis of Existing and Proposed Distance Requirements

**Legend**







	Existing Gas Station		1000-ft Buffer
	Proposed Gas Station	<b>Zoning District</b>	
	150-ft Buffer		Commercial - 1
	800-ft Buffer		





# Analysis of Existing and Proposed Distance Requirements

**Legend**

 Existing Gas Station	 1000-ft Buffer
 Proposed Gas Station	<b>Zoning District</b>
 150-ft Buffer	 Commercial - 1
 800-ft Buffer	





Sandra L. Guay, Esq.  
Partner  
sguay@archipelagolaw.com

22 Free Street  
Portland, Maine 04101  
Main office (207)558-0102

August 3, 2021

Attn: Kendra Amaral, Town Manager  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

Re: Cumberland Farms, Inc.  
Proposed Kittery Zoning Ordinance Amendment

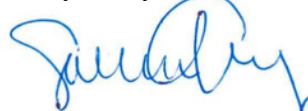
Dear Ms. Amaral:

In addition to the application packet and other documents provided to you by the Planning Department for Cumberland Farms, Inc.'s Proposed Zoning Ordinance Amendment, enclosed please find Cumberland Farms, Inc.'s supplemental submission of the Town Council.

I understand this matter will be placed on the August 9<sup>th</sup> Town Council Agenda for scheduling a public meeting.

Thank you.

Very Truly Yours,



SANDRA L. GUAY

SLG:lb

Enclosures

Copy to: Russ Mikkola, Cumberland Farms, Inc.  
Dalina Boryszewski, Cumberland Farms, Inc.  
Philip Henry, Civil Design Group, LLC

**PROPOSED KITTERY ZONING ORDINANCE AMENDMENT**

**Article: 16.3.2.11.C(1)(a)**

**Supplemental Council Submission**

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In addition to the information provided in the Cumberland Farms, Inc. (CFI) application for a proposed amendment to Article 16.3.2.11.C(1)(a)<sup>1</sup> provided to the Planning Board for that Board’s review at the July 21, 2021 Planning Board meeting and public hearing, CFI provides the following additional information:

- Cumberland Farms is not seeking to add a new use in the C-1 Zone. Gasoline sales are already a permitted Special Exception Use in that zone. Ironically however, while the Town has determined that gasoline sales is permitted in the C-1 Zone, in light of the present 1,000-foot residential structure setback requirement, there is nowhere in the entire zone that this use can be permitted.
- As discussed by Board members at the Planning Board hearing, the 1,000-foot setback requirement was apparently added to the Ordinance following an accident and explosion at a Kittery gas station several years ago. Since the time of this incident, there have been significant safety updates to gasoline station equipment and procedures, all of which would be included in the new Cumberland Farms facility. For more information about state-of-the-art fuel safety systems, including dispensers, storage, emergency preparedness and required training, please see the attached Fuel System Components/Safety Features Memo prepared by Huseyin Seveincgil, Fuel System Designer at Greenman-Pedersen, Inc.
- At the Planning Board meeting, Cumberland Farms shared renderings of its vision of a new Kittery store (attached again to this memo for reference). While Board members appeared to like the conceptual design, one of the comments at the Planning Board meeting was that if the ordinance amendment is approved and the Cumberland Farms store is not constructed for any reason, another gas station facility could be constructed there. It is important to note however that Kittery has a Design Handbook, the provisions of which apply to all commercial and multi-family development in Kittery. These design standards are required in the C-1 Zone as provided in the Zoning Ordinance at Article 16.3.2.11.D. Specifically, 16.3.2.11.D(3)(b) applies to Building Design standards and 16.3.2.11.D(3)(c) applies to Landscaping and Site improvements. In other words, whether it is Cumberland Farms or another gas station facility, the design will be held to these high standards.
- The 355 US Route 1 location provides driveway access off of Dexter Lane, as well as a fully signalized intersection that enters into the Kittery Outlets Driveway, providing

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<sup>1</sup> The article number in the Planning Board packet was incorrectly noted as Article 16.3.2.11.C(1)(b) based on the pre-October 26, 2020 ordinance amendment. This was corrected to Article 16.3.2.11.C(1)(a) in testimony at the July 22, 2021 Planning. Board hearing.

motorists with safe options when there is traffic in the area. Also, as access to the Cumberland Farms store itself would be from Dexter Lane or from the Kittery Outlets driveway, there is no direct access to or from US Route 1. This eliminates the need seen at other locations to stop traffic and to cut across lanes of moving traffic in order to access the facility.

For more information about traffic safety at this location, please see the attached Traffic Assessment Memo Maureen Chlebek, P.E., PTOE at McMahon Associates.

## **FUEL SYSTEM COMPONENTS/SAFETY FEATURES**

**To:** Town of Kittery  
**From:** Huseyin Sevincgil, GPI  
**Date:** August 2, 2021  
**Project:** Proposed Cumberland Farms  
355 US Route 1  
Kittery, ME  
**GPI Proj. #:** 2021241

The following information summarizes the facility's fuel system safety features and procedures that have been implemented in the design to maximize safety and minimize any potential environmental impact:

### 1. Fuel Dispensing Area

- a. Positive Limiting Barriers – The fuel dispensing area will consist of a 6" reinforced concrete mat with spill containment grooves (Positive Limiting Barriers (PLB)) around each dispenser island. These PLBs will contain any minor spillage that might occur at the fuel dispensing islands. This allows any minor spillage to be immediately cleaned up by the attendant using the on-site spill containment kit.
- b. Dispenser Hoses – The fuel dispensing hoses on each dispenser contain a breakaway coupling (dry-break connection). In the event that a driver leaves the area with the hose nozzle still in the vehicle fill pipe, the dry-break will disconnect from the dispenser. Mechanisms inside the dry-break coupling prevent the release of product to the environment.
- c. Dispenser Shear Valves – Within each dispenser there is an emergency shear valve on the fuel piping supply line. Should the dispenser become dislodged by a vehicle, the emergency shear valve closes and prevents an uncontrolled release of product to the environment.
- d. Dispenser Sumps – A sump constructed of a fiber reinforced plastic (FRP) is located under each dispenser with an electronic liquid sensor located at the bottom of the sump. Should fuel product leak inside the dispenser it will be captured by the sump and the electronic sump sensor will activate the central leak detection console located inside of the building.
- e. Fire Suppression System – The fuel dispensing canopy will be equipped with an overhead chemical fire suppression system that can be automatically and/or manually activated in the unlikely event of a fire.
- f. Emergency Shutoff – The facility will be equipped with an emergency shutoff switch located inside the store at the cashier. This switch allows the attendant to immediately cut all power to the dispensers.

### 2. Fuel Storage System

- a. Leak Detection Console Unit - The fuel storage system will be monitored 24 hours a day, 365 days a year by a state-of-the-art central monitoring system located inside the convenience store. This electronic monitoring system continuously monitors the level of gasoline in each tank and can detect a 0.1-gallon per hour loss of product. In addition, the system monitors all fuel piping sumps, dispenser sumps, and the double wall (annular) space of each tank.
- b. Double Wall Fiberglass Tanks - The facility will be supplied with two 20,000 gallon split compartment double wall fiberglass underground petroleum storage tanks. Fiberglass is inherently corrosion proof and the annular space between the two walls is filled with brine (freeze resistant liquid solution). The level of the brine is monitored continuously with an electronic sensor. Should any change in the level of the brine occur, the sensor will activate the central console unit on the building.
- c. Fuel Piping - The fuel product piping will consist of double-wall fiberglass construction. The primary pipe contains the gasoline or diesel fuel. In the unlikely event of a failure in the primary pipe, the interstice between the two pipes conducts the fuel product to a containment sump at the tank. The tank containment sump has an electronic sensor located at the bottom of the sump. All underground piping

is sloped to a containment sump, so any potential release of product flows to the containment sump for detection. Activation of a sump sensor creates an audible/visual alarm at the central console unit in the building.

- d. Overfill Prevention - When the underground storage tanks are filled by the fuel tanker, numerous precautions are taken to prevent spillage. Prior to filling the tanks, the tanker truck driver will check the contents of the tank with a measuring stick. The driver then checks this measurement against a tank gauge chart to verify that the tank will hold the amount of product that was ordered. The central console unit is also checked to confirm the volume of product in the tank. As an additional factor of safety, there is an overfill shut-off valve located inside of each underground tank. This device is designed to prevent the delivery truck from continuing to transfer product into the tanks once the product level reaches 95% tank capacity.
  - e. Fill and Vapor Spill Prevention - In order to prevent minor spillage when the fuel tanker delivery hose is removed from the tank connection point on the ground, there is a spill containment manhole proposed on each fill tube and vapor tube which holds a minimum capacity of 5 gallons. In the unlikely event of a spill, the fill containment manhole will contain any fuel remaining in the delivery hose. Therefore, should the delivery truck driver spill any product while disconnecting the delivery hose, it would be contained and removed from the containment manhole.
  - f. Pressurized Line Leak Detection - The pressure within the product piping will be continually monitored by an in-line leak detector attached directly to the submerged turbine pump (STP) at each tank. This detector is activated when the dispenser is turned on by the customer. This detector monitors the pressure in each line electronically. If a pressure loss is detected, the system will shut down the dispensers. These product piping detectors are also connected to the central console unit located inside of the building.
  - g. Observation Wells - Two observation wells will be installed at the tank field when the facility is constructed. These wells allow access to the groundwater for future testing of the groundwater, if necessary. The groundwater in these two wells can be tested prior to the facility opening in order to set up a "baseline" of groundwater data for future reference.
3. Emergency Preparedness
    - a. An emergency response procedure will be developed for this facility to supplement local authorities preparedness in reacting to emergency situations. This emergency response plan outlines the procedures to be taken by the employees of the facility in the event of an emergency. This plan includes an Emergency Contact List which provides many of the phone numbers and names of people and/or companies that will be contacted if an emergency situation occurs. This plan will be conspicuously posted at the facility and employees will be trained in emergency preparedness. A copy of this Emergency Response Procedures Plan is attached.
  4. Training - Federal EPA Regulations require that all owners and operators have certified employees operating the facility. There are three categories of operators for each underground tank, A, B, C. The A operator is responsible to be certain that regulations are being met at the company level. The B operator must know the equipment and operation of the tank system and on a monthly basis inspect the tank systems. This includes monthly inventory control in accordance with current regulations. A & B operators are required to take and pass a test. The A and or B operator is also responsible for training C operators. The C operator must be present whenever a tank system is in operation. The C operator must be trained to respond to emergencies.
-





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## MEMORANDUM

**TO:** Dalina Boryszewski, Cumberland Farms  
**FROM:** Maureen Chlebek, P.E., PTOE  
**DATE:** August 3, 2021  
**RE:** Traffic Assessment  
Proposed Cumberland Farms  
355 Route 1  
Kittery, ME

McMahon Associates has completed a traffic assessment for the proposed Cumberland Farms to be located at 355 Route 1 in Kittery, Maine. This assessment is based on a concept plan prepared by Civil Design Group, dated October 12, 2020. The following memorandum reviews the proposed site access and circulation, site safety, and estimated project trip generation.

### **Project Description**

The project site is located at 355 Route 1 in Kittery, Maine, adjacent to the Kittery Outlets as shown in Figure 1 below. The proposed project involves the construction of a Cumberland Farms gas station and convenience store with four gasoline pumps (8 fueling positions) and an approximately 5,000 square foot convenience store. The proposed Cumberland Farms is bounded by Route 1 to the south, the Kittery Outlets to the north, Dexter Lane to the west, and the driveway to the Kittery Outlets to the east.



### **Existing Roadway Network**

Route 1 generally extends in a northeast-southwest direction through the Town of Kittery and is classified as an urban minor collector under MaineDOT jurisdiction. Route 1 provides two travel lanes measuring approximately 12 feet wide in both directions. Approaching the signalized intersection of Route 1 and the Kittery Outlets driveway, an additional dedicated left-turn lane is provided in each direction. Sidewalks are provided on both sides of the roadway north of Dexter Lane, and on the western side of the roadway south of Dexter Lane. A speed limit of 25 miles per hour (mph) is posted on Route 1 in both directions approaching the project site.

Dexter Lane generally extends in a northwest-southeast direction through the Town of Kittery and is classified as a local road under Town jurisdiction. Dexter Lane measures approximately 24 feet wide and accommodates two-way traffic. No sidewalks are provided on either side of the roadway, and no speed limits are provided along Dexter Lane in the vicinity of the project site.

A review of available MaineDOT traffic counts conducted in 2017 indicates Route 1 carries a volume of approximately 14,800 vehicles per day (vpd) south of Dexter Lane and approximately 15,160 vpd north of Dexter Lane.

### **Site Access and Circulation**

The proposed Cumberland Farms would be accessed via two full-access driveways, one on Dexter Lane and one on the Kittery Outlets driveway; the site cannot be entered or exited directly from Route 1. Locating the two access driveways on side streets instead of on Route 1 directly provides continued access management and helps maintain safe and efficient access without creating potential conflict points on Route 1. Internal circulation is two-way throughout the site.

### **Project Safety**

Crash data for the intersection of Route 1 at the Kittery Premium Outlets driveway and Route 1 at Dexter Lane was obtained from the MaineDOT Public Crash Query Tool for the five-year period available from 2015 through 2019. Crash data from 2020 was not reviewed due to the COVID-19 pandemic as this year is not considered to be representative of typical safety conditions. A summary of the available crash data is prevented in Table 1 below.

**Table 1: Crash Data Summary**

	Route 1 at Dexter Lane	Route 1 at Kittery Outlets Driveway
<b>Year</b>		
2015	1	0
2016	0	0
2017	1	0
2018	1	0
2019	2	0
<b>Type</b>		
Intersection Movement	2	0
Rear-end/Sideswipe	1	0
Head-on	0	0
Single Vehicle	0	0
Bicycle	2	0
<b>Severity</b>		
Property Damage	2	0
Personal Injury	3	0
Fatality	0	0
<b>Time</b>		
7:00 AM to 9:00 AM	0	0
9:00 AM to 4:00 PM	4	0
4:00 PM to 6:00 PM	0	0
6:00 PM to 7:00 AM	1	0
<b>Total</b>	<b>5</b>	<b>0</b>

**Source: MaineDOT**

The signalized intersection of Route 1 at Kittery Premium Outlets driveway is reported to have experienced a total of five crashes during the five-year period reviewed. Two of the crashes involved intersection movements, one was a rear-end or sideswipe, and two crashes involved bicycles. Two of the reported crashes resulted in property damage only, and three resulted in personal injury.

At the unsignalized intersection of Route 1 at Dexter Lane, no crashes were reported during the five-year period reviewed.

No crashes were reported in the vicinity of either of the proposed site driveways.

**Project Trip Generation**

In order to estimate the number of vehicle trips associated with the proposed Cumberland Farms development, the Institute of Transportation Engineers’ (ITE) publication, *Trip Generation Manual, 10<sup>th</sup> Edition*, was referenced. ITE is a national research organization of transportation professionals, and the *Trip Generation Manual, 10<sup>th</sup> Edition* provides traffic generation information for various land uses compiled from studies conducted by members nationwide. For the proposed gas station and convenience store, Land Use Code (LUC)

853 (Convenience Market with Gasoline Pumps) was used. This reference establishes vehicle trip rates (in this case expressed in trips per square foot of gross floor area) based on actual traffic counts conducted at similar types of existing land uses. Table 2, below, presents an estimate of the trips generated by the proposed Cumberland Farms.

**Table 2: Proposed Project Site Trips**

Description	Size	Weekday AM			Weekday PM		
		Peak Hour			Peak Hour		
		In	Out	Total	In	Out	Total
Total Proposed Project Trips <sup>(1)</sup>	5,000 s.f.	101	101	202	123	123	246

(1) ITE Land Use Code 853 (Convenience Market with Gasoline Pumps), based on 5,000 square feet.

However, not all trips to gas stations and convenience stores are new trips. In fact, a portion of the total trips attracted to such uses are “pass-by” trips, which are trips taken by vehicles already traveling past the site. According to the ITE publication, *Trip Generation Handbook, 3<sup>rd</sup> Edition*, approximately 63 percent of weekday morning and weekday afternoon peak hour trips to the proposed Cumberland Farms could be considered pass-by trips based on Land Use Code 853 (Convenience Market with Gasoline Pumps). The number of new trips projected to be generated by the proposed Cumberland Farms are separated into pass-by vehicle trips and new vehicle trips, as shown in Table 3.

**Table 3: New Project Trips**

Description	Size	Weekday AM			Weekday PM		
		Peak Hour			Peak Hour		
		In	Out	Total	In	Out	Total
Total Proposed Project Trips <sup>(1)</sup>	5,000 s.f.	101	101	202	123	123	246
- Pass-by Trips <sup>(2)</sup>		<u>64</u>	<u>64</u>	<u>128</u>	<u>77</u>	<u>77</u>	<u>154</u>
Total New Project Trips		37	37	74	46	46	92

(1) ITE Land Use Code 853 (Convenience Market with Gasoline Pumps), based on 5,000 square feet.

(2) Based on ITE Land Use Code 853, 63% of weekday AM and weekday PM peak hour trips can be attributed to pass-by trips.

As shown in Table 3, the proposed Cumberland Farms is estimated to generate approximately 74 new vehicle trips during the weekday morning peak hour (37 entering vehicles and 37 exiting vehicles) and approximately 92 new vehicle trips during the weekday afternoon peak hour (46 entering vehicles and 46 exiting vehicles). ITE does not provide Saturday trip generation data for Land Use Code 853; however, based on previous studies completed at similar land uses, the trips generated by the proposed Cumberland Farms during the Saturday midday peak hour would be expected to be comparable to or less than the trips generated during the weekday afternoon peak hour.

**Findings**

The proposed project involves the development of an eight fueling position, approximately 5,000 square foot Cumberland Farms gas station and convenience store located at 355 Route 1 in Kittery, Maine, adjacent to the Kittery Premium Outlets. Below is a summary of the findings of this traffic assessment for the proposed Cumberland Farms:

- The site would be accessed by two driveways, one on Dexter Lane and one on the Kittery Premium Outlets driveway, and cannot be accessed directly from Route 1 to reduce the number of potential conflict points on Route 1.
- Based on a review of ITE trip generation data, approximately 63 percent of the peak hour trips to the proposed Cumberland Farms could be attributed to pass-by trips and would not result in new vehicles on Route 1.
- The proposed Cumberland Farms is estimated to generate approximately 74 new vehicle trips during the weekday morning peak hour (37 entering vehicles and 37 exiting vehicles) and approximately 92 new vehicle trips during the weekday afternoon peak hour (46 entering vehicles and 46 exiting vehicles). Saturday midday peak hour trip generation would be estimated to be similar to or less than the weekday afternoon peak hour trip generation.

The proposed Cumberland Farms does not generate a high volume of new trips on the adjacent roadway system. Access to the site from Route 1 is provided via the unsignalized intersection of Route 1 and Dexter Road and via the signalized intersection of Route 1 at the Kittery Outlets Driveway, with provisions for the left turns to and from Route 1 to be accomplished under signal control. The site driveways are located on Dexter Road and Kittery Outlets Driveway, with adequate space from the adjacent Route 1 intersection. Based on the trip projections and the site access design, the proposed site is not expected to adversely impact the surrounding street system. Should the project move forward, McMahon Associates will provide the necessary traffic analysis in coordination with the Town and MaineDOT.

Statement for public hearing on the proposed amendment to the Town of Kittery Land Use and Development Code by Cumberland Farms.

My name is Keith Lemont and I operate Pine Tree Country Store - a third-generation business - that has operated in Kittery since 1973. I wish to publicly state my opposition to the code amendment proposed by Cumberland Farms for the following reasons.

Over the last decade, and really throughout my entire life, I have observed town citizens, staff, and elected officials express a desire to reshape the Route 1 zone into a more livable and inviting area. Adding residences, pedestrian walkways, and green space are a few of the ideas that have been put forth to achieve this goal. It seems to me that the Foreside area, with its local businesses and library addition, represents the vision the town is working toward. Sticking a Cumberland Farms in the middle of Route 1 is not compatible with the town's vision of the future.

I understand that I am not an impartial observer but I want to point out the difference between myself, the local business owner, and the large out-of-state chain Cumberland Farms. I worked with town staff and board members to update the town code to allow for LED lights on signs. I saw it as a change that would benefit my business, the town, and the environment. It was also beneficial to my competition but I felt that the efficiency gains for every business in town was worth it. In contrast, Cumberland Farms is seeking to narrowly amend the town code for their benefit only. To me, that is not what Kittery and the State of Maine is about.

Thank you for your consideration.





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

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

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

AJ's Wood Grill Pizza

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

AJ's Wood Grill Pizza  
68 Wallingford Square

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

Madbury Property Management 17-21 Madbury Rd Durham NH  
Mimi Kell (prop manager) 603-452-7030 03824

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

outside on our patio

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

Saturdays between 4-9pm

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

To have a live musician play music sometimes on  
Saturday evenings

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

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

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

Requesting Saturdays to not conflict with Corner Pub  
that has live music outside on Thursday evenings.

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

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

I, Nicole Gula, an owner of AJ's give authority to seek  
permit for live music outside

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

DATE OF APPLICATION: 7.22.21

SIGNATURE OF APPLICANT: Nicole Gula

APPLICANT'S NAME: Nicole Gula  
(please print)

ADDRESS: 4 Autumn Lane Stratham NH 03885  
(please print)

TELEPHONE NUMBER: 603-978-3266

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

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



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

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**REPORT TO TOWN COUNCIL**

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Date: August 9, 2021  
From: Kendra Amaral, Town Manager  
Subject: Rock Rest Marker – Black Heritage Trail  
Councilor Sponsor: Councilor Mary Gibbons Stevens

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**EXECUTIVE SUMMARY**

The Town has been approached by Kittery residents to establish a marker in Wallingford Square for Rock Rest. Rock Rest was an inn established in the 1940s that provided a safe and inviting vacation location for Black guests during the segregation-era. The house, located in Kittery Point, is listed on the National Register of Historic Places. Items from the inn are in the Smithsonian's National Museum of African American History.

The Rock Rest marker project is proposed to be implemented in collaboration with the Black Heritage Trail of New Hampshire and the Kittery Schools Civil Rights teams.

Attached is an example of the granite marker and plaque. Valerie Cunningham, founder of the Black Heritage Trail of New Hampshire, will provide the written content for the marker, drawing on her considerable knowledge of the Rock Rest. The resident volunteers will fundraise for the purchase of the granite and plaque and the Town will install the marker once assembled.

The proposed location for the marker is in Wallingford Square. A marker is also being installed at the property, by the Black Heritage Trail of New Hampshire. The Rock Rest property is privately owned.

Approval of the location is an important step to moving the project forward. It will allow the volunteers to begin fundraising and planning for the implementation.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve location of marker as presented.

**ATTACHMENTS**

- Example of Marker
- Proposed Site Location
- "Rock Rest pieces in Smithsonian African American collection", Deborah McDermott, Seacoast Online, September 18, 2016

Example Image of granite marker and plaque (text to be developed specific for Rock Rest)







# Proposed Rock Rest Marker Location

Kittery, ME



August 2, 2021

1 inch = 34 Feet



[www.cai-tech.com](http://www.cai-tech.com)



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

# Rock Rest pieces in Smithsonian African American collection

By **Deborah McDermott**

[dmcdermott@seacoastonline.com](mailto:dmcdermott@seacoastonline.com)

Posted Sep 18, 2016 at 2:01 AM

When the Smithsonian's National Museum of African American History and Culture opens in Washington, D.C. Saturday, Sept. 24, it is more than likely that visitors will pass by a dresser or a special set of china, perhaps a badminton net and rackets, that came to the museum from Kittery Point, Maine.

The pieces are among 50 or so items selected by museum curator William Pretzer for the museum's permanent collection from Rock Rest, a guesthouse for African Americans who traveled from up and down the East Coast and the South to enjoy a Maine summer vacation during the Jim Crow era.

The story of the collection is intertwined with the story of Hazel and Clayton Sinclair, who opened Rock Rest in 1948 at a time when African Americans could not freely travel in America. A former maid and chauffeur who came to the southern York County coast with their New York City employers, they fell in love with the Seacoast and each other and decided to stay.

Portsmouth African American historian Valerie Cunningham, founder of the Portsmouth Black Heritage Trail, called the couple Aunt Hazel and Uncle Clayton because they were such close friends of her parents. The couple married in 1936, and two years later bought a ramshackle, "fixer-upper" on Route 103 in Kittery Point.

By 1940, the couple was taking in guests, initially informally, said Cunningham. They and Cunningham's parents were all members of People's Baptist Church in Portsmouth and would put up family members coming to the area for weddings or funerals — people who could not simply rent a motel room or stay at a local inn because of the color of their skin.

“That’s how it began,” said Cunningham. “Black people didn’t have the privilege of staying where they wanted to. People would say, ‘I would like to go to Maine. Where is it safe? Where can I stay?’ Clayton and Hazel, being smart, said, ‘Huh, we should have a business here.’”

Cunningham worked at Rock Rest for two summers as a teenager, and recalls a gracious place. Rock Rest offered badminton, croquet and horseshoes. Hazel’s meals were a combination of Maine stays like blueberry pie and lobster and southern cuisine like grits and buttermilk-baked chicken. Often, they included ingredients from their garden. Atop crisp white linens in the dining room were settings of fine china, sparkling crystal and polished silverware. The centerpiece came from Clayton’s flower beds.

“She served breakfast and dinner, so guests didn’t have to deal with rejection at restaurants,” Cunningham said. “But usually downtown Portsmouth and roadside places weren’t an issue. It was the upscale places where they’d run into problems.”

Clayton would work at Portsmouth Naval Shipyard as a driver all day and come home on those summer nights to work at Rock Rest, maintaining the grounds, and working in his flower and vegetable gardens. “He was barely literate, so he spoke very deliberately because he wanted to be correct,” said Cunningham. “He was a wise person — good, reliable, solid as a rock, which is why people respected him so much.”

Hazel, Cunningham recalled, “was gentle, but she was tough. She scared me. She wanted things done correctly, and on time. She had her standards, and she wanted her guests to feel at home.”

Over the years, they became a part of the Kittery community and the Seacoast African American community. Clayton was a deacon at his church and Hazel sang in the choir. Together, they founded the Seacoast chapter of the NAACP. Clayton served for five terms on the Kittery Board of Appeals, and Hazel was a founding member of the local League of Women Voters chapter.

Clayton Sinclair died in 1978 and Hazel, in 1995. She bequeathed the property to her stepson, Clayton Jr., who lived in Georgia and rented the place — fully furnished and pretty much exactly as it had been during the Rock Rest years.

By the mid-2000s, the house was as ramshackle again as it was when the Sinclairs bought it, said Cunningham. “It was in sad shape. The roof was leaking and it had some major problems,” she said. When Clayton Jr. said he was thinking of selling Rock Rest, Cunningham talked Sinclair into allowing the Portsmouth Black Heritage Trail to rent it for a period of time and then mustered a group of historic preservationists and others to help her work to save as much as was possible.

Among those who came to Rock Rest during this period is the current director of the Black Heritage Trail, JerriAnne Boggis.

“The first time I went to Rock Rest, it was very surprising,” Boggis said. “I said, ‘Wow, black people owned property in Maine.’ They had a business and prospered. It was another factor of black history that was coming alive for me. And there were people still around to remember. The stories were still alive so the objects were still alive.

“It made me think of the long line of black history. Here were black people able to make a life for themselves in spite of what was going on around them. So they vacationed, they ate fantastic meals, they played croquet on the lawn. Despite being shut out of so much, they were creating this tangible life anyway.”



But while everyone agreed the contents of the house were important, the question was, what to do with “all this stuff,” said Cunningham.

“We didn’t want to auction it because we thought it was historically significant,” she said. Among the guests during an open house at Rock Rest during that period was Gretchen Sorin, director of the Cooperstown Graduate Program in Museum Studies at the University of New York in Oneonta. Sorin wrote her dissertation on African American travel during the Jim Crow era.

“She was just blown away,” said Cunningham, at the richness of the sense of place at Rock Rest. Sorin called Lonnie Bunch, founding director of the National Museum of African American History and Culture, who in turn sent William Pretzer to Kittery Point.

Pretzer arrived just days before the closing on the house in September 2010. In an interview at that time, he said he was struck by “three quite different scenes of respite at Rock Rest. The dining room was visually attractive with its China closet, étagère and buffet displaying china, glass and linens. The veranda with its cushioned wicker chairs, porch swing, water cooler and hutch with knickknacks and games provided a very relaxed atmosphere where guests engaged in conversation and card games, according to Mrs. Cunningham.

“However, the most poignant place of respite was the Sinclairs’ private place. Mr. and Mrs. Sinclair added a small room to the rear of their house. At midday, after shopping, cooking and cleaning for their guests, Mrs. Sinclair retired to this plain room with its two rocking chairs, small table and reading lamp for her own, well-earned respite. That is the scene that sticks with me.”

The Rock Rest collection he chose to bring back to Washington includes china, glasses, silverware, lobster serving dishes, dressers, bookcases, lamps, chairs, tables, sports equipment and linens, Hazel’s sewing basket and souvenirs from road trips the couple took during the off season.

At the time, the Rock Rest collection comprised the single largest group of domestic furnishings the museum had collected from one place.

Cunningham smiles when she thinks that Rock Rest will be represented in this grand monument to African American history and culture.

“It kind of tickles me,” she said. “Hazel would have been saying, ‘What do you want that old stuff for?’ But she would be proud and delighted they were going to be put in the Smithsonian.

“I have the same feeling myself. I’m not going to be around to talk about it much longer, so it’s comforting to know the story is being preserved.”

### **Watching history**

Portsmouth Public Library, in collaboration with the Portsmouth Black Heritage Trail, is hosting a live watch party of the grand opening ceremonies of the National Museum of African American History on Culture on Sept. 24.

The event will be televised from the national mall starting at 10 a.m., as President Obama and other dignitaries participate in the formal opening of the new Smithsonian museum. At the library simulcast, the Black Heritage Trail will showcase exhibits that depict how the preservation of local historical sites relates to the larger history of America.

One of the exhibits will be on Rock Rest. Also covered will be the Black Heritage Trail’s successful effort to save the historic Pearl Street Church; the story of Harriet Wilson, author of the first novel published in North America by an African American; and oral history interviews with African Americans describing their experiences

Following the simulcast, the Black Heritage Trail will invite community members and visitors to be videotaped sharing their thoughts and opinions on the significance of these activities.