



# TOWN OF KITTERY

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

## KITTERY TOWN COUNCIL COUNCIL CHAMBERS

April 25, 2022

6:00PM

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

The public may participate in the meeting via Zoom webinar. **Register in advance for the webinar at:**

[https://us02web.zoom.us/webinar/register/WN\\_a5GZQp4GSGW1ERSjEVsMWA](https://us02web.zoom.us/webinar/register/WN_a5GZQp4GSGW1ERSjEVsMWA)

After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing and public comment.

**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
  - April 11, 2022 Regular Meeting
8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
  - a. (040222-1) The Kittery Town Council moves to accept a presentation from Alex Bartholomew, from the Bartholomew Investment Group on Investments.

10. PUBLIC HEARINGS

- a. (040222-2) The Kittery Town Council moves to approve a new Victualer's License application from Cibo e Amici – Mobile Food Unit located at 219-Wheeler Street, Methuen, MA.
- b. (040222-3) The Kittery Town Council moves to approve a new Victualer's License application from Jolie Rogers – Mobile Food Unit located at 24 Jason Circle, Boothbay, ME.
- c. (040222-4) The Kittery Town Council moves to approve a new Victualer's License application from NOBL Beverages located at 139 Folly Mill Road Seabrook, NH.

11. DISCUSSION

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

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition  

(040222-5) The Kittery Town Council moves to accept a donation in the amount of \$250.00 from D. Allen and Nicole Kerr to be deposited into the Thresher Memorial Fund.
- b. (040222-6) The Kittery Town Council moves to amend the Investment Policies.
- c. (040222-7) The Kittery Town Council moves to approve the Norton Road Easement with the Kittery Land Trust and the Kelly Family Revocable Trust.
- d. (040222-8) The Kittery Town Council moves to schedule a Public Hearing on May 9, 2022 to amend Title 5, for Administrative Approval of Certain Business Licenses.
- e. (040222-9) The Kittery Town Council moves to waive the enforcement of certain provisions of Title 5.7 Sidewalk Sales and authorizes the Town Manager to approve Request for Extension of License on Premises applications effective June 1, 2022 through October 31, 2022.

- f. (040222-10) The Kittery Town Council moves to approve a Pole Permit request from Central Maine Power, the pole will be located on Route 236 near I-95 on ramp.
- g. (040222-11) The Kittery Town Council moves to approve a banner and sign request from the Kittery Community Market, located 10 Shapleigh Road Kittery.
- h. (040222-12) The Kittery Town Council moves to appoint a Councilor to interview Clayton Smith along with the Chair of the Conservation Commission for a term to expire 12/31/2025.
- i. (040222-13) The Kittery Town Council moves to approve a renewal Liquor License application from Town Pizza, located at 15 Wentworth Street, Kittery.
- j. (040222-14) The Kittery Town Council moves to approve a Special Activity-Amusement permit for Definitive Brewing Company located at 318 US Route 1, Kittery.
- k. (040222-15) The Kittery Town Council moves to appoint members to the Diversity, Equity & Inclusion Ad Hoc Committee. They are as follows.
  - Celestyne Bragg
  - Barbara Scott
  - Vernon Brooks Carter

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: April 21, 2022



# 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 April 25, 2022

1. **SeeClickFix** – We are pleased to announce the launch of SeeClickFix, a new platform that allows residents to report non-emergency service requests. SeeClickFix can be used from mobile devices (cell phones/tablet apps) and computers. The reports for services are sent directly to the appropriate Town department(s) for follow-up. Users will receive real-time updates on the Town's progress toward addressing the reported issue.

We have a number of preloaded common service requests in the system. To report an issue/request, the user simply has to choose which category, answer a few questions, and hit submit. The software can geo-locate the user or they can use the map or type in an address to identify the location of the issue and pictures can be uploaded.

With Council permission, I can provide a very brief demonstration.

2. **Workshop on BL and BL-1 Zones** – The workshop on the BL and BL-1 Zoning amendments has been scheduled with the Council, Planning Board and Housing Committee for Monday, May 2, following the Council Special Meeting.

We are encouraging the Councilors to share with us any questions they have in advance so we may prepare information, visuals (if applicable) and other materials that may be helpful in responding to the questions. Please provide me with questions by Wednesday, April 27.

3. **Legion Pond Invasive Management** – Jessa Kellogg has again secured support from Maine DEP for invasive plant removal efforts at Legion Pond. This grant will cover two years of activities, and totals approximately \$40,522. The Town's match is 20%, or approximately \$8,100 which will be met primarily with in-kind services/staff time and volunteer support in some of the invasive removal effort.

With this grant, the Town and DEP will continue removing plant materials utilizing a diver. The diver is expected to take place over three-week periods each, this summer and next.

We will continue to pursue grant support to achieve long-term outcomes for Legion Pond, per the Council's direction.

4. **Linda Driscoll Retirement** – Please help me in congratulating Linda Driscoll on her recent retirement from the Lead Dispatcher position with the Kittery Police Department. Ms. Driscoll has served in Kittery's Public Safety Dispatch for 35 years! She has seen the evolution of public safety dispatch to more computerized and regulated work. She has worked with various Chiefs, Officers and Firefighters. Ms. Driscoll's wealth of experience and institutional knowledge has been invaluable to the Dispatch operations and the first responders she supports. She leaves very large shoes to fill!

Please join me in wishing Ms. Driscoll a long and healthy retirement.

**Upcoming Dates:**

- Absentee Ballot Applications Available Now – Town Clerk’s Office, [www.kitteryme.gov/elections](http://www.kitteryme.gov/elections)
- Real Estate & Personal Property Taxes Due – May 31, 2022, Town Hall
- Annual Lobster Trap Clean-Up at Beaches – May 7, 2022, 9AM, Conservation Commission
- Memorial Day Ceremony – May 28, 2022, 9:30AM, Orchard Grove Cemetery
- KEEP Property Tax Payment Plan Applications Due – June 1, 2022, Town Hall
- Voter Registration Night – June 8, 2022, 6PM - 7PM, Town Hall
- Town Meeting/School Budget Validation Referendum/State Primary Election – June 14, 2022, 8AM - 8PM, Kittery Community Center
- Senior Tax Credit Application Due – July 1, 2022, Town Hall, [www.kitteryme.gov/taxpaymentassistance](http://www.kitteryme.gov/taxpaymentassistance)

Respectfully Submitted,



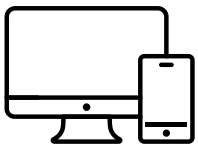
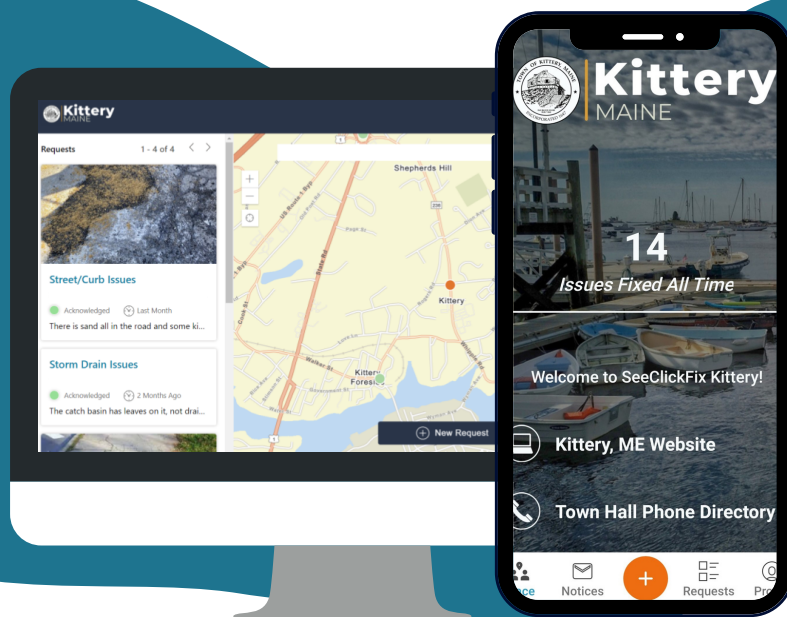
Kendra Amaral  
Town Manager

# TOWN OF KITTERY

# SeeClickFix

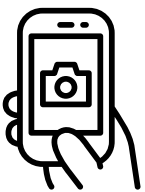


Get Connected • Get involved • Get Results



## DOWNLOAD OR VISIT

Visit SeeClickFix on the Town of Kittery website, or download the app on your mobile device for a fast, easy way to report non-emergency requests to the Town of Kittery.



## SUBMIT A REQUEST

Snap a photo and send a request from wherever you are. The mobile app will geo-locate your location and the request will be sent directly to the correct Town department.



## STAY INFORMED

Follow along with the progress of your request via the app or web portal and receive a confirmation when it's been resolved or completed.



Download on the  
**App Store**



Available on the  
**Google Play**

# KITTERY TOWN COUNCIL Unapproved Minutes

April 11, 2022, 6:00PM

COUNCIL CHAMBERS

1 1. Call to Order

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

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Judith Spiller, Vice Chair George Dow, Councilor Cyrus Clark,  
7 Councilor Cameron Hamm, Councilor Colin McGuire, and Councilor Mary Stevens.

8 Councilors present on ZOOM: Councilor Jeffrey Pelletier.

9 5. Agenda Amendment and Adoption

10 Under Public Hearings, item d. (040122-6) The Kittery Town Council moves to hold a  
11 public hearing on a new Victualer's License application from The Sandwich Monstahh –  
12 Mobile Food Unit, located at 3 Ann Avenue, Salem, NH., was removed.

13 Chair Spiller cast one vote to approve the agenda as amended.

14 6. Town Manager's Report

15 The Town Manager reported on: Attorney General's Response to the Marijuana license  
16 process, PFAS update, Foreside outdoor dining, Freebie Barn next steps.

17 Upcoming Dates: Absentee Ballot applications available now at the Town Clerk's office,  
18 or at [www.kitteryme.gov/elections](http://www.kitteryme.gov/elections), Kittery Yard Scaping Workshop is on April 14, 2022,  
19 7PM, at [www.kitteryme.gov/yardscaping](http://www.kitteryme.gov/yardscaping), Education Scholarship applications are due  
20 April 14, 2022 apply at [www.kitteryme.gov/scholarship](http://www.kitteryme.gov/scholarship), Mooring renewals are due April  
21 15, 2022 at the Harbormaster's office, or online at [www.kitteryme.gov/onlinemooring](http://www.kitteryme.gov/onlinemooring),  
22 the Kittery Easter Egg Hunt has been rescheduled to April 16, 2022, at the Kittery  
23 Community Center, the Town Hall will be closed for Patriots Day Holiday on April 18,  
24 2022, KEEP property tax payment plan applications are due June 1, 2022, at the Town  
25 Hall, Voter registration night is June 8, 2022, from 6PM - 7PM, at the Town Hall, Town  
26 Meeting/School Budget Validation Referendum/State Primary Election is on June 14,  
27 2022, from 8AM - 8PM, at the Kittery Community Center, and the Senior tax credit  
28 application is due July 1, 2022, at the Town Hall, the application is available at  
29 [www.kitteryme.gov/taxpaymentassistance](http://www.kitteryme.gov/taxpaymentassistance).

30 7. Acceptance of Previous Minutes

31 March 28, 2022 Regular Meeting

32 The called to order time was adjusted from 6:31p.m. to 6:00 p.m.

33 Chair Spiller moved to approved the March 28, 2022 Council minutes as amended.

34 All were in favor.

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

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

38 a. (040122-1) The Kittery Town Council moves to receive the FY'23 School Budget  
39 Presentation and to take a preliminary vote on the FY'23 School Budget for the June 14,  
40 2022 Town Meeting.

41 School Superintendent, Eric Waddell conducted the FY'23 School Budget presentation,  
42 and answered any questions the Town Council might have had.

43 b. (040122-2) The Kittery Town Council moves to receive a presentation from Save the  
44 Kittery Waters group.

45 Amy Sauber, 45 Crockett Neck Road, Kittery, and Patty Lynch, 61 Crockett Neck Road,  
46 Kittery, volunteers for Save Kittery Waters conducted the presentation on behalf of Save  
47 Kittery Waters group, and answered any questions or concerns the Council might have  
48 had.

49 10. PUBLIC HEARINGS

50 a. (040122-3) The Kittery Town Council moves to hold a public hearing to Authorize the  
51 Lease of Fire Apparatus.

52 The Town Manager gave an overview of the Lease of Fire Apparatus.

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

54 Motion Carried 7-0-0

55 b. (040122-4) The Kittery Town Council moves to hold a public hearing on Title 16 -  
56 Solar Energy Systems Amendments.

57 The Town Manager gave an overview on Title 16 - Solar Energy Systems Amendments.

58 Moved by Councilor Hamm, seconded by Councilor Clark.

59 Motion Carried 7-0-0



- 60 c. (040122-5) The Kittery Town Council moves to hold a public hearing on Title 16 –  
61 Affordable Housing BL and BL1 Amendments.
- 62 The Director of Planning and Development, Adam Causey, gave an overview of Title 16  
63 – Affordable Housing BL and BL1 Amendments.
- 64 Chair Spiller read a letter from Matt Brock, Chairperson of the Housing Committee, 50  
65 Goodwin Road, Kittery Point supporting Title 16 – Affordable Housing BL and BL1  
66 Amendments.
- 67 Dana Kimball, 6 Bridgeview Terrace, Kittery, expressed his concerns about the effects  
68 Affordable Housing would cause such as traffic, denser population, requiring more  
69 police and fire staff. Mr. Kimball also wanted to know the definition of affordable housing  
70 by the town’s standards.
- 71 The Director of Planning and Development, Adam Causey, addressed Mr. Kimball’s  
72 concerns.
- 73 Tom Emerson, 10 Ox Point Drive, Kittery, also a member of the Housing committee,  
74 Land Issues committee, and Economic Development committee stated affordable  
75 housing is defined by HUD.
- 76 Ali Goodwin, the Board Chair of Fair Tide wrote in support of Title 16 – Affordable  
77 Housing BL and BL1 Amendments.
- 78 Diane L. Harvey, 190 Brave Boat Harbor Road, Kittery Point wrote in support of the  
79 amendments to the BL/BL1 zones.
- 80 Debbie Driscoll, 9 Pepperrell Terrace, Kittery wrote as a property owner in the BL-1  
81 zone, she would like to ask the Town Council to consider having a visioning build out  
82 session, to see just how many housing units could be built on State Road and  
83 Shapleigh Road, before enacting the proposed zoning amendments for BL and BL-1  
84 zones.
- 85 The Town Council were all in favor to keep the public hearing on Title 16 – Affordable  
86 Housing BL and BL1 Amendments open until they could have a workshop with the  
87 Planning board and resume the public hearing at the May 9, 2022 Town Council  
88 meeting.
- 89 d. (040122-6) The Kittery Town Council moves to hold a public hearing on a new  
90 Victualer’s License application from The Sandwich Monstahh – Mobile Food Unit,  
91 located at 3 Ann Avenue, Salem, NH.
- 92 (Removed from the agenda)

93 11. DISCUSSION

94 a. Discussion by members of the public (three minutes per person)

95 Lainey McCartney, 30 Heron Point, Kittery wrote about her concerns and stated  
96 drainage for the 412 Development runs in front of her home. It was mostly a dry bed  
97 with occasional run-off post storms. In the last 2-3 years it has flowed non-stop due to  
98 increased drainage. She also stated it is currently choked-up with the green algae that  
99 is devastating Spruce Creek.

100 Filomena Knowles, 2 Estuary Drive, Kittery, spoke at the last Town Council meeting on  
101 Mar 28, 2022, she requested the Town Council speak to the Planning Board about its  
102 duty to the town. Ms. Knowles did not expect the Council to intervene in a specific  
103 application under consideration by the Planning Board, just merely requested the  
104 Council remind the Planning Board members that they need not approve a project that  
105 has a negative effect on the town just because all zoning ordinances are met. And that  
106 the duty of the Planning Board, as stated on the town website, is to “ensure proposed  
107 development does not adversely impact the health, safety of Kittery, assuring the  
108 protection of the town’s character.”

109 b. Response to public comment directed to a particular Councilor.

110 c. Chairperson’s response to public comments.

111 Chair Spiller responded to Ms. McCartney and stated that the Town would be working  
112 together with Save Kittery Waters on projects including the bodies of water that are  
113 draining into Spruce Creek.

114  
115 Chair Spiller responded to Ms. Knowles and stated the Council would not be speaking  
116 with the Planning Board about this specific matter.

117 12. UNFINISHED BUSINESS - None

118 13. NEW BUSINESS

119 a. Donations/gifts received for Council disposition

120 (040122-7) The Kittery Town Council moves to accept a donation in the amount of  
121 \$2,500.00 from Friends of the Rice Public Library for the Summer Reading Program.

122 Moved by Councilor Hamm, seconded by Councilor McGuire.

123 Motion Carried 7-0-0

124 b. (040122-8) The Kittery Town Council moves to schedule a Public Hearing on May 2,  
125 2022 to vote on the school Budget, (11 Cost Centers) and School Ordinances.

126 Moved by Vice Chair Dow, seconded by Councilor Stevens.

127 Motion Carried 7-0-0

- 128 c. (040122-9) The Kittery Town Council moves to approve the Town Meeting Warrant  
129 Articles.
- 130 Chair Spiller moved to adopt the Town Meeting articles as presented, seconded by  
131 Councilor Stevens.
- 132 Motion Carried 7-0-0
- 133 d. (040122-10) The Kittery Town Council moves to approve a request from Tributary  
134 Brewing Company located at 10 Shapleigh Road, Kittery, to hold a special event for the  
135 release of Mott the Lessor on Saturday April 23, 2022, from 12pm to 7pm.
- 136 Moved by Councilor McGuire, seconded by Councilor Hamm.
- 137 Motion Carried 7-0-0
- 138 e. (040122-11) The Kittery Town Council moves to approve a renewal Liquor License  
139 application from Anju Noodle Bar located at 7 Wallingford Square Unit 102, Kittery.
- 140 Moved by Councilor Stevens, seconded by Councilor McGuire.
- 141 Motion Carried 7-0-0
- 142 f. (040122-12) The Kittery Town Council moves to appoint Robert McDonough to the  
143 Parks Commission for a term to expire 12/31/2022.
- 144 Moved by Councilor Pelletier, seconded by Councilor Clark.
- 145 Motion Carried 7-0-0
- 146 g. (040122-13) The Kittery Town Council moves to appoint John Corgan to the  
147 Economic Development Committee for a term to expire 12/31/2025.
- 148 Moved by Councilor Stevens, seconded by Vice Chair Dow.
- 149 Motion Carried 7-0-0
- 150 h. (040122-14) The Kittery Town Council moves to appoint H. Scott Mason to the  
151 Economic Development Committee for a term to expire 12/31/2025.
- 152 Moved by Councilor Hamm, seconded by Vice Chair Dow.
- 153 Motion Carried 7-0-0
- 154 14. COUNCILOR ISSUES OR COMMENTS
- 155 Councilor Stevens stated she fully supported the purpose and the intent of the zoning  
156 ordinance the Council will consider at the May, 2022 Council meeting. She also wanted  
157 to recognize the town staff for all their hard work. Councilor Stevens stated she was  
158 impressed with all the members of the boards, committees, and commissions.
- 159 Councilor Hamm wanted to thank the leadership for the March for Meals.
- 160 15. COMMITTEE AND OTHER REPORTS

- 161 a. Communications from the Chairperson
- 162 b. Committee Reports
- 163 Chair Spiller gave an update on the Climate Adaptation Committee.
- 164 16. EXECUTIVE SESSION - None
- 165 17. ADJOURNMENT
- 166 Councilor Hamm moved to adjourn at 8:51 p.m., seconded by Councilor Stevens.
- 167 All were in favor.

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**  
Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1313 Fax: (207) 439-6806

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

Applicant's Name Christina L. Paterno  
*please print*

Applicant's Address 219 Wheeler Street, Methuen, MA 01844  
*please print*

Applicant's mailing address if different from above: \_\_\_\_\_

Applicant's Email address (required) christina.paterno@aol.com

Date of Birth 06/04/1963 Applicant's Telephone Number: (978) 423-3125

Business Name: Cibo e Amici, LLC  
*please print*

Business Address: 219 Wheeler Street - Methuen, MA 01844  
*please print*

Business Telephone Number: (978)423-3125

Signature of Applicant Christina L. Paterno DATE: 3/17/22

LICENSE FEE: \$ 50.00

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

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



**TOWN OF KITTEERY**  
Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1313 Fax: (207) 439-6806

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

Applicant's Name Andrew Rogers

*please print*

Applicant's Address 24 Jason Circle, Boothbay, ME, 04537

*please print*

Applicant's mailing address if different from above: \_\_\_\_\_

Applicant's Email address (required) oysters@jolierogersrawbar.com

Date of Birth 01/26/1996 Applicant's Telephone Number: 5082507598

Business Name: Jolie Rogers LLC

*please print*

Business Address: 707 River Road, Edgecomb ME, 04556

*please print*

Business Telephone Number: 5082507598

Signature of Applicant *Amelie Payne* DATE: 4/6/2022

LICENSE FEE: \$ 50

FIRST TIME APPLICATIONS: \$50.00

RENEWAL OF LICENSE: \$25.00

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



**TOWN OF KITTERY**  
Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1313 Fax: (207) 439-6806

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

Applicant's Name Alyssa Seale  
*please print*

Applicant's Address 313 Poor Farm Rd Farmington, Nh 03835  
*please print*

Applicant's mailing address if different from above: \_\_\_\_\_

Applicant's Email address (required) events@noblbeverages.com

Date of Birth 10/10/1989 Applicant's Telephone Number: 603 219-9553

Business Name: NOBL Beverages  
*please print*

Business Address: 139 Folly Mill Rd Seabrook, nh 03874  
*please print*

Business Telephone Number: (603) 395-9077

Signature of Applicant *A Seale* DATE: 3/31/2022

LICENSE FEE: \$ 50.00

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

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

**Donald and Nicole Kerr**  
4 Colonial Road  
Kittery, ME 03904

1054  
54-7468/2114

4/4 2022

PAY TO THE  
ORDER OF

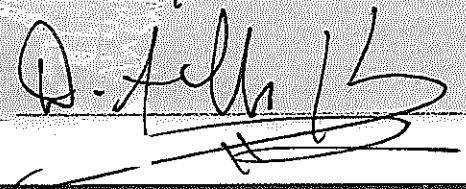
THRESHER MEMORIAL FUND \$ 250.00

TWO HUNDRED-FIFTY 00/100 DOLLARS

 Security features  
are included.  
Details on back.

**Piscataqua Savings Bank**  
Portsmouth, N.H.

FOR SILENT STRENGTH SALES



MP





**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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Meeting Date: April 25, 2022  
From: Kendra Amaral, Town Manager  
Subject: Investment Policy Revisions  
Councilor Sponsor: Chairperson Judy Spiller

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**EXECUTIVE SUMMARY**

The last time the Council reviewed and approved revisions to the Investment Policy was in April 2018. At that time, we were updating the policy to be consistent with existing investment practices in Kittery, and to allow greater flexibility in utilizing longer-term investments for idle cash.

The primary objective of the Investment Policy is to maximize returns with a managed risk to our capital. We have historically taken a very conservative approach to investment strategies, even compared to what is allowed via Maine State law that governs this matter. This is appropriate as the Town has limited idle cash and a sustained market downturn can significantly impact the Town's ability to manage through a financial storm.

We have recently conducted a review of the Town's current investment strategies and our Investment Policy with our new Financial Advisor, Bartholomew & Company. In the process we identified that access to a broader portion of the bond market and some lower risk mutual funds will improve Kittery's investment outcomes. The Town presently faces an issue of losing capital value due to the combination of low interest rates and rapid inflation; meaning cash is losing value.

The proposed policy still does not allow the broadest level of investment strategies permitted by state law. We have and continue to advise against investments in direct stocks, but have revised our position on broader bonds and lower risk mutual funds. I remain concerned about the potential of having to manage investments based on social or political objections to companies included in a particular mutual fund portfolio (i.e. fossil fuels, multi-national companies working in Russia, etc.); however, this concern is outweighed by the concern of losing value simply by holding cash; and investment in mutual funds dilutes the impact of Kittery capital's impact on the companies making up a mutual fund portfolio.

Kittery's available cash is approximately \$19M, and of this, approximately \$3M - \$5M is "idle". In 2018 idle cash was approximately \$2M - \$2.5M. Prior to the COVID-19 pandemic, idle cash had been invested in laddered products that vary maturity dates (for liquidity) and return rates. During the height of the pandemic, we did not reinvest cash when maturity was reached on the shorter-term investments. We were concerned about having sufficient liquidity during the uncertainty of the pandemic, and because there were no available investment products that met our policy and exceeded our money market return rate. The current average return rate for these products is well under 1%.

The proposed policy amendments will improve our ability to obtain a rate of return that out-paces treasury bonds and money markets, while remaining relatively conservative on risk exposure.

**PROPOSED SOLUTION/RECOMMENDATION**

Approve policy amendments as proposed.

**ATTACHMENTS**

- Draft Investment Policy
- Cash Flow Summary

1 **POLICY FOR THE INVESTMENT OF TOWN FUNDS**

2 The purpose of this Investment Policy is to establish the investment objectives, principles, eligible  
3 investments, authority for investing and standards of prudence for the investment of funds of the Town  
4 of Kittery. [The following policy is dictated by regulations set forth in MRS 30-A §5706 -§5719.](#)

5 **1. Investment policy objectives**

6 The primary objectives of the Town’s investment policy are:

- 7 a) To ensure that investment of funds is accomplished in a safe and secure manner in  
8 accordance with state and federal rules and regulations;
- 9 b) To limit the Town’s exposure to unnecessary risks including but not limited to default,  
10 interest rate, liquidity, sovereign, and exchange;
- 11 c) To provide competitive returns without sacrificing safety or compromising liquidity  
12 requirements [or principal investment](#); and
- 13 d) To insure accountability to the Town Council for all transactions and internal controls on all  
14 investment activities.

15 **2. Investment Risk Principles**

16 The purpose of the following principles is to provide rules that will govern investment decision trade-offs  
17 for the Town of Kittery.

18 **Default:** To provide for safety from loss of principal and interest over liquidity and yield by:

- 19 a) Diversifying assets;
- 20 b) Maintaining a high degree of overall investment quality;
- 21 c) Establishing minimum acceptable standards of creditworthiness for issues of securities; and
- 22 d) Complying with state and federal investment rules and regulations.

23 **Exchange:** To provide insulation from currency fluctuations by investing only in US dollar denominated  
24 assets

25 **Liquidity:** To provide liquidity to meet the ongoing needs of the Town by maintaining an adequate  
26 blend of

- 27 a) Fixed income investments maturing at regular intervals and;
- 28 b) High degrees of marketability.

29  
30 **Sovereign:** To provide insulation from foreign political and economic disturbances by investing only in  
31 obligations of

- 32 a) The US government, government agencies, or domestic corporations; and
- 33 b) Financial institutions which are domiciled and regulated in the United States.

34 **Yield:** To limit the exposure to the varying interest rate environment, by adhering to a strategy of  
35 laddering, to create a system where a portion of the portfolio is available for reinvestment at regular  
36 intervals, to the extent feasible. This prudent diversification strategy will provide some protection from  
37 interest rate fluctuations, provide predictable interest income and improve the overall yield.

38 **3. Responsibility and Authority**

39 The Town Council delegates decision-making authority with respect to specific investments to the  
40 Treasurer. The Treasurer has authority to authorize execution of investments.

41 The Treasurer has the authority and responsibility to implement and administer the Town 's investment  
42 policy. The Treasurer may call upon the Finance Director and other sources for advice and counsel.

43 **4. Investment Policy**

44 As a municipality, the Town of Kittery will maintain an investment policy on the management of its  
45 sources and uses of funds, which ensures that it can best serve the financial needs of the Town.

46 **4.1** These investment constraints will require the Town to operate under a strictly conservative and  
47 defensive policy of investment in order to minimize risk of losses. The investment strategies should  
48 consider the following:

49 a) Safety - preservation of capital and risk assessment considering the following factors:

- 50 1. Credit or principal risk
- 51 2. Interest rate risk
- 52 3. Prepayment risk
- 53 4. Exchange rate risk
- 54 5. Reinvestment risk
- 55 6. Concentration risk
- 56 7. [Inflation risk](#)

57 b) Maintenance of sufficient liquidity to meet unexpected cash needs - investments structured to  
58 allow for a portion of liquidity to address unanticipated cash needs.

59 c) Income generation – adequate return to meet needs

60 **4.2** The Town of Kittery will invest using a BUY AND HOLD strategy, in which the Town buys  
61 investment securities with the intent of holding them until maturity. Distribution of maturities will be  
62 monitored and balanced in order to maintain liquidity and limit losses associated with interest rate  
63 fluctuations. Three investment portfolios will be constructed balancing the risks of liquidity, maturity,  
64 and interest rates. Cash flow allocations to each of the three portfolios will vary over time depending on  
65 fluctuations in balances. The three portfolios are as follows:

- 66 a) CASH RESERVE: primary reserves held to provide day to day liquidity for routine operations
- 67 b) SHORT TERM: maturity less than 1 year
- 68 c) INTERMEDIATE TERM: maturity from 1 to ~~5~~7 years

69 **5. Maximum Maturities**

70 To the extent possible, the Town of Kittery will attempt to match investments with anticipated cash  
71 requirements.

72 **6. Delegation of Authority**

73 Authority to manage the Town of Kittery’s investment program is derived from 30-A MRS §5706 et seq.  
74 Management responsibility for the investment program is hereby delegated to the Treasurer, who shall

75 establish written procedures for the operation of the investment program consistent with this investment  
76 policy. Such procedures must include explicit delegation of authority to one or more persons  
77 responsible for investment transactions or verifications. No person may engage in an investment  
78 transaction except as provided under the terms of this policy and the procedures established by the  
79 Treasurer. The Treasurer is responsible for all transactions undertaken and shall establish a system of  
80 controls to regulate the activities of subordinate officials, and for periodic reporting to the Town Council.

## 81 7. Authorized Institutions

82 The Treasurer or designate(s) is/are responsible for evaluating each investment that the Town is  
83 considering for purchase, and will qualify, and approve such investments in advance of investing funds.  
84 The credit analysis performed will analyze the safety and soundness of the issuing entity. All  
85 institutions must be approved in advance of investment activity by the Treasurer.

## 86 8. Authorized Investment Activities

87 The following investments, as permitted under applicable state and federal laws, are specifically  
88 authorized for inclusion in the Town 's investment portfolios:

- 89 a) Securities issued by the US Treasury,
- 90 b) US Government Agencies
- 91 c) General obligation securities issued by the State of Maine or its instrumentalities
- 92 ~~e)d~~ Bonds and other direct obligations issued and guaranteed by any state provided that the  
93 securities are rated within the three highest grades by any rating services (MRS §5712  
94 Subsection 2)
- 95 ~~e)e~~ Certificates of deposit issued by FDIC/NCUA insured:
  - 96 1. Domestic commercial banks
  - 97 2. Savings and loans associations
  - 98 3. Trust companies
  - 99 4. Credit unions (share certificates)

- 100 ~~e)f~~ Collateralized Money market and checking accounts
- 101 ~~f)g~~ Money market accounts at federally insured:

- 102 1. Domestic commercial banks
- 103 2. Savings and loans associations
- 104 3. Trust companies
- 105 4. Credit unions
- 106 5. Brokerage accounts insured by SIPC and an independent insurance company

107 There is no limit on the deposit amount in money market accounts. Independent analysis on all  
108 depository institutions with deposits in excess of the FDIC insurance limit of \$250,000 must be  
109 reviewed on a quarterly basis. If the depository institution falls below its peer group average, the  
110 Treasurer shall take appropriate defensive action and inform the Town Council on a timely  
111 basis. Acceptable sources of independent third-party analysis are:

- 112 1. Standard & Poor's
- 113 2. Moody's Investor Services
- 114 3. Other independent rating service acceptable to the Town 's Treasurer

115 h) Mutual Funds: See Appendix for list of example funds. (MRS §5706, 5712)

116 1. Mutual Funds comprised of bonds and other direct obligations of the United States  
117 Government or participation certificates issued by any agency, association, authority or  
118 instrumentality created by the United States Congress or any executive order.

119 2. Mutual Funds for trusts governed by the United States Internal Revenue Code, Section  
120 501(c)(3) as long as the investment is approved by municipal officers at a public meeting  
121 and no more than 50% of the assets of the trust are invested in mutual funds under this  
122 section. Subsection 3-A, §5706. See Appendix A for list of potential funds.

123 i) Corporate Securities limited to Corporate Bonds and Maine Corporate Bonds (MRS §5713).

124 j) Other Prudent Securities including Investment Grade Corporate Bonds that are outside of  
125 the top three ratings of AAA, AA+ and AA as long as the chosen investment retains the  
126 preservation of capital principal as articulated in the Investment Policy Statement (MRS  
127 §5716).

128 **9. Internal Control**

129 The following internal control procedures must be adhered to:

- 130 a) Security receipts/confirmations received will be verified as the ones purchased;
- 131 b) All evidence of investment transactions will be maintained on the premises of the Town offices
- 132 in a secure location; and
- 133 c) The Treasurer shall maintain records of income received from each investment.

134 **10. Policy Exception and Review**

135 This investment policy shall be reviewed periodically by the Treasurer. Any questions or exceptions  
136 which may cause this policy to be amended must be discussed and approved by the Town Council  
137 prior to implementation. All other provisions governing this policy and its activities in Town Charter or  
138 ordinance or in State Statute and Federal Code must apply.

139 **Appendix A – Sample List of Possible Mutual Funds**

140 Examples of United States Instrumentalities

- 141 • STIP – iShares 0-5 Year TIPS Bond
- 142 • TIP – iShares TIPS Bond
- 143 • TFLO – iShares Treasury Floating Rate Bond
- 144 • SHV – iShares Short Treasury
- 145 • SHY – iShares 1-3 Year Treasury
- 146 • AGZ – iShares Agency Bond
- 147 • MBB – iShares MBS
- 148 • CMBS – iShares CMBS
- 149 • GNMA – iShares GNMA Bond
- 150 • FUMBX – Fidelity Short-Term Treasury Bond Index
- 151 • FUAMX – Fidelity Intermediate Treasury Bond Index
- 152 • FTSD – Franklin Liberty Short Duration US Government

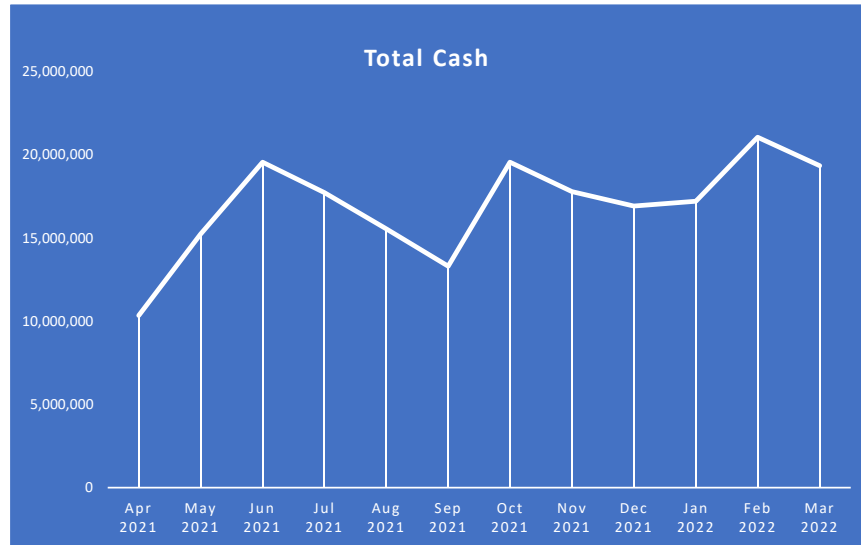
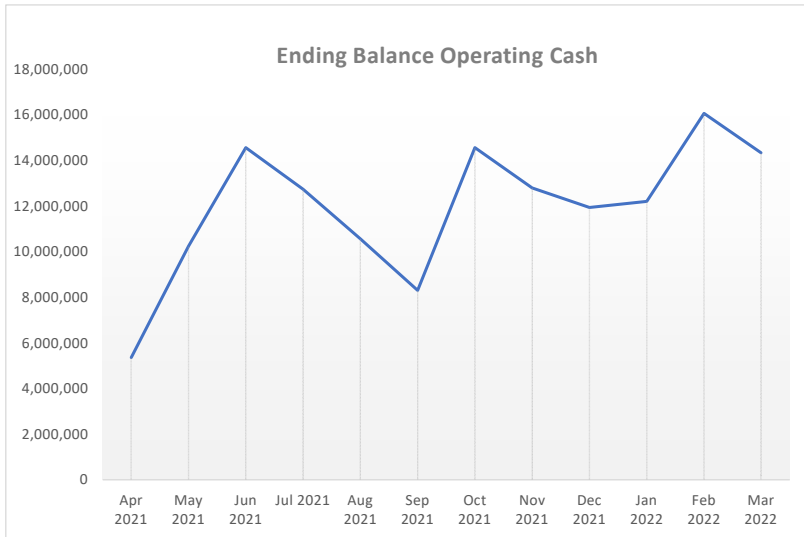
153 Mutual Funds for trusts Governed by the United States Internal Revenue Code, Section 501c(3)

- 154 • Corporate Bond Exposure:
  - 155 ○ IGSB – iShares 1-5 Year Investment Grade Corporate Bond
  - 156 ○ SQLD – iShares 0-5 Year Investment Grade Corporate Bond
  - 157 ○ SPSB – SPDR Portfolio Short Term Corporate Bond
  - 158 ○ FLOT – iShares Floating Rate Bond
- 159 • Municipal Bond Exposure:
  - 160 ○ SUB – iShares Short-Term National Municipal Bond
- 161 • Equity Exposure:
  - 162 ○ IVV – iShares Core S&P 500
  - 163 ○ IVE – iShares S&P 500 Value
  - 164 ○ IVW – iShares S&P 500 Growth
  - 165 ○ IWL – iShares Russell Top 200
  - 166 ○ IWX – iShares Russell Top 200 Value
  - 167 ○ IWY – iShares Russell Top 200 Growth
  - 168 ○ NOBL – ProShares S&P 500 Dividend Aristocrats
  - 169 ○ SDY – SPDR S&P Dividend
- 170 • ESG/Socially Responsible/Sustainable:
  - 171 ○ SUSB – iShares ESG Aware 1-5 Year USD Corporate Bond
  - 172 ○ FITLX – Fidelity U.S. Sustainability Index

## Rolling 12 Month Cash Flow

	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	12 Months
<b>Beginning Balance Operating Cash</b>	<b>6,484,784</b>	<b>5,366,088</b>	<b>10,248,743</b>	<b>14,575,344</b>	<b>12,743,746</b>	<b>10,571,210</b>	<b>8,314,571</b>	<b>14,567,136</b>	<b>12,799,612</b>	<b>11,942,854</b>	<b>12,217,714</b>	<b>16,070,017</b>	<b>6,484,784</b>
Net Change	(1,118,696)	4,882,655	4,326,601	(1,831,598)	(2,172,536)	(2,256,639)	6,252,565	(1,767,524)	(856,758)	274,860	3,852,303	(1,720,916)	7,864,317
<b>Ending Balance Operating Cash</b>	<b>5,366,088</b>	<b>10,248,743</b>	<b>14,575,344</b>	<b>12,743,746</b>	<b>10,571,210</b>	<b>8,314,571</b>	<b>14,567,136</b>	<b>12,799,612</b>	<b>11,942,854</b>	<b>12,217,714</b>	<b>16,070,017</b>	<b>14,349,101</b>	<b>14,349,101</b>
<b>Ending Balance Money Market/Investment</b>	<b>4,980,016</b>	<b>4,980,475</b>	<b>4,980,033</b>	<b>4,980,361</b>	<b>4,980,711</b>	<b>4,981,040</b>	<b>4,981,357</b>	<b>4,981,707</b>	<b>4,982,047</b>	<b>4,982,386</b>	<b>4,982,633</b>	<b>4,982,802</b>	<b>4,982,802</b>
<b>Total Cash</b>	<b>10,346,104</b>	<b>15,229,218</b>	<b>19,555,377</b>	<b>17,724,107</b>	<b>15,551,922</b>	<b>13,295,611</b>	<b>19,548,493</b>	<b>17,781,319</b>	<b>16,924,900</b>	<b>17,200,100</b>	<b>21,052,650</b>	<b>19,331,904</b>	<b>19,331,904</b>

Tax Receipt Date													
Large Debt Payments													
County Tax Payment													
Bond Refi Reimb to General Fund													





## Cash Flow Balances

	Cash Balance	Approx Investments	Net Operating Cash
Apr 2021	10,344,795	(5,000,000)	\$ 5,344,795
May 2021	15,227,910	(5,000,000)	\$ 10,227,910
Jun 2021	19,555,053	(5,000,000)	\$ 14,555,053
Jul 2021	17,723,783	(5,000,000)	\$ 12,723,783
Aug 2021	15,551,597	(5,000,000)	\$ 10,551,597
Sep 2021	13,295,286	(5,000,000)	\$ 8,295,286
Oct 2021	19,548,169	(5,000,000)	\$ 14,548,169
Nov 2021	17,780,995	(5,000,000)	\$ 12,780,995
Dec 2021	16,924,576	(5,000,000)	\$ 11,924,576
Jan 2022	17,199,776	(5,000,000)	\$ 12,199,776
Feb 2022	21,052,325	(5,000,000)	\$ 16,052,325
Mar 2022	19,331,579	(5,000,000)	\$ 14,331,579

### Notes:

1. Investments are comprised of Money Market and Treasury Bonds.



# 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: April 12, 2021  
Update: October 13, 2021, April 25, 2022  
From: Kendra Amaral, Town Manager  
Subject: Norton Road Parking  
Councilor Sponsor: Chairperson Judy Spiller

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### SUMMARY

The Council received a public comment at their March 22, 2021 meeting from a resident of Norton Road, near the entrance to the Norton Preserve. The public comment was focused on issues with parking and disruption of the neighborhood's quiet atmosphere due to visitors accessing the Preserve via Norton Road. Information regarding the matter was presented at the April 12, 2021 meeting.

At that meeting, the Council directed me to support the KLT working with the neighbors on devising a solution that satisfied all parties.

The Kittery Land Trust has been working with the neighbors to achieve a resolution. We attended a meeting at the site with the neighborhood and have had ongoing communication with Kalle Matso, Chair of the KLT and the neighbors.

The solution being advanced involves the donation of a land easement along the east side of Norton Road right of way for the creation of a 2 or 3-car parking area (total number of cars will depend on final installation of parking area). The land easement would be granted to the Town by Christine and Alan Kelly.

The plan would require the Town to accept the easement and install the parking area, as well as making other adjustments along the east side of Norton Road from the Kelly's property to the Preserve. The adjustments would effectively deter parking outside of the new "parking area" through natural means including increasing the slope of the swale and adding boulders and other natural impediments. The ultimate outcome expected from this work will be the limitation of visitors through the restriction of parking.

We also discussed with the neighborhood options to address the west side of Norton Road, along the Patten's property. They do not desire any physical changes made to their side of the road

(such as installation of a swale). This is not to say they are not concerned with people parking on that side of the road; as they also desire to strictly limit use of this access point to the Preserve.

It is unclear what steps will be acceptable to the neighborhood if this solution is adopted and the resulting outcome is people parking on the Patten's side of the road.

### **UPDATE - OCTOBER 2021**

A draft easement has been developed by KLT and reviewed by our Town Attorney. The Kellys' attorney needs to review the easement and respond with any edits they wish to see.

Once completed, the easement will come to the Council for a vote. If the Council accepts the easement, then we will record it and move forward with planning for the installation of the parking area. The goal will be to get the parking area installed by next spring.

No action of the Council is required at this time. I expect the easement to be presented to the Council formerly before the end of the calendar year, possibly as soon as your next meeting.

If you are interested in refreshing yourself on the details of this matter, please review the April 12, 2021 Council packet. Included in that were the preliminary report, KLT Norton Preserve trail map, deeds associated with the establishment and maintenance of the preserve, and KLT visitation study.

### **UPDATE**

The Kelly's and KLT have finalized the easement agreement that grants use of a portion of the Kelly's land for parking.

We have developed the plan for installing both the parking spaces and the enhanced swale to deter parking beyond the easement area.

If approved by the Council, the easement will be signed and recorded. The DPW team is ready to construct the parking and enhanced swale this spring.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve the easement as presented.

### **ATTACHMENTS**

- Norton Road Easement



**TOWN OF KITTELY**  
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: April 25, 2022  
From: Kendra Amaral, Town Manager  
Subject: Title 5 – Administrative Approval of Renewals and Food Trucks  
Councilor Sponsor: Chairperson Judy Spiller

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**OVERVIEW**

The Town's Comprehensive Plan, 5 Year Action Plan primary objectives, calls for the town to become more efficient by streamlining the permitting process. The proposed amendments to Title 5 seek to complete this objective by allowing renewal of annual Special Amusement Permits and Food Service Establishment Licenses via administrative review and approval. Additionally, the proposed amendments would allow for administrative approval for Food Truck permits.

The proposed revisions do not change the approval process for new Special Amusement and Food Service approvals; just renewals.

By streamlining these processes, the Town better serves our existing local businesses, removes potential delays in waiting for Council meeting to act on their renewals; and allows the staff to work with businesses to reduce disruption to their operations.

Streamlining the Food Truck licenses allow businesses to take advantage of the present "foodie" movement and add to the growing draw of Kittery as a destination for great food options in a more responsive manner.

**PROPOSED TITLE 5 AMENDMENTS**

The proposed Title 5 amendments add sections to Special Amusement and Food Service Businesses that allow for the Town Manager to administratively approval renewal licenses and permits, upon inspection by the Code Enforcement Officer. The Town Council will retain review and decision on new applications, and on renewals if the applicant is not in compliance with applicable ordinances, statutes, and regulations, or the Code Enforcement Officer does not recommend approval.

The proposed amendments also eliminate an anomaly regarding appeal of a decision of the Council or Town Manager. In the Special Amusement section, the appeal goes to the Board of Appeals, while in the Food Services Business there is no appeal option. The amendments address this by directing appeals of the Council to Superior Court via Rule 80B, as is the case with other Town Council decisions.

The proposed amendments also continue the town's efforts to increase enforcement options by establishing a civil penalty of a set amount. As discussed in other recent ordinance amendments, this allows the Code Enforcement Officer to issue a penalty directly, rather than requiring the Town to seek a court judgement before penalty can be issued.

The proposed amendments to the Food Truck section update the terminology (from "lunch wagon" to "food truck") and allow for administrative approval for new and renewal licenses.

The Food Truck amendments also include an appeals section, in two-parts; meaning an appeal of the Town Manager's decision goes to the Council, and an appeal of the Council goes to Superior Court. This varies from the two other sections because the proposal allows the Town Manager to decide on new food truck applications (rather than just renewals) and allows the Town Manager to deny permits administratively for food trucks.

### **PROPOSED SOLUTION/RECOMMENDATION**

Approve amendments as proposed.

### **ATTACHMENTS**

- Draft Title 5 Various Sections Amendments
- Draft Title 5 Various Sections Enactment

## CHAPTER 5 ADMINISTRATIVE APPROVAL OF VARIOUS LINCENSES

### 1. AMEND SPECIAL AMUSEMENT PERMITS to allow for administrative approval of renewal permits as follows:

- 1 § 5.2.3 Permit required.
- 2 A. No licensee for the sale of liquor to be consumed on his/her licensed premises may permit on his/her  
3 licensed premises any music, except radio or other mechanical device, any dancing or entertainment of  
4 any sort unless the licensee has first obtained from the Town a special permit ~~signed by at least a~~  
5 ~~majority of the municipal officers.~~
- 6 B. Applications for all special amusement permits are made in writing ~~to the municipal officers~~ and must  
7 state the name of the applicant; his/her residence address; the name of the business to be conducted;  
8 his/her business address; the nature of his/her business; the location to be used; whether the applicant  
9 has ever had a license to conduct the business therein described either denied or revoked and, if so, to  
10 describe those circumstances specifically; whether the applicant, including all partners or corporate  
11 officers, has ever been convicted of a felony and, if so, the applicant is to describe specifically those  
12 circumstances; and any additional information as may be needed by the municipal officers in the issuing  
13 of the permit, including but not limited to a copy of the applicant's current liquor license.
- 14 C. No permit may be issued ~~for any thing or act or premise~~, if the premises and building to be used for the  
15 purposes do not fully comply with all ordinances, statutes and regulations of the Town and the State of  
16 Maine. Upon receipt of the application, ~~the municipal officers will refer the same to~~ the Code  
17 Enforcement Officer will inspect the premises and building for a determination to assure to determine  
18 compliance with ~~such applicable~~ ordinances, statutes and regulations. ~~The Code Enforcement Officer~~  
19 ~~shall advise the Council as to determination of the same.~~
- 20 D. The fee for a special amusement permit is set out in Appendix A.
- 21 E. The municipal officers shall hold a public hearing within ~~15-30~~ days of the date of any original  
22 application ~~the request~~ received, at which the testimony of the applicant and that of any interested  
23 members of the public is taken. The applicant shall be notified of the hearing date, ~~and the Council must~~  
24 ~~cause to be published in a newspaper of general circulation within the Town notice of the hearing at~~  
25 ~~least seven days prior to the hearing date.~~
- 26 F. The Town Manager may review and approve any application for renewal of a permit, if the permit-  
27 holder is in compliance with applicable ordinances, statutes, and regulations. The Town Manager shall  
28 request the municipal officers hold a public hearing, in accordance with §5.2.7.E, and vote on the permit  
29 renewal application if the applicant does not have an unexpired permit at the time of applying for a  
30 renewal permit, if the applicant is not in compliance with applicable ordinances, statutes, and  
31 regulations, or upon recommendation of the Code Enforcement Officer.

32 ~~FG.~~ The ~~municipal officers are~~ Town is to grant a permit, unless ~~they find that~~ it is determined that issuance  
33 of the permit will be detrimental to the public health, safety or welfare, or would be in violation of any  
34 Town or state ordinance, rules and regulations.

35 ~~GH.~~ A permit is valid only for the license year of the applicant's existing liquor license.

36 § 5.2.4 **Inspections.**

37 C. In addition to any other penalty which may be provided, the municipal officers may revoke the special  
38 amusement permit ~~of any licensee in the municipality~~ who refuses to permit any such officer, official or  
39 employee to make an inspection or take sufficient samples for analysis or who interferes with such  
40 officer, official or employee while in the performance of his/her duty. No license or special amusement  
41 permit may be revoked unless written demand for the inspection or sample is made upon the licensee or  
42 person in charge of the premises at the time the request for the inspection is made.

43 § 5.2.7 **Permit and appeal procedures.**

44 A. ~~Any licensee requesting a special amusement permit from the municipal officers must be notified in~~  
45 ~~writing of their decision no later than 15 days from the date the request was received.~~ In the event that  
46 an licensee applicant is denied a permit, the licensee applicant must be provided with the reasons for the  
47 denial in writing. The licensee applicant may not reapply for a permit within 30 days after an application  
48 for a permit has been denied.

49 B. Any person aggrieved by the decision of the Town Council may appeal such decision to the Superior  
50 Court as otherwise provided by law and Rule 80(B) M.R.C.P. ~~Any licensee who has requested a permit~~  
51 ~~and has been denied, or whose permit has been revoked or suspended, may within 30 days of the denial,~~  
52 ~~suspension or revocation appeal the decision as provided in 30-A M.R.S. § 2691. The Board of Appeals~~  
53 ~~may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment~~  
54 ~~to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or~~  
55 ~~capricious, or that the denial, revocation or suspension was not based by a preponderance of the~~  
56 ~~evidence on a violation of any ordinance, article, bylaw or regulation of the municipality.~~

57 § 5.2.9 **Violations and penalties.**

58 ~~Any violation of this chapter will be assessed a penalty under Title 1, Chapter 1.3.~~ Any violation of this  
59 chapter will be assessed a penalty of \$250. Each day any violation of this chapter continues constitutes a  
60 separate offense.

**2. AMEND FOOD SERVICE ESTABLISHMENTS to allow for administrative approval of renewal permits as follows:**

61 § 5.3.3 **Definitions.**

62 For the purposes of this chapter, the following definitions apply:

63 ~~LICENSING BOARD-~~

64 ~~The municipal officers of the Town of Kittery (the Town Council).~~

65 § 5.3.5 **Hearing.**

66 A. A.—The municipal officers ~~shall~~may hold a public hearing on any original application for a  
67 license for food service within 30 days of the date the request was received, at which time the  
68 testimony of the applicant and that of any interested members of the public is to be taken. The  
69 applicant must be notified of the hearing date.

70 B. The Town Manger may review and approve any renewal application for a license for food service  
71 within 30 days of the date the request was received.

72 BC. The ~~municipal officers are~~Town is to grant a license unless ~~they find~~it is found that issuance of such  
73 license will be detrimental to the public health, safety or welfare or would be in violation of any Town  
74 or state ordinance, rules or regulations.

75 ~~§ 5.3.8 Annual license hearing.~~

76 ~~The licensing board shall meet annually during the month of May on a date and at a time and place in the~~  
77 ~~municipality that it determines. At least seven days before the meeting, the board must post notices stating~~  
78 ~~the purpose of the meeting in at least two public places in the municipality.~~

79 § 5.3.8 Appeals.

80 A. Any person aggrieved by the decision of the Town Manager my appeal such decision to the Town  
81 Council. The Town Council, after a public hearing, may affirm or reverse the Town Manager’s decision.

82 B. Any person aggrieved by the decision of the Town Council may appeal such decision to the Superior  
83 Court as otherwise provided by law and Rule 80(B) M.R.C.P.

84 § 5.3.9 **Violations and penalties.**

85 Any violation of this chapter will be assessed a penalty of \$250. Each day any violation of this chapter  
86 continues constitutes a separate offense. ~~Any violation of this chapter will be assessed a penalty under Title~~  
87 ~~1, Chapter 1.3.~~

**3. AMEND MOBILE FOOD-VENDINT UNITS to allow for administrative approval as follows:**

88 § 5.6.1 **Title.**

89 This chapter is known as the "Town ~~Lunch Wagon, Mobile Unit or Roving Diner License~~Food Truck  
90 Ordinance" and is referred to hereinafter as "this chapter."

91 § 5.6.2 **Purpose.**

92 The purpose of this chapter is to control the issuance of licenses for food trucks, lunch wagons, mobile units  
93 or roving diners in the Town.

94 § 5.6.3 **Definitions.**

95 As used in this chapter, the following terms shall have the meanings indicated:

96 ~~LUNCH WAGONS, ROVING DINERS or MOBILE UNITS~~FOOD TRUCKS

97 Any mobile vehicle or unit used to prepare, sell or serve food at a number of sites and capable of being  
98 moved from its serving site at any time.



99 § 5.6.4 **License required; application requirements.**

100 No person may operate any type of ~~lunch wagon, mobile unit or roving diner~~food truck within the Town  
101 unless licensed to do so by the Town, unless specifically waived by the Town. Applications for ~~lunch wagon,~~  
102 ~~mobile unit or roving diner~~food truck licenses are to be made in writing upon forms supplied by the Town  
103 Clerk and state the name of the applicant, residence and mailing addresses, the name of the business to be  
104 conducted, business address, the location(s) to be used, residence and business telephone numbers, and the  
105 date of the application. Upon receipt of the application, the Town Clerk shall refer the same to the Code  
106 Enforcement Officer for a determination to assure compliance with the ordinances, statutes and regulations of  
107 the Town of Kittery and State of Maine.

108 § 5.6.5 **Hearing**License review.

109 A. The ~~municipal officers shall hold a hearing on any original application for a license for a lunch wagon,~~  
110 ~~mobile unit or roving diner~~Town Manager will review the application and approve or deny the permit  
111 within 30 days of the date of the request received,~~at which time the testimony of the applicant and that~~  
112 ~~of any interested members of the public is to be taken. The applicant must be notified of the hearing~~  
113 ~~date.~~

114 B. The ~~municipal officers~~Town shall grant a license unless they find that issuance of such license will be  
115 detrimental to the public health, safety or welfare or would be in violation of any Town or state  
116 ordinance, rules or regulations.

117 § 5.6.7 **Fees and expiration.**

118 Every person licensed to operate a ~~lunch wagon, mobile unit or roving diner~~food truck must pay to the Town  
119 Clerk an annual fee as set out in Appendix A. All licenses, unless otherwise provided, are for 12 months'  
120 duration.

121 § 5.6.8 **Restrictions on stationing in roadways or parks.**

122 No ~~lunch wagon, mobile food unit or roving diner~~food truck may operated or be stationed in any Town  
123 roadways or parks, except at Town-sponsored special events:

124 A. In such a manner as to obstruct or impede the normal flow of vehicular or pedestrian traffic or to expose  
125 any pedestrian to a risk of injury;

126 B. On any Town sidewalks; or

127 C. In such a way that any part of the equipment overhangs private property, unless the owner of the unit  
128 has authorization from the property owner in writing.

129 §5.6.9 Appeals.

130 A. Any person aggrieved by the decision of the Town Manager my appeal such decision to the Town  
131 Council. The Town Council, after a public hearing, may affirm or reverse the Town Manager's decision.

132 B. Any person aggrieved by the decision of the Town Council may appeal such decision to the Superior

133 Court as otherwise provided by law and Rule 80(B) M.R.C.P.

134 § 5.6.~~9~~10 **Violations and penalties.**

135 Any violation of this chapter will be assessed a penalty of \$250. Each day any violation of this chapter

136 continues constitutes a separate offense. ~~Any violation of this chapter will be assessed a penalty under Title-~~

137 ~~1, Chapter 1.3.~~

**KITTERY TOWN CODE –  
TITLE 5 ADMINISTRATIVE APPROVAL OF LICENSES AND PERMIT RENEWALS**

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 Kittery Comprehensive Plan calls for the Town to become more efficient by  
11 streamlining permit processes for businesses and economic activity; and

12 **WHEREAS**, the Kittery Town Council seeks to streamline licensing and permitting for Special  
13 Amusements, Food Service Businesses and Food Trucks such that the process is more  
14 responsive to the businesses; and

15 **WHEREAS**, the proposed ordinances simplify and shorten the timeframe for businesses to  
16 obtain annual license renewals and food truck permits;

17 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN  
18 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS AMENDMENTS TO  
19 CHAPTERS §5.2 SPECIAL AMUSEMENT PERMITS, §5.3 FOOD SERVICES  
20 ESTABLISHMENTS, AND §5.6 MOBILE FOOD-VENDING UNITS, OF THE TOWN CODE, AS  
21 PRESENTED.

22 **INTRODUCED** and read in a public session of the Town Council on the \_\_\_\_ day of \_\_\_\_\_,  
23 20\_\_\_\_, by: \_\_\_\_\_ {NAME} Motion to approve by Councilor  
24 \_\_\_\_\_ {NAME}, as seconded by Councilor \_\_\_\_\_ {NAME} and  
25 passed by a vote of \_\_\_\_\_.

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

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



## OUTDOOR RETAIL AND RESTAURANT SALES

**WHEREAS**, COVID-19, also known as coronavirus is a highly infectious virus that has impacted all aspects of the community including residents, workers, and visitors, since 2020; and

**WHEREAS**, the businesses in the Town of Kittery, remain vulnerable to the residual impacts of the virus including staffing shortages, supply cost escalations, and customer hesitation with indoor dining; and

**WHEREAS**, the Governor of Maine has continued to encourage communities to work with their commercial businesses to reenergize local economies following two years of pandemic related restrictions; and

**WHEREAS**, the Kittery Town Council wishes to support the businesses in town by making outdoor sales and dining possible through streamlined review and approval processes that respond to evolving needs; and

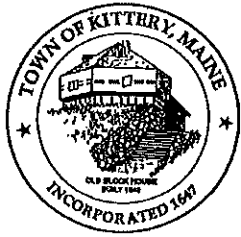
**NOW, THEREFORE**, the Kittery Town Council hereby waives enforcement of the following provisions of Title 5.7 Sidewalk Sales and authorizes the Town Manager to approve Request for Extension of License on Premise applications effective June 1, 2022 until October 31, 2022, unless otherwise modified by a vote of the Town Council or amendment of Title 5.7.

- **5.7.5. and 5.7.7 Town Council Approval** - Approvals may be granted administratively upon staff review and approval of an application and site plan.
- **5.7.6.A Four-Day Limitation on Sidewalk Sale Duration** – Sidewalk sale approvals may be valid through October 31, 2022 unless the Council modifies the waiver.
- **5.7.6.B Signature of Five Landlords** – requirement to obtain signatures from five landlords is waived.
- **5.7.10 Review Standards Parking** – Number of obstructed parking spaces may exceed 10%.
- **5.7.13 Temporary Street Closing** – Street closing and public parking obstructions may be approved by the Town Manager.
- **Appendix A** – The Town Manager may establish and collect a fee for sidewalk sale permits that require Town resources and equipment for the sidewalk sale/outdoor dining/commerce.

**Motion to approve made by Councilor \_\_\_\_\_ and seconded by Councilor**

**\_\_\_\_\_, and passed by a vote of \_\_\_\_\_ on the \_\_\_\_\_ day of**

**\_\_\_\_\_, 2022.**



**Town of Kittery, Maine**  
200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 439-0333 Fax: (207) 439-6118

Date Issued: 4/5/2022

TO: Karen Estes

FROM: David Rich, Department of Public Works

RE: Pole Permit Request

NAME OF APPLICANTS:

Central Maine Power

REQUESTED LOCATION:

Route 236 near I 95 on ramp

# OF POLES: 1

Location has been approved.

Location has NOT been approved.

Public Works Commissioner

Date: 4/12/2022

Maine Department of Transportation  
**Utility Location Permit Application**

Utility Job/W O No  
 801000452282

14 Day PBR     30 Day PBR     Statutory Application     MaineDOT Project     Line Extension Agreement

**Applicant Information:** Date: 03/12/2022  
 Utility Name: Central Maine Power PBR #: \_\_\_\_\_  
 Joint Utility: Consolidated Communications Inc. Joint PBR #: \_\_\_\_\_

**Primary Contact Information:**  
 Name: Sharon Osborne Phone: \_\_\_\_\_ Cell: 468-6439  
 Address: 438 Sanford Rd Email: sharon.osborne@cmpco.com  
 Town: Alfred State: ME ZIP 04002

**Proposed Installation:** *\*Please attach a Location Map and Sketch Plan\**  
 Town: Kittery MaineDOT PIN (if applicable): \_\_\_\_\_  
 Type of Installation Proposed: Pole Installation  
 Minimum Depth of Cover: \_\_\_\_\_ (if applicable) Maximum PSI: \_\_\_\_\_  
 GPS Coordinates: *\*Decimal Degrees\**

	Latitude (ex: 44.3074199)	Longitude (ex: -69.7775613)
Starting Point:	<u>43.1096019</u>	<u>-70.7849886</u>
Ending Point:	<u>43.1096975</u>	<u>-70.7851195</u>

Comments: CMP requesting permission to install 1 new pole (37H)

**Location Description:**  
 On Route 236, beginning at a point approximately 20 feet  
Route #, I.R. # or Name shown on Location Map Distance (including units - feet, meters)  
North of I-95 On ramp and extending in a  
Direction (North, South, etc.) Ref Point (Intersection of major road, Route Number, Town Line, Bridge)  
Northerly direction for a distance of 40 feet  
Direction (i.e. Northerly, Southerly, Easterly or Westerly) Distance (including units - i.e. feet, meters, etc.)  
 Expected Construction Schedule: Start: ASAP Completion: ASAP

Do you intend to provide public notice?\*  Yes  No: *\* Reference Public Notice Supplement*  
 Date Published: \_\_\_\_\_ Name of Newspaper: \_\_\_\_\_

*By signing this Application for Utility Location Permit, the undersigned hereby certifies a) that he/she is a duly authorized employee and representative of the utility/entity identified above ("Applicant"), b) that the information provided herein is true and accurate, c) that the Application is understood to be for a limited period and that the Applicant, at its sole expense, may have to adjust, remove, or relocate its facilities in the future, and d) that the Applicant will maintain its facilities in accordance with MaineDOT's Utility Accommodation Rules (17-229 C.M.R. Chapter 210) and all other applicable laws*

Signature: Sharon Osborne Joint Utility: Kimberley Burgess  
 Printed Name: Sharon Osborne Printed Name: Kimberley Burgess  
 Title: Field Planner Title: NH ROW Specialist

\*\*\* A copy of this application shall be sent to the applicable municipality in which the facility is proposed to be installed \*\*\*  
 Ver 0720

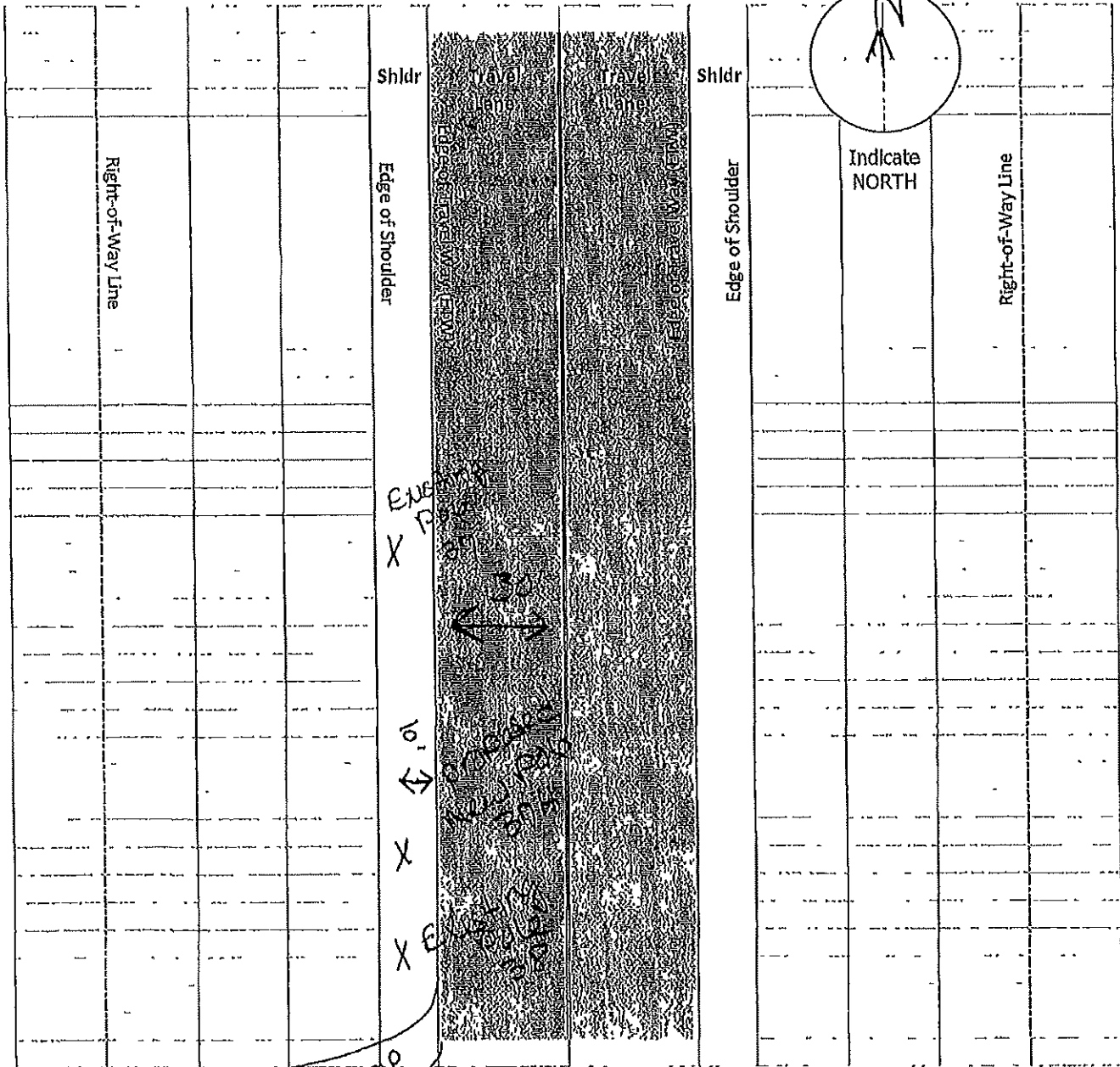
Maine Department of Transportation  
**Utility Location Permit Application**

Utility Job/W O No  
 801000364695

Utility: Central Maine Power

Town: Newfield Kirby

The purpose of this "Sketch Plan" is to show the location of the proposed facility in relation to the highway. This plan is not intended to be drawn to scale, however, you must accurately reference the proposed facility with offset distances from one of the lines on the road (ETW is the white painted edge line). Alternatively, when multiple utility pole installations are proposed, the applicant may substitute a complete pole list that clearly indicates the pole offsets and starting/ending poles in relation to sheet 1 of this application. If the utility has developed design plans that also provide clearly referenced offsets from the road, those may also be substituted for this sketch plan.



tery, Maine, 03904

I want to...

x

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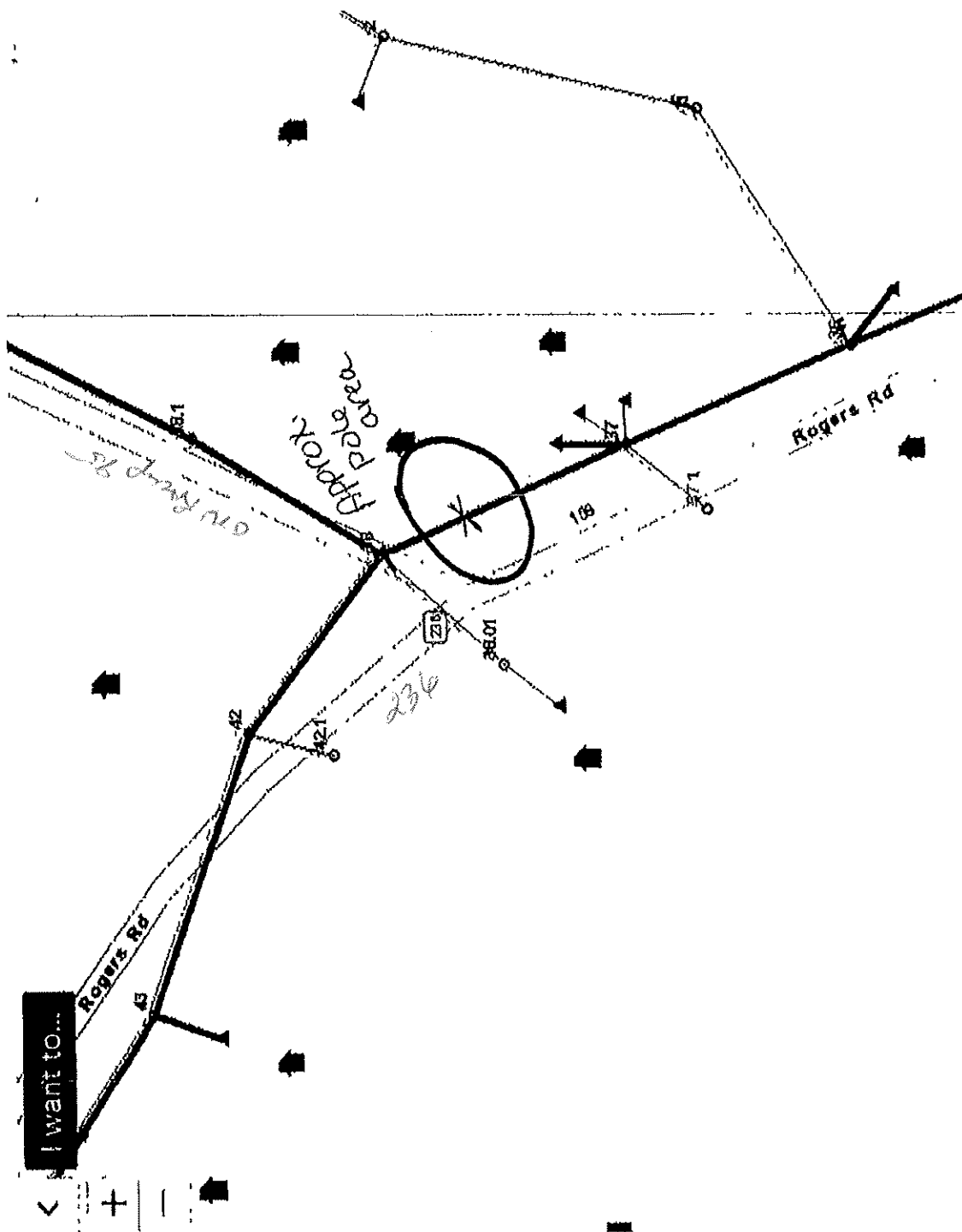
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Maine, 03904





04/01/2022

Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

RE: State Pole Permit

**FOR YOUR RECORDS ONLY**

Town Manager:

Consistent with Section 35-A M.R.S.A. Section 2503, Central Maine Power Company is providing you with the attached copy of Notification for Utility Location Permit that has been submitted to the MDOT.

This letter also serves as notice that as part of pole setting activity, trimming of vegetation may be required. If you wish to discuss any of these construction activities, please do not hesitate to contact the primary contact person listed on the pole permit application.

Sincerely,



Central Maine Power Line  
Clerk



April 13, 2022

Town of Kittery  
200 Rogers Road  
Kittery, Maine 03904

RE: 2022 Kittery Community Market

Dear Kittery Town Council,

The Kittery Community Market will kick off it's 10th season on May 1, 2022 with a special market and begin our regular season on Sunday, June 5, 2022 and continue each Sunday through December 4th, 2022 at Post Office Square, 10 Shapleigh Road.

Kittery Community Market will feature up to 35 vendors, along with local musicians, Kid's Corner and space is available each week for local non-profits.

The Kittery Community Market carries insurance which will cover any signs or banners the town will allow KCM to erect within the town.

The Kittery Community Market would like permission to hang 2 banners at Post Office Square from April 30, 2022 to December 4, 2022 and 1 over Rogers Road, in front of the Kittery Community Center from May 15, 2022 to June 15, 2022, or whenever the next banner is requested, whichever is later.

We would also like permission to place directional signs in various locations around Kittery and Kittery Point to direct people to the Kittery Community Market from April 30, 2022 to December 5, 2022. The signs will set in place on Friday or Saturday and be removed on Sunday or Monday each week.

Thank you for considering our request. We would be happy to answer any questions you may have.

We looking forward to another great year and hope to see you all this season at the Kittery Community Market!!

Sundays from 10:00 a.m. - 2:00 p.m.

Thank you for your support!!

Greg Clements, KCM Chair  
Dot Avery, KCM Co-Manager  
Michelle Gill, KCM Co-Manage  
Debbie Driscoll, KCM Treasurer

Rec'd  
3-14-22  
KRE



# TOWN OF KITTEERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1313 Fax: (207) 439-6806

### APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Clayton Smith

RESIDENCE: 5 Devon Woods Drive, Kittery, ME

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: clayton@5devonwoods.com

PHONE #: (H) 207-439-0550 (W) \_\_\_\_\_ (C) \_\_\_\_\_

**Please check your choices and list in order of priority by marking 1,2,3, etc.:**

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Appeals                     | <input type="checkbox"/> Board of Assessment Review       |
| <u>1</u> Conservation Commission                              | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <input type="checkbox"/> Comprehensive Plan Committee         | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee      | <input type="checkbox"/> Economic Development Committee   |
| <input type="checkbox"/> Parks Commission                     | <input type="checkbox"/> Kittery Port Authority           |
| <input type="checkbox"/> Planning Board                       | <input type="checkbox"/> KCC Board of Directors           |
| <input type="checkbox"/> Kittery Climate Adaptation Committee | <input type="checkbox"/> Library Advisory Committee       |
| <input type="checkbox"/> Kittery Celebration Committee        | <input type="checkbox"/> Kittery Housing Committee        |

Other \_\_\_\_\_

EDUCATION/TRAINING: BS & MS degrees, numerous conservation workshops/

RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

Past Conservation Commission member and chair in Eliot, ME and the ME Assoc. of Conservation Commissions

Past Kittery Open Space Committee member, active volunteer in Kittery Land Trust, various studies in GIS, conservation.

PRESENT EMPLOYMENT: retired

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

ANY KNOWN CONFLICT OF INTEREST (please read back of application): \_\_\_\_\_

None that I'm aware of.

REASON FOR APPLICATION TO THIS BOARD: Community interest and service

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

**Please read the back of this application before signing.**

Clayton Smith  
SIGNATURE OF APPLICANT

3/11/2022  
DATE

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)  
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)  
 TEL: (207) 624-7220 FAX: (207) 287-3434  
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: 07-8-2022

NEW application:  Yes  No

If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection (New Licensees/ Ownership Changes Only) Date : \_\_\_\_\_ Business hours: \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  CLASS A LOUNGE (Class X)  
 HOTEL (Class I,II,III,IV)  HOTEL, FOOD OPTIONAL (Class I-A)  BED & BREAKFAST (Class V)  
 GOLF COURSE (Class I,II,III,IV)  TAVERN (Class IV)  QUALIFIED CATERING  
 OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

CHIOS PIZZA INC ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Stomatia Mimino 9-30-43</u>			Business Name (D/B/A) <u>TOWN PIZZA REST.</u>		
APPLICANT(S) --(Sole Proprietor) <u>U9 GRIFFIN RD</u>			Physical Location: <u>15 WENTWORTH ST</u>		
DOB: <u>PORTSMOUTH N.H 03801</u>			City/Town State Zip Code <u>KITTERY ME 03904</u>		
Address			Mailing Address		
City/Town State Zip Code			City/Town State Zip Code		
Telephone Number Fax Number <u>603 436 1061</u>			Business Telephone Number Fax Number <u>207-439-1265</u>		
Federal I.D. # <u>010 361702</u>			Seller Certificate #: or Sales Tax #: <u>5875</u>		
Email Address: Please Print			Website:		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_

2. State amount of gross income from period of last license:

ROOMS \$ \_\_\_\_\_ FOOD \$ 284624 LIQUOR \$ no

3. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES  NO



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0008  
TELEPHONE: (207) 624-7220  
FAX: (207) 287-3434  
EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

## NOTICE

**To avoid any delay in the processing of your application and issuance of your liquor license, please make sure that:**

- You completed the application in full. It is suggested to have submitted 30 days prior to the expiration date of your liquor license.
- Application and Corporate Questionnaire forms are signed by the owner(s) or corporate officer(s).
- The application is signed by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct Class you are applying for and includes the \$10.00 filing fee. The check can be made payable to "Treasurer, State of Maine" and both fees can be submitted on one check. If the business is located in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- Your room (if applicable), food and liquor gross income for the year is filled in
- A diagram of the facility to be licensed needs to accompany **ALL** New and Renewal applications.
- Corporations, limited liability companies, partnerships must complete and submit the Corporate Information Required for Business Entities who are Licensees. If not a publicly traded entity, ownership must add up to 100%.

**Submit Completed Forms to:**

Bureau of Alcoholic Beverages

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, Me 04333-0008 (Regular address)

10 Water Street, Hallowell, ME 04347 (Overnight address)

5. Do you own or have any interest in any another Maine Liquor License?  Yes  No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # \_\_\_\_\_ Name of Business \_\_\_\_\_

Physical Location \_\_\_\_\_ City / Town \_\_\_\_\_

6. If manager is to be employed, give name: \_\_\_\_\_

7. Business records are located at: 15 WENTWORTS ST KITTERY ME 03904

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

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

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
STAMATIA MIMINAS	9-30-43	GREECE

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>49 GRIFFIN RD</u>	City: <u>PORTSMOUTH</u>	State: <u>NH</u>	<u>03801</u>
Name: _____	City: _____	State: _____	_____
Name: _____	City: _____	State: _____	_____

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes  No  If Yes, give name: \_\_\_\_\_

14. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

15. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

SOTIRIOS REEL STATE LLC 49 GRIFFIN RD PORTSMOUTH NH 03801

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_

TOWN PIZZA

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES  NO  Applied for: \_\_\_\_\_

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 500 FT

Which of the above is nearest? church

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: KITTERY on APR 14, 2022  
Town/City, State Date

Please sign in blue ink

Stamatia MIMINOS  
 Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)

STAMATIA MIMINOS  
 Print Name

\_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

<b>FILING FEE: (must be included on all applications)</b> .....	<b>\$ 10.00</b>
<b>Class I</b> Spirituous, Vinous and Malt .....	<b>\$ 900.00</b>
<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....	<b>\$1,100.00</b>
<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b> Spirituous Only .....	<b>\$ 550.00</b>
<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b> Vinous Only .....	<b>\$ 220.00</b>
<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b> Malt Liquor Only .....	<b>\$ 220.00</b>
<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class III &amp; IV</b> Malt & Vinous Only .....	<b>\$ 440.00</b>
<b>CLASS III &amp; IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	<b>\$ 495.00</b>
<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge .....	<b>\$2,200.00</b>
<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge .....	<b>\$1,500.00</b>
<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	



**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:  
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, ME 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

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

The undersigned being:  Municipal Officers  County Commissioners of the  
 City  Town  Plantation  Unincorporated Place of: \_\_\_\_\_,  
Maine

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending

renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][ 2003, c. 213, §1 (AMD) .]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW) .]

[ 2009, c. 81, §§1-3 (AMD) .]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP) .]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. **No license to person who moved to obtain a license.** [ 1987, c. 342, §32 (RP) .]

5. **Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

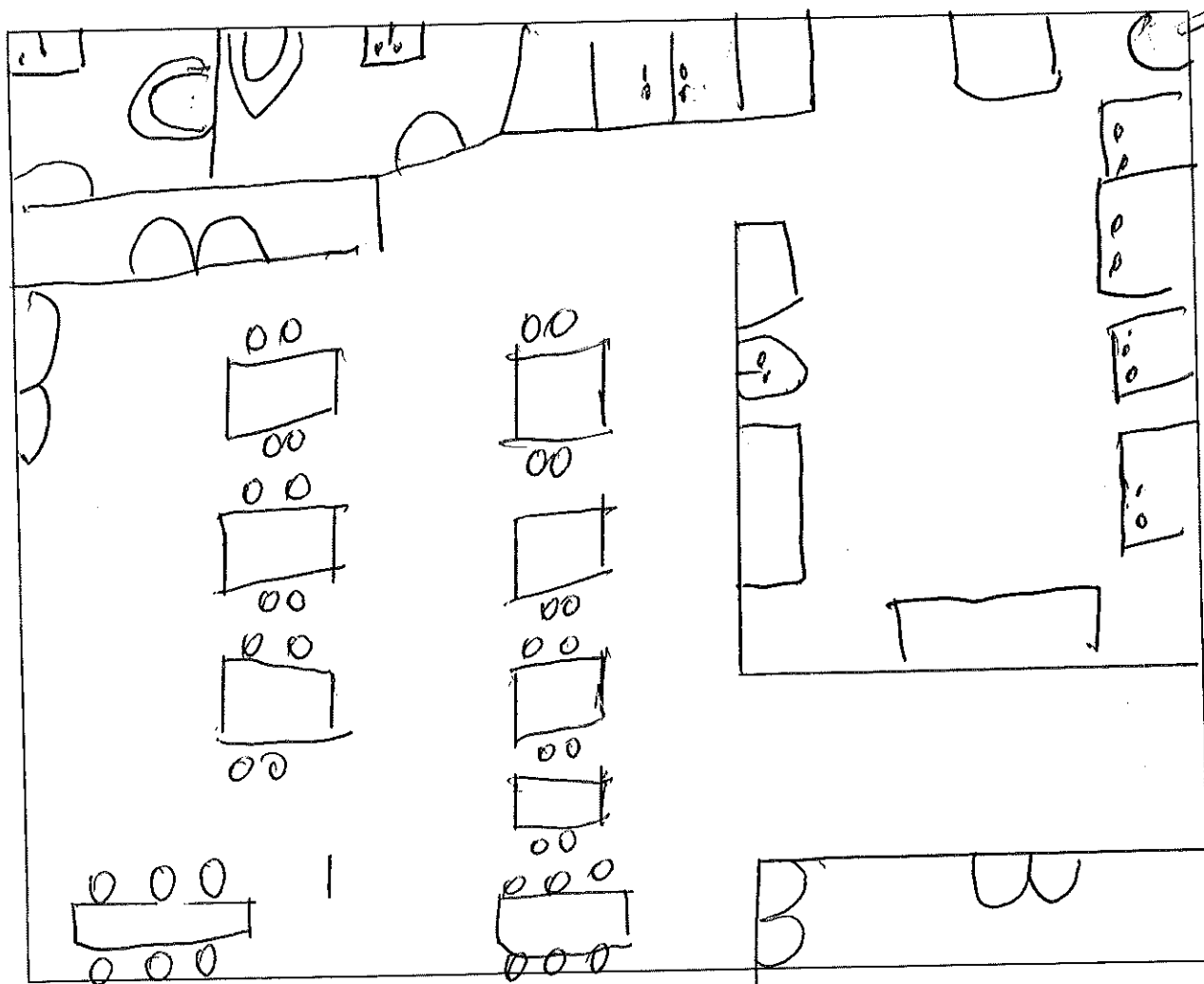
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347 (overnight)  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)



### ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • Entrances • Office area • Kitchen • Storage Areas • Dining Rooms • Lounges • Function Rooms • Restrooms • Decks • All Inside and Outside areas that you are requesting approval.





Division of Alcoholic Beverages and Lottery  
 Operations  
 Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
 Business Entities Who Are Licensees**

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: CHIOS PIZZA INC
- Doing Business As, if any: TOWN PIZZA REST TUN-2-1997
- Date of filing with Secretary of State: \_\_\_\_\_ State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Stamatia MIMINOI	49 GRIFFIN RD N H 03801	9-30-43		100%

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?  Yes  No

8. If Yes to Question 7, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

Stamatia Mimino  
Signature of Owner or Corporate Officer

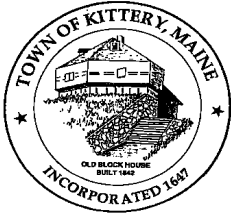
APR 14 - 22  
Date

STAMATIA MIMINO  
Print Name of Owner or Corporate Officer

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Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)



**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:

DBC Kittery, 318 US Route One, Kittery, ME 03904

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

Definitive Brewing Company, 35 Industrial Way, Portland, ME 04103

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

Simon Properties, 17 Premium Outlets Blvd, Lee, MA 01238

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

Within the licensed premise, both inside the building and on the outdoor patio.

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

Various days and times ranging from 11am to 9pm, primarily, but not limited, to Saturday afternoons and evenings

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

Music, acoustic, primarily single and duet musicians. No amplified sound.

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 x

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

(Over)

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

Simon Properties has already cleared this activity, pending Town approval.

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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:

Michael Rankin is the President and CEO of DBC Kittery with authorization to conduct all company business per the company Bylaws.

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**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: 04/19/2022

SIGNATURE OF APPLICANT: 

APPLICANT'S NAME: Michael Rankin

(please print)

ADDRESS: 35 Industrial Way, Portland, ME 04103

(please print)

TELEPHONE NUMBER: 207-446-4746

**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, MAINE  
TOWN CLERK'S OFFICE  
200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1328

03/18/20  
203  
152  
23

APPLICATION FOR APPOINTMENT TO  
DIVERSITY, EQUITY & INCLUSION AD HOC  
COMMITTEE

NAME: Bragg, Celestyn

RESIDENCE: 139 Dennett Rd

MAILING (if different) N/A

E-MAIL ADDRESS: mrsbragg@gmail.com

PHONE #: (H) 439-0042 (W) N/A (C) 207 752 3592

The Town Council is seeking to appoint an ad hoc committee that represents diverse experiences, voices, and interest in assisting the Town develop goals and expectations for a diverse, equitable, and inclusive community. The ad hoc committee will conduct its work over the next 12 to 24 months, and conclude with recommended actions steps for the Council to take relative to the Comprehensive Plan, ordinances, policies, among others. Please respond the questions below. Please feel free to attach a separate piece of paper if additional space is needed.

1. Why are you interested in participating in the Diversity, Equity & Inclusion Ad Hoc Committee?

See Attached

2. How do you see yourself contributing to building a diverse, equitable, and inclusive community in Kittery?

See Attached



3. How do you think the Ad Hoc Committee should approach the challenge of developing recommendations where there are a broad range of opinions on this matter?

( ) See Attached

4. Are you a Registered Voter of the Town of Kittery?  Yes  No

5. Any known conflicts of interest? (please read below for info on Conflict of Interest):

None

( ) Celestine Brogg

SIGNATURE OF APPLICANT

3/10/2022

DATE

**Title 30-A: MUNICIPALITIES AND COUNTIES**

**§2605. Conflicts of interest**

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

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

( ) When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from

**APPLICATION FOR APPOINTMENT TO DIVERSITY, EQUITY & INCLUSION  
AD HOC COMMITTEE**

**SUBMITTED BY: REV. CELESTYNE BRAGG 10 MAR 2022**

1. I personally see the need for a strong emphasis on equity, justice, human rights, and respect for the histories and knowledge of diverse peoples and places and it should be our vision for public engagement in the Town of Kittery, as the Oldest Town in Maine and the gateway into the State. We should understand that any community must make progress in addressing racial inequality and discrimination and the complex intersections between race and other inequalities and identities. In particular, we must make institutional progress with regard to under-represented minorities within the Town as we develop better understandings of race and ethnicity.
2. I see myself contributing to this DEI Committee by understanding that such progress requires that we address and understand our own institutional practices, cultures, and norms and that this is an ongoing work that takes time and continued commitment by our community and its leaders (volunteer and elected as well.) This can be done by being able to see our community's strengths as well as the areas that need growth.
3. To accomplish our goals with this Committee, we should be willing to give our diversity, equity, and inclusion committee the charge of suggesting clear opportunities and resources for a more diverse, equitable, and culturally inclusive learning community. We should look to supporting and ensuring a barrier-free workplace by maintaining accessible information and communication technology in a workplace that is physically and digitally accessible along with being inclusive and welcoming to all peoples. The Town should promote accountability and self-identification, when appropriate by adopting written policies, practices and procedures and measuring our effectiveness in order to identify our, agreed upon, areas for improvement.



TOWN OF KITTERY, MAINE  
TOWN CLERK'S OFFICE  
200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1313

3/24/22  
7:50

**APPLICATION FOR APPOINTMENT TO  
DIVERSITY, EQUITY & INCLUSION AD HOC COMMITTEE**

NAME: Barbara Scott

RESIDENCE: 8 Dahlia Drive, Kittery ME 03904

MAILING (if different) \_\_\_\_\_

EMAIL ADDRESS: bscott929@gmail.com

PHONE #: (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) 616-822-1977

The Town Council is seeking to appoint an ad hoc committee that represents diverse experiences, voices, and interest in assisting the Town develop goals and expectations for a diverse, equitable, and inclusive community. The ad hoc committee will conduct its work over the next 12 to 24 months, and conclude with recommended actions steps for the Council to take relative to the Comprehensive Plan, ordinances, policies, among others. Please respond to the questions below. Please feel free to attach a separate piece of paper if additional space is needed.

1. Why are you interested in participating in the Diversity, Equity & Inclusion Ad Hoc Committee?

I first became involved in DE&I initiatives through my work at several universities where I held positions in the communications and marketing field. I had the opportunity to work on issues ranging from bias-motivated incidents on campus to longer-term definition of how the schools wanted to shape their DE&I efforts. My role in communications allowed me to interact with many different constituencies including students, faculty, staff and alumni. I learned much about different views held by individuals and groups and of the importance of getting out in front of issues, beginning with identifying community values and establishing goals. I truly believe that a strong community is a diverse and inclusive community, and this includes economic diversity. We all know that access to affordable housing is a major issue. There are things that can be done to lay the groundwork for Kittery to shape its future as the kind of town we want to be. Those things need to be identified, with much discussion and vetting, based on what is right for our town and our citizens. I would very much like to be part of that discussion, bringing whatever I can to the effort.

2. How do you see yourself contributing to building a diverse, equitable, and inclusive community in Kittery?

I first became involved in DE&I initiatives through my work at several universities where I held positions in the communications and marketing field. I had the opportunity to work on issues ranging from bias-motivated incidents on campus to longer-term definition of how the schools wanted to shape their DE&I efforts. My role in communications allowed me to interact with many different constituencies including students, faculty, staff and alumni. I learned much about different views held by individuals and groups and of the importance of getting out in front of issues, beginning with identifying community values and establishing goals. I truly believe that a strong community is a diverse and inclusive community, and this includes economic diversity. We all know that access to affordable housing is a major issue. There are things that can be done to lay the groundwork for Kittery to shape its future as the kind of town we want to be. Those things need to be identified, with much discussion and vetting, based on what is right for our town and our citizens. I would very much like to be part of that discussion, bringing whatever I can to the effort.

3. How do you think the Ad Hoc Committee should approach the challenge of developing recommendations where there are a broad range of opinions on this matter?

I expect that listening and communicating will be important to the success of this process, along with fact-based recommendations where possible. While some committee members will no doubt have experience with how to go about an effort like this, here are some of my preliminary thoughts:

- Begin with a broader discussion on the reasons we need to address this issue now.
- Review the deliverables so that everyone is clear on what the committee will and will not do.
- Establish deliverable timelines.
- Determine what questions need to be asked as part of the process and determine how they will be answered. This could include gathering demographic and economic data, reviewing projected housing and employment trends, examining town census data, etc.
- Determine which constituencies need or want to provide input and consider holding forums and/or surveys to gather that input.
- Consider an ongoing communications effort about the committee's progress. Report out what has been learned so far, including feedback from any information-gathering efforts. Given the range of expected opinions (and the emotion behind them), transparency will be key.

4. Are you a Registered Voter of the Town of Kittery?  Yes  No

5. Any known conflicts of interest? (please read below for info on Conflict of Interest):

Barbara Scott

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March 23, 2022

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SIGNATURE OF APPLICANT

DATE

**Title 30-A: MUNICIPALITIES AND COUNTIES**

**§2605. Conflicts of interest**

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

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

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from

taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

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

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



TOWN OF KITTERY, MAINE  
TOWN CLERK'S OFFICE  
200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1313

4/4/22  
10:12a

APPLICATION FOR APPOINTMENT TO  
DIVERSITY, EQUITY & INCLUSION AD HOC COMMITTEE

NAME: Vernon Brooks Carter

RESIDENCE: 16 Walker Ave., Kittery

MAILING (if different) \_\_\_\_\_

EMAIL ADDRESS: vernon.carter@unh.edu

PHONE #: (H) 439-1879 (W) \_\_\_\_\_ (C) 207-423-6072

The Town Council is seeking to appoint an ad hoc committee that represents diverse experiences, voices, and interest in assisting the Town develop goals and expectations for a diverse, equitable, and inclusive community. The ad hoc committee will conduct its work over the next 12 to 24 months, and conclude with recommended actions steps for the Council to take relative to the Comprehensive Plan, ordinances, policies, among others. Please respond to the questions below. Please feel free to attach a separate piece of paper if additional space is needed.

1. Why are you interested in participating in the Diversity, Equity & Inclusion Ad Hoc Committee?

I think over the last few years more and more people have seen the importance of diversity, equity, and inclusion work.

2. How do you see yourself contributing to building a diverse, equitable, and inclusive community in Kittery?

I have lots of experience having discussions with different groups of people at the University of New Hampshire, at a Preschool in Derry New Hampshire and a state wide organization called race and equity in New Hampshire.

3. How do you think the Ad Hoc Committee should approach the challenge of developing recommendations where there are a broad range of opinions on this matter?

I think we should do our homework and see how other communities have reproached these issues. No sense in reinventing the wheel. I think if we as a group can look at the benefits of doing DEI work, that would be a good start. So many businesses I've started developing programs looking yet DEI work in their companies. We can also look at the obvious benefits for children who Ray got in felt being part the classroom or school we read so much about people being bullied in this state in this country and internationally. I think if more people feel included they will be less likely to bully and be bullied.

4. Are you a Registered Voter of the Town of Kittery?  Yes  No

5. Any known conflicts of interest? (please read below for info on Conflict of Interest):

no

Vernon Brooks Carte

April 4, 2022

SIGNATURE OF APPLICANT

DATE

#### Title 30-A: MUNICIPALITIES AND COUNTIES

##### §2605. Conflicts of interest

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When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from

taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

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

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