



TOWN OF KITTERY

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

KITTERY TOWN COUNCIL COUNCIL CHAMBERS

June 14, 2021

6:00PM

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

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

https://us02web.zoom.us/webinar/register/WN_OQKI9dyqSo-bk7S5XTP0A

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.

The public may submit public comments for the DISCUSSION agenda item via email, US Mail, or by dropping written comments in the Drop Box outside the Town Hall entrance. Emailed comments should be sent to TownComments@kitteryme.org.

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.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Oath of Office to Newly Elected Officials
5. Roll Call
6. The Kittery Town Council moves to elect a Vice-Chairperson
7. Agenda Amendment and Adoption
8. Town Manager's Report

9. Acceptance of Previous Minutes

- May 24, 2021 Regular Meeting
- June 7, 2021 Special Meeting

10. Interviews for the Board of Appeals and Planning Board -

11. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.

12. PUBLIC HEARINGS

- a. (060221-1) The Kittery Town Council moves to hold a public hearing on a new Victualer's License application from Randy Small, 303 Chases Pond Road, York, Maine, 03909, for Lobstah on the Go, mobile food unit located at 43 Government Street, Kittery, Maine.

13. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Chairperson may read written comments into the record.
- c. Chairperson's response to public comments.

14. UNFINISHED BUSINESS -

15. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

(060221-2) The Kittery Town Council moves to approve the following sponsored spaces for the Rice Public Library.

- E-Commons – Given by Kennebunk Savings Bank

- b. (060221-3) The Kittery Town Council moves to accept the resignation of Suzanne Dwyer Jones from the Board of Appeals.

- c. (060221-4) The Kittery Town Council moves to discuss appointments of Council members to on-going Council Committees.

- d. (060221-5) The Kittery Town Council moves to affirm the ARP Fund Allocation.

- e. (060221-6) The Kittery Town Council moves to approve a renewal Victualer's License application from Scott Ramsey, 3 Libby Lane, Cape Neddick, Maine 03902 for BBQ Betty's Smokehouse mobile food unit.
- f. (060221-7) The Kittery Town Council moves to approve a renewal Liquor License application from Warren's Lobster House, 11 Water Street, Kittery, Maine.
- g. (060221-8) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Shellfish Conservation Committee, to interview Tim Carven for a three-year term to expire 12/31/2024.
- h. (060221-9) Kittery Town Council moves to endorse the goals of the State of Maine's 2020 Climate Action Plan and pledges to work toward achieving those goals through a Town climate action plan.
- i. (060221-10) The Kittery Town Council moves schedule their summer meetings to July 12, 2021 and August 9, 2021.
- j. (060221-11) The Kittery Town Council moves to discuss a process for developing recommendations to address fires at Seapoint and Crescent Beaches.

16. COUNCILOR ISSUES OR COMMENTS

17. COMMITTEE AND OTHER REPORTS

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

18. EXECUTIVE SESSION -

- k. (060221-12) The Kittery Town Council moves to go into Executive Session with the Town Manager in accordance with M.R.S Title1§405 (6) (D) to discuss labor contracts.

19. ADJOURNMENT

Posted: June 10, 2021



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council June 14, 2021

- 1. June 2021 Election** – Please join me in thanking the Town Clerk's Office, and our Election Warden Joyce Tobey, Deputy Warden Sandi Lutts, and our numerous election workers for the successful election on June 8th. In total 1,251 voters participated and voted for two open Council seats, the School Budget Referendum, and the warrant articles. This was our third election since the start of the pandemic, and it was implemented safely and smoothly. I also want to thank the KCC and the Public Works for their assistance with setting up, breaking down, and coordination at the polling location.

Congratulations and welcome to Councilor Hamm and Councilor Gibbons-Stevens!

- 2. Independence Day Celebration** – We are pleased to be working with D. Allan Kerr and the Kittery Historic and Naval Museum to conduct our Independence Day Celebration. We look forward to welcoming "General William Whipple" to read from the Declaration of Independence. Details of the event are attached. We are excited to have this event coming back post-pandemic.
- 3. Library Building Project Update** – The Library Building Committee has been working diligently to advance the construction of the Rice Public Library Renovation and Expansion project. The project is expected to be completed in April 2022.

The May monthly report is attached and gives the Council a sense of the work that is being accomplished and overseen by the Library Building Committee. This project is tracking on budget and on time.

- 4. Weed Control** – Councilor Spiller requested information about our roadside weed control program after questions were raised about the use of harmful chemicals.

The posting we issued this week on our roadside weed control is required, and included the various products our vendor is licensed to apply in the State of Maine. The posting failed to identify which of these products was being used in Kittery specifically. We have corrected the posting to be clear that Finalsan is the product being applied in Kittery for our roadside weed control program.

The Town transitioned to Finalsan in response to the Council request two years ago to use more environmentally friendly treatment products. Finalsan is an organically certified product.

The Town of Kittery performs roadside weed control for two reasons. The first and primary reason is to protect the infrastructure (roads and sidewalks). Weeds cause cracks that expose the substructure of roads and sidewalks to weather elements, which hastens their deterioration. Currently the Town spends \$500,000 a year on pavement repair and replacement; this number would need to increase significantly each year if we did not have a weed control program in place. Roadside weed control also serves an aesthetic role in maintaining the town's public spaces.

- 5. Promotion of Jay Durgin** – Please help me in congratulating Jay Durgin on his recent promotion to Sergeant. Sgt. Durgin has served with distinction in the Kittery Police Department since 2000. Over the past two decades he has brought a tremendous amount of talent and skills to the role of Officer. Most recently he has served as the School Resource Officer, working with the School Administration and students on developing positive relationships with the school administration, teachers, students, and parents.

A Pinning Ceremony will be held in Council Chambers on Thursday, June 17, 4PM. The public are welcome to attend.

Upcoming Dates:

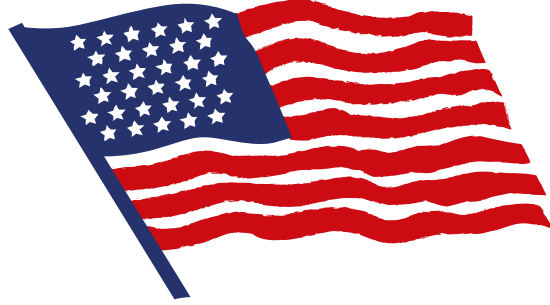
- Independence Day Celebration – June 26, 9AM, Thresher Memorial Park (behind Town Hall)
- Senior Tax Credit Applications Due – July 1, Town Hall and online
- Town Hall Closed in Observance of Holiday – July 5
- Concerts on Frisbee Commons – Tuesdays, Beginning July 13, 6:30PM, KCC
- Wednesday Nights Movies – Wednesdays, Beginning July 14, 9PM, KCC
- Friday Funnies Comic Series – Fridays, Beginning July 16, 6:30PM, KCC

Respectfully Submitted,

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

Kendra Amaral
Town Manager

TOWN OF KITTERY



INDEPENDENCE DAY



Celebration



JUNE 26 | 9:00 AM

THRESHER MEMORIAL PARK

JOIN NATIVE SON, "GENERAL WILLIAM WHIPPLE" AS HE READS FROM THE DECLARATION OF INDEPENDENCE.

ALSO JOINING ARE THE PISCATAQUA RANGERS JUNIOR FIFE AND DRUM CORPS, CAPT. HENRY DEARBORN'S COMPANY OF REVOLUTION-ERA REENACTORS, THE PORTSMOUTH NAVAL SHIPYARD COLOR GUARD, AND MEMBERS OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

THE CEREMONY WILL BE FOLLOWED BY A RECEPTION AT THE KITTERY HISTORICAL AND NAVAL MUSEUM, WHERE REFRESHMENTS WILL BE AVAILABLE.

Rice Public Library Monthly Report

CHA Project Number: 066398.000



Prepared for:
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Prepared by:



1 Faneuil Hall Marketplace
South Market Building, Suite 4195
Boston, MA
Phone: (617) 451-2717

May 2021

| | |
|----|-----------------------------------|
| 01 | Work Completed – Reporting Period |
|----|-----------------------------------|

This is the fourth report for the Rice Public Library Project. The reporting period is from April 17, 2021 through May 13, 2021 and will cover all work completed during that timeframe. Reports will be issued monthly, with the next report available June 2021.

The following activities occurred between April 17, 2021 and May 13, 2021.

Construction Activities

- 4/19/21: Excavation of foundations continued.
- 4/20/21: A Building Committee Meeting was held. CHA was in attendance.
- 4/21/21, 4/28/21, 5/5/21, 5/12/21: A Construction Meeting was held with Wright Ryan Construction, Lassel Architects, CHA, and the Town of Kittery.
- 4/21/21: Weekly check in calls continued on Wednesdays between the Town of Kittery and CHA to review ongoing progress and potential issues.
- 4/21/21: CT cabinet and meter location were reviewed.
- 4/22/21 - 4/28/21: Forming and pouring elevator pit occurred.
- 4/22/21 - 5/13/21: Forming and pouring foundations occurred.
- 4/27/21: An FF&E meeting was held between Scott Simons Architects and the Town of Kittery.
- 4/22/21 – 5/13/21: Inspections occurred of the footing rebar and subgrade.

| | |
|----|--|
| 02 | Work Completed – Reporting Period Photos |
|----|--|

Photos were taken of the site on 5/13/21 showing the foundation work.



1. Northwest corner of addition: Forming foundation wall below new entrance.



2. Northwest corner of addition: Footing below Community Rooms.



3. Northwest corner: footing below Community Room.



4. North side: footing below Community Rooms.



5. South side: Footing below meeting room and toilets.



6. South side: Footing below toilets and stair.



7. East side: footing below Maine Room and Collection.



8. East side: Elevator shaft.

| | |
|----|-----------------------------|
| 03 | Work Projected – Next Month |
|----|-----------------------------|

Between 5/17/21 and June 2021 the following Construction Activities are planned.

Construction Activities

- 5/14/21 - 5/19/21: Forming and pouring foundations will continue.
- 5/14/21 – 5/19/21: Inspections of footing rebar and subgrade will continue.
- 5/18/21: A Building Committee meeting will be held.
- 5/19/21: Weekly check in phone calls between the Town of Kittery and CHA will continue.
- 5/20/21 – 5/25/21: Foundation waterproofing will occur.
- 5/26/21 – 5/28/21: Foundation insulation will occur.
- 5/17/21 – 5/21/21: Data and IT rack will be moved.
- 5/31/21 - 6/1/21: Excavation for sub-slab MEPs will occur.
- 6/2/21 – 6/8/21: Sub-slab MEP install will occur.
- 6/9/21 – 6/14/21: Prep and pour slab on grade will occur.
- 5/19/21, 5/26/21, 6/2/21, 6/9/21: A Construction Meeting will be held with Wright Ryan Construction, Scott Simons Architects, Lassel Architects, CHA and the Town of Kittery.

| | |
|----|---------------|
| 04 | Design Update |
|----|---------------|

The following is the design update for the month of May:
ASI-2 was issued regarding Community Room ceiling changes.
ASI-5 was issued to clarify the corbeling lintels.
SSK-1 & SSK-2 were issued detailing the concrete retaining wall.

| | |
|----|---------------------|
| 05 | Construction Update |
|----|---------------------|

Wright Ryan will provide an updated overall schedule with the May Pay Application submission. The overall schedule remains the same with a turnover date of 3/15/21.

Three week look ahead schedules were provided by Wright Ryan for the construction meetings held on 4/21/21, 4/28/21, 5/5/21 and 5/12/21.

Wright Ryan continued with excavation and foundation prep. Footings were formed and poured and the foundation walls are now being formed and poured. There is still some excavation to be done on the southeast corner of the addition as well as some excavation for utilities. As of 5/13/21 the ledge removed was 76 cubic yards out of the 250 cubic yard allowance. The excavation is currently about 65%-70% complete. The amount of ledge surveyed so far appears like it will be within Wright Ryan's allowance. The elevator pit was formed and poured.

The state electrical inspector reviewed the power to the building. The CT cabinet and meter can remain in the location shown on the plans at the front of the building, but an electrical disconnect will need to be added.

Wright Ryan submitted their fourth Pay Application including General Conditions costs for April, sitework by HL Patten, rebar material, and an elevator deposit. This was reviewed by CHA, Lassel and Scott Simons Architects and was signed and emailed to the Town of Kittery to process.

Wright Ryan has been proceeding with the issuance of RFIs and Submittals and the priority and long lead item materials continue to be submitted including building envelope items such as metal roofing, metal wall panels, and fiber cement siding.

Submittals

- 90 Issued to Date
- 64 Closed within 15 Days (Allowed by Contract)
- 13 Closed beyond 15 Days
- 13 Open

RFIs

- 23 Issued to Date
- 6 Closed within 7 Days (Allowed by Contract)
- 13 Closed beyond 7 Days
- 4 Open

06 | Library Coordination

Wright Ryan issued Change Order 2 for the accepted Alternates #1, #2, #4, #5, #6. Alternate #4 has gone through a few design suggestions to have a granite retaining wall, but this is not falling within the budgeted number provided by Wright Ryan. The concrete wall shown originally is being detailed and this will be priced by Wright Ryan to confirm it is within the budgeted number.

| | | |
|-------|---|--------------|
| No. 1 | Provide wood ceilings at circulation desk | Add \$7,546 |
| No. 2 | Provide Acoustic panels in Reading Room 104 | Add \$3,638 |
| No. 3 | Add upper parking lot including curbing and paving | Add \$83,233 |
| No. 4 | Provide concrete walkway with granite steps from entry to lower level | Add \$38,000 |
| No. 5 | Provide cove lighting in new building along existing façade | Add \$13,081 |
| No. 6 | Add folding panel partitions between Rooms 003, 004, 005 | Add \$42,320 |
| No. 7 | Provide Children’s Garden | Add \$43,642 |

07 | Community Coordination

Utility work took place on Traip Ave and traffic was rerouted for a few days. No complaints were heard from the abutters. There was a resident on Traip Ave that moved out this month and Wright Ryan coordinated with staying out of the moving truck’s way.

08 | Budget Update

Please see attached for the budget update. Potential Change Orders 1-15 have been issued to date. The project is currently on budget.

Change Orders issued to Wright Ryan to Date:

Change Order 01: Steel Escalation Cost & Additional Builders Risk
Change Order 02: Insulation Credit, Addendum #4, Alternate #1 Wood Ceilings, Alternate #2 Tectum
Ceilings, Alternate #5 Cove Lighting, Alternate #6 Folding Partitions

| | |
|----|-------------|
| 09 | Attachments |
|----|-------------|

- Budget Update dated 5/12/21

RICE PUBLIC LIBRARY

Budget

May 14, 2021

| PHASE | CURRENT ESTIMATE CONSTRUCTION | | ACTUAL |
|---|-------------------------------|----------------|------------------|
| | BUDGET | SPENT TO DATE | REMAINING |
| Soft Costs | | | |
| <i>Design and Engineering</i> | | | |
| Existing Conditions | 19,000 | 19,000 | - |
| Programming | 7,500 | 7,500 | - |
| SDs | 105,000 | 105,000 | - |
| Intitial Permitting | 5,000 | 5,000 | - |
| Phase 1 Cost Estimating | 4,000 | 4,000 | - |
| DDs | 105,000 | 105,000 | - |
| Final Permits & Approvals | 12,000 | 12,000 | - |
| Phase 2 Cost Estimating | - | - | - |
| CDs | 123,000 | 115,000 | 8,000 |
| Bidding & Negotiating | 12,800 | 12,800 | - |
| CA - Shop Drawings, Requisite Reviews, 24 Site visits | 54,000 | 8,100 | 45,900 |
| <i>Other CA - Time and Materials</i> | | | |
| Site Plan | 3,200 | 3,200 | - |
| Geo Tech | 7,345 | 7,345 | - |
| Signage Design | 10,000 | - | 10,000 |
| Reimbursables | 8,000 | 6,265 | 1,735 |
| Subtotal Design & Engineering | 475,845 | 410,210 | 65,635 |
| <i>Misc Owner Soft Costs</i> | | | |
| Misc Expenses | 5,000 | 1,324 | 3,676 |
| Bonding | 9,566 | 9,566 | - |
| Permit Fees | 5,472 | 5,472 | - |
| Legal | 15,000 | 13,330 | 1,670 |
| Relocation Services (previously Construction Phasing) | 93,000 | 36,711 | 56,289 |
| Preconstruction Services | 55,000 | 52,967 | 2,033 |
| Owner Representative / Clerk of the Works | 130,000 | 27,000 | 103,000 |
| Signage Fabrication | 10,000 | | 10,000 |
| Misc Consultants and Contracts | 44,000 | 10,407 | 33,593 |
| FFE (includes consulting) | 243,110 | 16,072 | 227,038 |
| <i>Technology/Security</i> | | | |
| Consulting | 13,000 | 6,656 | 6,344 |
| Hard Costs | 85,000 | | 85,000 |
| Capital Campaign Consultant | 50,000 | 33,336 | 16,664 |
| Subtotal Soft Costs | 1,233,993 | 623,050 | 610,943 |
| Hard Costs | | | |
| Construction (Reno & Exp) | 4,643,191 | 241,682 | 4,401,509 |
| Subtotal Hard Costs | 4,643,191 | 241,682 | 4,401,509 |
| Contingencies | | | |
| Construction Contingency (15%) | | | |
| Owner's Contingency | 295,000 | 32,836 | 262,164 |
| Design Contingency ("held by owner") | | | |
| Subtotal Contingencies | 295,000 | 32,836 | 262,164 |
| Contingency as % of Total Project | | | |
| TOTAL | 6,172,184.3 | 897,568 | 5,274,616 |

VARIANCE

Soft Costs as % of Construction

25%

| | COSTS | CIP | BOND | NEH | RPLC | OTHER GRANTS | TRANSFER FROM RPLC ASSETS | TOTAL FUNDED | UNFUNDED |
|--|---------------------|-------------------|---------------------|-------------------|------------------|-------------------|---------------------------|---------------------|------------------|
| AVAILABLE FUNDS | | \$ 500,000 | \$ 5,000,000 | \$ 500,000 | \$ 50,000 | \$ 317,500 | \$ 63,000 | | |
| BASE PROJECT | | | | | | | | | |
| <i>Design Costs</i> | 475,845 | 475,845 | | | | | | 475,845 | 0 |
| <i>Owner's Costs</i> | | | | | | | | | |
| Other Soft Costs | 367,038 | 24,155 | 342,883 | | | | | 367,038 | 0 |
| FFE ¹ | 243,110 | | | 243,110 | | | | 243,110 | 0 |
| IT Consulting | 13,000 | | 13,000 | | | | | 13,000 | 0 |
| IT ² | 85,000 | | 926 | 84,074 | | | | 85,000 | 0 |
| Capital Campaign Consultant | 50,000 | | | 50,000 | | | | 50,000 | 0 |
| <i>Construction</i> | | | | | | | | | 0 |
| Construction | 4,643,191 | | 4,643,191 | | | | | 4,643,191 | 0 |
| Other Contingency | - | | | | | | | - | 0 |
| Owner's Contingency | 295,000 | | | 122,816 | 50,000 | 59,184 | 63,000 | 295,000 | 0 |
| BASE PROJECT TOTAL³ | 6,172,184.3 | 500,000 | 5,000,000 | 500,000 | 50,000 | 59,184 | 63,000 | 6,172,184 | 0 |
| | TRUE | | | | | | | | |
| ENHANCEMENTS/ADD ALTS | | | | | | | | | |
| | | | | | | | | | Priority |
| IT ⁶ | 82,155 | | | | | | | - | (82,155) 1 |
| Wood ceiling over circulation desk ⁴ | 7,546 | | | | | 7,546 | | 7,546 | 0 Funded |
| Acoustic panels in Children's Reading Room ⁸ | 3,638 | | | | | 3,638 | | 3,638 | 0 Funded |
| Cove lighting in new bldg along existing façade ⁹ | 13,081 | | | | | 13,081 | | 13,081 | 0 Funded |
| Exterior stairway | 38,000 | | | | | 38,000 | | 38,000 | 0 Funded |
| Folding Partitions ⁷ | 42,320 | | | | | 42,320 | | 42,320 | 0 Funded |
| Upper parking lot improvements ⁵ | 83,233 | | | | | | | - | (83,233) 3 |
| Children's Garden ¹⁰ | 50,000 | | | | | 50,000 | | 50,000 | 0 Funded |
| FFE (TBD) | 35,000 | | | | | | | - | (35,000) 1 |
| ENHANCEMENTS TOTAL | 354,973 | - | - | - | - | 154,585 | - | 154,585 | (200,388) |
| GRAND TOTAL FUNDED COSTS | \$ 6,527,157 | \$ 500,000 | \$ 5,000,000 | \$ 500,000 | \$ 50,000 | \$ 213,769 | \$ 63,000 | \$ 6,326,769 | |
| AVAILABLE REMAINING FUNDING | | \$ - | \$ - | \$ - | \$ - | \$ 103,731 | \$ - | | 103,731 |
| GRAND TOTAL - Under/(Over) | | | | | | | | | (96,657) |

- Notes:**
1. Base project costs include VE items 9, 12, 14, & 15
 2. Base project costs include VE item 10.
 3. Base project does not include \$32,310 in Lower Parking Lot work to be done by Town through DPW; funds not identified yet.
 4. Finishes Com eliminated addlt wood ceilings elsewhere in the bld.
 5. Unclear what remaining costs for DPW will exist with funded Enhancement.
 6. Based on initial IT Est with Tel added.
 7. Track/ceiling structure will be installed as part of base project
 8. Added by Finishes Com
 9. Added by Finishes Com
 10. Childrens Garden will be designed and constructed as an Owners Project.

KITTERY TOWN COUNCIL Unapproved Minutes

May 24, 2021 Council Chambers

6:00PM

1 1. Call to Order

2 Chair Thomson called meeting to order at 5:59 p.m.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Vice Chair
7 pro tempore Judith Spiller. Councilor absent: Cyrus Clark.

8 5. Agenda Amendment and Adoption

9 Under 10. PUBLIC HEARINGS item a. Sec. 6.06 subsection (3) corrected to Sec. 6.06
10 subsection (1).

11 Chair Thomson cast one vote for the agenda as amended.

12 6. Town Manager's Report

13 The Town Manager reported: Maine COVID-19 guidelines, Marijuana Ordinance,
14 Memorial Day ceremony, Urban Land Institute (JLUS), June 8, 2021 Election, School
15 Budget Validation Town Articles, and the Promotion of Charlie Morrow.

16 Upcoming Dates: The Town Hall will be closed for Memorial Day, May 31, 2021,
17 Memorial Day Ceremony will be on May 31, 2021 at 9AM, at the Orchard Grove
18 Cemetery. Property taxes are due June 1, 2021, the KEEP property tax payment
19 applications are due, June 1, 2021 and are available at the Town Hall and online, voter
20 registration night is June 2, 2021 from 6PM – 7PM, at the Kittery Town Hall. The Town
21 Meeting, School Budget Referendum and Council Election is June 8, 2021 from 8AM –
22 8PM, at the Kittery Community Center gymnasium, and the senior tax credit
23 applications are due July 1, 2021 and are available at the Town Hall and online.

24 7. Acceptance of Previous Minutes

25 May 10, 2021 Regular Meeting

26 Chair Thomson cast one vote to accept the May 10, 2021 minutes as presented.

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

28 a. (050321-1) The Kittery Town Council moves to interview the following candidates

29 for one (1) vacancy on the Board of Appeals for a term to expire December 31,
30 2023. The applicants are as follows: Amelia Burke.

31 Chair Thomson asked Amelia Burks four interview questions.
32 Chair Thomson moved to appoint Amelia Burke to the Board of Appeals for a term to
33 expire December 31, 2023, seconded by Councilor Dow.

34 Motion Carried 4-0-0

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

37 a. (050321-2) The Kittery Town Council moves to receive the Educational Recycling
38 Scholarship recipients' presentation. Councilor Dow and the former Educational
39 Recycling Scholarship Chair, Jeff Brake presented \$1000.00 scholarships to Jared
40 Johnson, Lilly Kemp, Emma Ackerman, Rachel Jones, Olivia Kallay, Mary Lombardi,
41 and Eliza Pereira.

42 10. PUBLIC HEARINGS

43 a. (050321-3) The Kittery Town Council moves to hold a public hearing in accordance
44 with Sec. 6.06 subsection (1) of the Kittery Town Charter and hereby ordains and
45 adopts the 2021-2022 Municipal and Enterprise Fund Budget.

46 Chair Thomson moved with the authority vested in this body by section 6.06 subsection
47 (3) of the Kittery Town Charter, the Kittery Town Council hereby appropriates the sum of
48 \$15,809,670.00 for Municipal operations for Fiscal year commencing July 1, 2021,
49 seconded by Councilor Dow.

50 Motion Carried 4-0-0

51 Chair Thomson endorses the sum of \$ 2,520,738.00 for the Sewer Enterprise fund
52 budget for Fiscal year 2022, seconded by Vice Chair pro tempore Spiller.

53 Motion Carried 4-0-0

54 b. (050321-4) The Kittery Town Council moves to hold a public hearing to authorize
55 the Town Manager to enter into a lease agreement for copiers and plotters.
56 The Town Manager gave an overview of the lease agreement for copiers and plotters.

57 Councilor Dow moved in accordance with Title 30-A MRS §3001, and Town Charter
58 §§2.14 and 6.11(3), the Town of Kittery hereby ordains approval for the Town Manager
59 to execute a five-year Lease agreement for the Towns copiers, printers, and plotters,
60 seconded by Vice Chair pro tempore Spiller.

61 Motion Carried 4-0-0

62 c. (050321-5) The Kittery Town Council moves to hold a public hearing on a new
63 Victualer's License application from Amelia Jule, 3 Collinsport Way, York, Maine,
64 for Everyday Boost mobile food unit.
65 Moved by Vice Chair pro tempore Spiller, seconded by Councilor Dow.

66 Motion Carried 4-0-0

67 11. DISCUSSION

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

69 Kelly Philbrook, 8 Pepperrell Terrace, Kittery Point, Maine, wanted to thank Police
70 officers, John Desardins, Michael Webster, Connor Grogan, Brian Cummer, and the
71 Kittery Police dispatch for the incredible and compassionate job they did responding to
72 a very difficult call on May 9, 2021.

73 b. Chairperson may read written comments into the record.

74 Gary Silver, 67 Tower Road, Kittery Point, Maine submitted an email asking why
75 fireworks were legal in Maine and expressed his concerns.

76 Chair Thomson stated the Town of Kittery had at one time discussed prohibiting
77 fireworks, and it didn't go over to well.

78 Christie Salema, 18 Debra Lane, Kittery, Maine submitted an email asking to please
79 keep fires available at Seapoint for residents.

80 Chair Thomson stated only allowing residents to have fires at Seapoint Beach would be
81 very difficult.

82 Chris Perkins, 28 Leach Road, Kittery, Maine submitted an email in regards to May 24,
83 2021 agenda item 13.d. and his concerns relative to Title 12 and Fires at Seapoint and
84 Crescent Beaches.

85 Chair Thomson stated there is a variety of ways this could be approached and Chair
86 Thomson said he is sure there will be plenty of discussions.

87 c. Chairperson's response to public comments.

88 12. UNFINISHED BUSINESS

89 13. NEW BUSINESS

90 a. Donations/gifts received for Council disposition.
91 (050321-6) The Kittery Town Council moves to accept a donation in the amount of
92 \$22,500, to be deposited into account #4060-43602.

93 Vice Chair pro tempore Spiller moved to accept with thanks, seconded by Councilor
94 Dow.

95 Motion Carried 4-0-0

96 b. (050321-7) The Kittery Town Council moves to approve an Amusement Device
97 License from Delta Amusement, 3 Tobey Street Hampton, NH for Navy
98 Yard Bar & Billiard located at 182 State Road, Kittery.

99 Moved by Vice Chair pro tempore Spiller, seconded by Councilor Dow.

100 Motion Carried 4-0-0

101 c. (050321-8) The Kittery Town Council moves to approve the annual renewal of the
102 Victualer's License applications for 2021.

103 Moved by Chair Thomson, seconded by Vice Chair pro tempore Spiller.

104 Motion Carried 4-0-0

105 d. (050321-9) The Kittery Town Council moves to schedule a public hearing on June
106 7, 2021 for Title-12, Prohibition of Fires at Seapoint & Crescent Beaches.

107 Moved by Vice Chair pro tempore Spiller to schedule a public hearing on June 7, 2021,
108 seconded by Councilor Dow.

109 Motion Carried 4-0-0

110 e. (050321-10) The Kittery Town Council moves to appoint a Councilor to interview
111 Erin Kempster along with the Chair, Todd Rollins of the Shellfish Conservation
112 Committee for a 3-year term to expire 12/31/2024.

113 Chair Thomson moved to appoint Vice Chair pro tempore Spiller, seconded by
114 Councilor Dow.

115 Motion Carried 4-0-0

116 f. (050321-11) The Kittery Town Council moves to approve a sign request from the
117 Kittery Community Market for their 2021 season.
118 Moved by Councilor Dow, seconded by Vice Chair pro tempore Spiller.

119 Motion Carried 4-0-0

120 g. (050321-12) The Kittery Town Council moves to accept the resignation of Brian
121 Kilroy from the Kittery Community Center Board of Directors.

122 Chair Thomson moved to accept the resignation with gratitude, seconded by Councilor
123 Dow.

- 124 Motion Carried 4-0-0
- 125 (050321-13) The Kittery Town Council moves to approve a Release Deed for 475
126 Haley Road Unit #3, Kittery, Maine.
- 127 The Town Manager gave an overview of the circumstances surrounding 475 Haley
128 Road Unit #3, Kittery, Maine.
- 129 Chair Thomson moved for the Release Deed for 475 Haley Road Unit #3, Kittery, Maine
130 be granted, seconded by Vice Chair pro tempore Spiller.
- 131 Motion Carried 4-0-0
- 132 14. COUNCILOR ISSUES OR COMMENTS
- 133 Councilor Dow – None
- 134 Councilor Pelletier – None
- 135 Vice Chair pro tempore Spiller stated she received an email from a resident about a
136 rooster making a disturbance during all hours of the night.
- 137 Chair Thomson stated there will a Special meeting for the Warrant articles, June 7,
138 2021 at 6 p.m., and scheduling a public hearing on Marijuana. Chair Thomson also
139 mentioned the June 8, 2021 elections at the Kittery Community Center.
- 140 15. COMMITTEE AND OTHER REPORTS
- 141 a. Communications from the Chairperson - None
- 142 b. Committee Reports - None
- 143 16. EXECUTIVE SESSION - None
- 144 17. ADJOURNMENT
- 145 Vice Chair pro tempore Spiller moved to adjourn at 6:50 p.m., seconded by Councilor
146 Dow.
- 147 Motion Carried 4-0-0

Submitted by Kim Tackett

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

KITTERY TOWN COUNCIL
Special Meeting Unapproved minutes
TOWN COUNCIL CHAMBERS
June 7, 2021
6:00PM

1 1. Call to Order

2 Chair Thomson called meeting to order at 5:58 p.m.

3 2. Introductory

4 3. Pledge of Allegiance

5 4. Roll Call

6 Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Vice Chair
7 pro tempore Judith Spiller, and Cyrus Clark.

8 5. Communications from Chair Thomson

9 Chair Thomson asked to have unanimous consent to move to item 8. to item a. on the
10 agenda. Consent was granted.

11 6. PUBLIC HEARINGS

12 7. a. (060121-1) The Kittery Town Council moves to receive comments on the Town
13 Warrant Articles 2 through 10 for the June 8, 2021 Town Meeting Election.

14 No comments or questions were received.

15 b. (060121-2) The Kittery Town Council moves to hold a public hearing on Title 12
16 Prohibition of Fires at Seapoint and Crescent Beaches. (See New Business item 8.a)

17 7. DISCUSSION – Discussion is limited to the matter on the agenda for this meeting
18 only.

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

20 b. Chairperson may read written comments into the public record.

21 Ryan Bailey, 16 Charles Hill Road, Kittery Point, Maine, commented on the way the
22 ordinance is currently written is seemingly at odds with some other goals the town has
23 around climate change, traffic control, and pedestrian accessibility.

24 c. Chairperson's response to public comments.

25 Chair Thomson stated the Council had received several comments in reference to fires
26 at Seapoint and Crescent Beaches, and since the public hearing was postponed, he
27 would not be reading the comments.

28 8. NEW BUSINESS

29 a. (060121-3) The Kittery Town Council moves to postpone the public hearing on Title
30 12 Prohibition of Fires at Seapoint and Crescent Beaches until a date to be determined.
31 (Chair will request to take this matter up at the beginning of the meeting)

32 Chair Thomson moved to postpone the public hearing on Title 12 Prohibition of Fires at
33 Seapoint and Crescent Beaches until a date to be determined, seconded by Vice Chair
34 pro tempore Spiller.

35 Motion Carried 5-0-0

36 b. (060121-4) The Kittery Town Council moves to schedule a public hearing on June 28,
37 2021 on Marijuana – Title 5 and Title 16.

38 Moved by Councilor Pelletier, seconded by Vice Chair pro tempore Spiller.

39 Motion Carried 4-0-1

40

41 Chair Thomson, Vice Chair pro tempore Spiller, Councilor Pelletier and Councilor Dow
42 voted yes. Councilor Clark abstained.

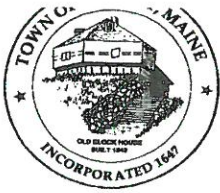
43 9. ADJOURNMENT

44 Councilor Dow moved to adjourn at 6:07 p.m., seconded by Councilor Pelletier.

45 Motion Carried 5-0-0

Submitted by Kim Tackett

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



TOWN OF KITTERY
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 Randy Small / Lobstah on The Go
please print

Applicant's Address 303 Chases Pond Rd York Me 03909
please print

Applicant's mailing address if different from above: Same

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

Date of Birth 12/22/66 Applicant's Telephone Number: 207-337-3836

Business Name: Lobstah ON The GO
please print

Business Address: 43 Government Street, Kittery Me 03904
please print

Business Telephone Number: 207-289-9927

Signature of Applicant Randy Small DATE: 5/26/21

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

RECEIVED
MAY 27 2021

BY: _____

Rice Public Library Corporation



May 28, 2021

Dear Kittery Town Council:

Please approve the following sponsored space for the Rice Public Library:

E-Commons

“Given by Kennebunk Savings Bank”

Kennebunk Savings Bank will be recognized with a plaque in the E-commons Area, on the Donor Wall (for individual contributions of \$2500 or higher) and in the Book of Benefactors (all donors).

Upon acceptance of these sponsored spaces, we will forward a check to the Town of Kittery for \$50,000, which represents the generous gift from Kennebunk Savings Bank to the Rice Library Capital Campaign.

Thank you for your support of the Rice Public Library and the wonderful expansion and renovation project.

Best regards-

Dianne Fallon
Rice Library Campaign Chair

Cc: Rachel Dennis, RPLC President
Lee Perkins, Director, Rice Public Library

-----Original Message-----

From: Suzanne Jones <suzanne8esq@gmail.com>

Sent: Tuesday, May 25, 2021 10:12 AM

To: Kendra Amaral <KAmaral@kitteryme.org>; April Timko <apriltimko@gmail.com>

Subject: Sorry

Under the circumstances Kendra and April, I think that I should resign. I do not want this to affect Kittery even though I truly believe I will have a not guilty at the end of this mess.

TOWN COUNCIL STANDING ADHOC & COMMITTEE LIST

COUNCIL CHAIRPERSON / VICE CHAIR - 1 ST ORDER OF BUSINESS AFTER SWEARING IN

Chairperson - Jeffrey Thomson

Vice Chair -

Capital Improvement Committee (1 Council Rep)

VACANT

Climate Adaptation Committee (2 Council Reps)

Judith Spiller

VACANT

Comprehensive Plan Implementation Committee (Chair and Vice Chair)

Council Chairperson Jeffrey Thomson

Council Vice Chair

Economic Development Committee (1 Council Rep)

George Dow

Education Scholarship Selection Committee (2 Council Reps)

VACANT

Jeffrey Pelletier

Kittery Community Center Board of Directors (1 Council Rep)

Jeffrey Pelletier (Until 3/31/21)

Trustees of Trust Funds (Council Chair serves as ex-officio member)

Chairperson - Jeffrey Thomson

Kittery Land Issues Committee (1 Council Rep)

Judith Spiller

Disbursement Warrant for Town Employee Wages (Primary, Secondary, Tertiary) Jeffrey

Thomson

Cyrus Clark

Jeffrey Pelletier

Disbursement Warrant for Town Expenses (Primary, Secondary, Tertiary)

Cyrus Clark

VACANT

VACANT

School Warrant for General Disbursements (Primary, Secondary, Tertiary)

Jeffrey Pelletier

Jeffrey Thomson

Cyrus Clark

Library Building Committee (Ad Hoc) (2 Council Reps)

VACANT

Jeffrey Pelletier

Celebration Committee (Ad Hoc) (1 Council Rep)

Jeffrey Thomson

Library Advisory Board (1 Council Rep)

Judy Spiller

Housing Committee (1 Council Rep)

Former Councilor Matt Brock - Serving as Council Rep



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

REPORT TO TOWN COUNCIL

Date: April 12, 2021
Updated: June 14, 2021
From: Kendra Amaral, Town Manager
Subject: American Rescue Plan Funds
Councilor Sponsor: Chairperson Jeffrey Thomson

SUMMARY

The American Rescue Plan Act (ARP) that recently passed in Congress is expected to provide an important infusion of funds to municipalities buffer the impacts of COVID on our municipal revenue and activities. Based on current estimates the **Town of Kittery is expecting to receive approximately \$1M up from \$978,935 originally projected.**

The ARP legislation outlines the intended use of the funds and requires the Treasury Department to develop and issue rules for use, tracking, and reporting of the funds. The rules have not been issued yet, and there is some level of confusion about what are and are not allowable uses of the funds at this time. The intent, as established by the legislation, is as follows:

- to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- for the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; or
- to make necessary investments in water, sewer, or broadband infrastructure.

There are still a lot of questions that need to be answered by the Treasury Department. With that caveat, I am proposing an allocation strategy that appears to be consistent with the legislation and will likely fit within whatever clarifying rules the Treasury Department issues. This allocation strategy is focused on taxpayer impacts and is divided up in a way that should provide some relief for seniors, homeowners in need, and all general property tax payers.

AMERICAN RESCUE PLAN ALLOCATION PROPOSAL

I am proposing we use the funds to offset financial impacts for three categories of tax payers: seniors, home owners that do not qualify for General Assistance, and all general taxpayers through tax levy relief. This plan has been balanced between reserve programs and revenue allocations to ensure we are not creating a catastrophic financial cliff that tends to occur when one-time funds are used for annual operating expenses.

Once the Treasury rules are issued, we may need to adjust the plan if any of these uses are deemed to be non-compliant. I will return to the Council for approval if that is the case.

The funds will be received in two tranches, half this year and half next year. The funds must be allocated by December 31, 2024 and spent by December 31, 2026. Use of funds must be reported on a periodic basis. The Town would be responsible to repay the funds if they are used for unallowable uses.

UPDATE

The Treasury has issued its draft final rules for the uses of the ARP funds. In addition to reviewing the rules, I have participated in two webinars regarding the legislation, regulations, allowable uses, implementation logistics, and detailed Q&A. Through these resources, I remain highly confident the proposed uses are not only consistent with the ARP legislative intent, but are directly responsive to the guidance, and the implementation process for use of the funds.

The State received their funding the week of June 1st. They have 30 days to disburse the funds, unless they receive an extension from the Treasury Department.

Senior Tax Circuit Breaker - \$375,000

This would allocate 38% of the ARP funds for the Senior Tax Circuit Breaker over the next three years. Typically, we fund this program from the unassigned fund balance. The Town currently funds \$50,000 a year for this program.

The funds would allow the Town to increase the tax credit to qualifying seniors beginning in FY22, and gradually reducing thereafter. The additional funds will also ensure we can accept more eligible seniors without having to reduce the credit for those who already receive the support.

The Tax Circuit Breaker is distributed in the summer for the coming tax year.

Affordable Housing Programs - \$150,000

This would allocate 15% for programs to support homeowners who do not qualify for General Assistance, but are in need of financial support to stay in their homes. The funds will be allocated to the Affordable Housing Reserve fund. The fund can be used to assist qualified homeowners with needed home repairs, converting units to affordable rental units, and other support activities that help those on the edge of a financial precipice.

The Housing Committee is working on proposals for the use, with a particular focus on generating additional housing units in Kittery.

Capital Projects - \$265,000

This would allocate 27% for capital needs that offset expenditures otherwise funded through the CIP appropriation. The identified uses reflect capital expenditures we have anticipated in our CIP but are not fully funded as of yet, such as the new Town Hall generator upsized to serve the KPD, VOIP conversation for all town departments, and sidewalk projects. These are one-time projects and in the case of the VOIP conversion, will result in savings on the operating budget.

COVID Supplies - \$10,000

The Town was able to acquire a significant amount of PPE and other supplies through the Keep Maine Healthy grant and FEMA reimbursements this past year. These funding sources have ended, yet the need

for PPE and additional supplies is not dissipating. We anticipate we will need to have the elevated PPE expenditures and COVID safety measures in place for one more year. This funding creates a buffer to ensure the Town can continue to maintain supplies without impacting normal operating budgets and the tax levy.

Revenue Loss - \$175,000

This is the one allocation being proposed for the annual operating budget. COVID's impact on the KCC operations has resulted in a loss of \$1M in non-tax revenue annually from COVID. The revenue loss is covered by increasing the tax levy. The proposed revenue loss allocation would be applied to the FY22 revenue budget and directly offset the tax levy needed for the next fiscal year.

A financial cliff occurs when one-time funds are used for annual operating expenses; once the one-time funds dry up the tax levy has to be increased to cover the loss. Though I am very hesitant to allocate one-time funds to the annual operating budget because of the financial cliff scenario; I am confident the KCC will be able to make up the \$175,000 in revenue in FY23, preventing the cliff that impacts property taxpayers.

This funding is already incorporated into the revenue projections for the recently approved FY22 fiscal year budget. If the funds are not allocated as proposed, the tax levy projection will need to increase by \$175,000.

PROPOSED SOLUTION/RECOMMENDATION

Council to approve the allocation the strategy.

ATTACHMENTS

- Allocation plan
- Excerpts of American Rescue Plan Act

AMERICAN RESCUE PLAN

| | | |
|--------------------------------------|-------------------|---------------------------|
| Total Qualifying Revenue Loss | \$ 785,483 | Per Treasury Rules |
|--------------------------------------|-------------------|---------------------------|

| | |
|-----------------------------|---------------------|
| Estimated Allocation | \$ 1,000,000 |
|-----------------------------|---------------------|

| Proposed Uses | | % of Funds | | USE CATEGORY |
|-----------------------------------|------------------|-------------------|---|--------------------------|
| Senior Tax Circuit Breaker | \$ 375,000 | 38% | Increase allocation for eligible recipients | Assistance to Households |
| COVID Supplies and Operations | \$ 10,000 | 1% | Reserve fund | Public Health Emergency |
| Capital | \$ 265,000 | 27% | Addl technology upgrades, PPE, etc. | Revenue Loss |
| Affordable Housing Programs | \$ 150,000 | 15% | Grants to assist homeowners in need | Assistance to Households |
| FY22 Revenue Loss Offset | \$ 175,000 | 18% | Reduces tax levy requirement | Revenue Loss |
| Total Remaining Allocation | \$ 25,000 | | | |

FISCAL YEAR ALLOCATION

FY22

| | |
|-------------------------------|------------|
| Senior Tax Circuit Breaker | \$ 150,000 |
| COVID Supplies and Operations | \$ 10,000 |
| Capital | \$ 265,000 |
| Affordable Housing Programs | \$ 100,000 |
| Revenue Loss from KCC | \$ 175,000 |

| | |
|------------------------|-------------------|
| FY22 Allocation | \$ 700,000 |
|------------------------|-------------------|

FY23

| | |
|-----------------------------|------------|
| Senior Tax Circuit Breaker | \$ 125,000 |
| Affordable Housing Programs | \$ 50,000 |

| | |
|------------------------|-------------------|
| FY23 Allocation | \$ 175,000 |
|------------------------|-------------------|

FY24

| | |
|----------------------------|------------|
| Senior Tax Circuit Breaker | \$ 100,000 |
|----------------------------|------------|

| | |
|------------------------|-------------------|
| FY24 Allocation | \$ 100,000 |
|------------------------|-------------------|

CAPITAL & COVID SUPPLIES

| | |
|--|-------------------|
| Emergency Generator - Town Hall | \$ 65,000 |
| Technology/VIOP | \$ 100,000 |
| Sidewalks | \$ 100,000 |
| Capital and COVID Supplies Allocation | \$ 265,000 |

Qualifying Revenue Loss

| | |
|---|------------|
| Total Available for Revenue Loss Category | \$ 785,483 |
| Total Allocated | \$ 440,000 |

| | |
|------------------------|------------|
| Compliant (Y/N) | YES |
|------------------------|------------|



TOWN OF KITTEKY
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**

All Renewal Applications and Fees are Due no later than May 6, 2021

Applicant's Name Scott Ramsey
please print

Applicant's Address 3 Libby Lane Apt. 3D Cape Neddick, ME 03902
please print

Applicant's mailing address if different from above: _____

Applicant's Email address (required) Scott.H.Tremayne@gmail.com

Date of Birth 11/04/1979 Applicant's Telephone Number: 207 730 0027

Business Name: EMR Foods LLC D.B.A. BBQ Betty's Smokehouse
please print

Business Address: 311 Same as above
please print

Business Telephone Number: Same as above

Signature of Applicant Scott Ramsey DATE: 5/25/2021

LICENSE FEE: \$ 25.00 RENEWAL OF LICENSE: \$25.00

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

*** If you have any question or concerns please call 207-475-1312 or 207-475-1313***

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant (Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge (Class XI) | <input type="checkbox"/> Class A Lounge (Class X) |
| <input type="checkbox"/> Hotel (Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional (Class I-A) | <input type="checkbox"/> Bed & Breakfast (Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern (Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

11 Water St. Kittery, ME 03904

6. Is the licensee/applicant(s) citizens of the United States? Yes No

7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
| | | |
| | | |

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

| Full Name | DOB | Place of Birth |
|--------------------|----------|----------------|
| Bradley Cunningham | 09/25/66 | Pittsburg PA |

Residence address on all the above for previous 5 years

| | |
|----------------------------|---|
| Name Bradley Cunningham | Address: 149 Mendum's Landing Barrington, NH 03825 |
| Name | Address: |
| Name | Address: |
| Name | Address: |

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: n/a

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Seafood restaurant with multiple dining rooms

20. 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?

Name: St. Mark's United Methodist Church

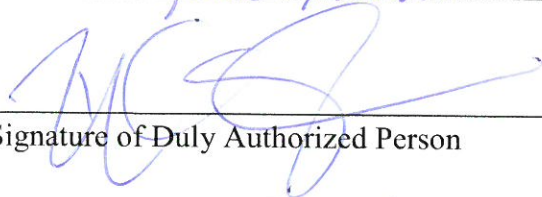
Distance: 1/4 mile

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: June 3, 2021


Signature of Duly Authorized Person

Bradley Cunningham
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|-------------------------------|-------------------------------|
| | |
| | |
| | |
| | |
| | |

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§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.

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.

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.

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.

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;

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;

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;

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;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

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

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.

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. Repealed

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.

4. Repealed

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.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

| Class of License | Type of liquor/Establishments included | Fee |
|-------------------------|--|------------|
| Class I | For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers | \$ 900.00 |
| Class I-A | For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day. | \$1,100.00 |
| Class II | For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels. | \$ 550.00 |
| Class III | For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | \$ 220.00 |
| Class IV | For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts. | \$ 220.00 |
| Class III and IV | For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | \$ 440.00 |
| Class V | For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges. | \$ 495.00 |
| Class X | For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge | \$2,200.00 |
| Class XI | For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge | \$1,500.00 |

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Premises Floor Plan on next page.

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: WLH Management Corp
2. Doing Business As, if any: Warren's Lobster House
3. Date of filing with Secretary of State: 06/15/1984 State in which you are formed: N.H.
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 06/27/1984
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| Name | Address (5 Years) | Date of Birth | Title | Percentage of Ownership |
|--------------------|-------------------|---------------|----------------------|-------------------------|
| Scott Cunningham | Barrington, NH | 4/22/42 | President | 44.8 |
| Claudia Cunningham | Barrington, NH | 8/16/42 | Senior V.P. | 44.8 |
| Brad Cunningham | Barrington, NH | 9/25/66 | V.P. General Manager | 8.4 |
| Colleen MacDonald | Eliot, ME | 7/13/69 | Hospitality Manager | 2.0 |
| | | | | |
| | | | | |

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



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

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

*1/12/2021
t.carven*

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Tim Carven

RESIDENCE: 93 Braveboat Harbor Road Kittery Point

MAILING (if different) _____

E-MAIL ADDRESS: t.carven@comcast.net

PHONE #: (H) 2074395918 (W) _____ (C) 2077527754

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 |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Board of Trustees of Trust Funds |
| <input type="checkbox"/> Comprehensive Plan Committee | <input checked="" 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 | Other _____ |

EDUCATION/TRAINING: Norwich University, Phys Ed teacher for 33 years.

RELATED EXPERIENCE (Including other Boards and Commissions) _____

PRESENT EMPLOYMENT: Haverhill School District

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

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

REASON FOR APPLICATION TO THIS BOARD: I would like to get more involved in the community

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

Please read the back of this application before signing.



SIGNATURE OF APPLICANT

1/12/2021

DATE

Report to Town Council

Meeting Date: June 14, 2021

From: Vice Chair Judy Spiller, on behalf of Kittery Climate Adaptation Committee

Subject: Town Council Endorsement of the Maine Climate Action Plan Goals

Executive Summary

The Kittery Climate Adaptation Committee asks the Town Council to endorse the goals of the Maine 2020 Climate Action Plan. That endorsement will demonstrate the Town's commitment to seek strategies for lowering its greenhouse gas (GHG) emissions; to plan for the effects on Kittery of rising temperatures and sea levels and more frequent and intense weather events; and to inform residents and businesses about options, resources, and opportunities to addresses potential changes. Endorsement of this statement will demonstrate the Town's investment in these issues], signaling that to residents, local businesses, surrounding communities and the State.

Background

The 2020 [Maine Climate Action Plan](#) sets a path for the State to reduce greenhouse gas emissions 45% by 2030 and 805 by 2050, with carbon neutrality by 2045 (targets signed into law in 2019) and build state-wide resiliency in face of rising seas, a warming climate, and increasingly intense and frequent storms. An additional goals address "avoiding the impacts and costs of inaction" and climate inequity.

The Plan outlines strategies to these ends, including transition to more fuel efficient and cleaner modes of transportation and heating and cooling systems and protection of Maine's vulnerable natural assets and local economies.

[The 2015-2025 Kittery Comprehensive Plan](#) called for the Town to address climate change issues, including increased energy efficiency while also reducing carbon and preparing for the impact of rising seas on Town assets. With that in mind, the Town Council created the Climate Adaptation Committee in 2019. The Council called for the Committee to "seek options to make Kittery more resilient in the face of risks associated with warming temperatures and rising seas." The Committee, with the assistance of an UNH Sustainability fellow, has prepared Kittery flood hazard maps (now on display in the Kittery Community Center). The maps identify areas of particular vulnerability under the key sea level rise scenarios. It has also begun an assessment of municipal and school energy use, building on the Town Manager's greenhouse gas inventory. Working in conjunction with Southern Maine Planning and Development (SMPD), it is beginning accounting of resident and business GHG production. These initiatives will form the foundation of a Kittery Climate Action Plan and complement what is being produced on the State level.

Further, coordinating closely with the Town Manager and Planning and Development, the Committee has advocated for expanded Town LED lighting; the replacement of Town's fleet with electric vehicles and installation of charging stations; and evaluation of greenhouse gas impacts in capital improvement planning. It has worked with the Town's Land Use Issues Committee on proposed Title 16 ordinances, awaiting Planning Board review; on solar power and the storm water standard, the latter reflecting projected sea level rise and rain events; and on a longer term, low impact development options, particularly in the shoreland zone. The importance of the Committee's work is reflected in Moody's reference to Town climate planning as a factor in increasing the Town's bond rating. The Committee has built alliances through SMPD that led to a regional effort to contract out for municipal and school solar power. The Committee and Town have also gained additional funding through its regional efforts with SMPD to address physical impacts on a regional level. The Committee's Traip Academy representatives have worked to raise awareness of climate issues among Traip students, working on a school-wide composting program, a model wildflower pollinator garden, and assisting with the conversion of the Kittery Land Trust's Nooney Farm to working farm.

Proposed Action

Given the progress the Town and Committee have made on climate issues in only two years, and the expansion of support opportunities on the State and regional level, this is an advantageous time for Council to endorse the State plan. Such an endorsement places the Town in alignment with our regional partner communities as we assess physical impacts and seek more sustainable energy alternatives. It improves the Town's position as it seeks State funding, and finally, it signals to the Kittery community that our commitment to addressing climate issues is continuing and serious.

We propose Council endorse the following statement,

The Kittery Town Council endorses the goals of the State of Maine's 2020 Climate Action Plan, Maine Won't Wait and pledges to work toward achieving those goals through a Town climate action plan, periodically updated, that provides road map for Kittery to



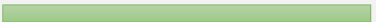









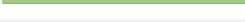
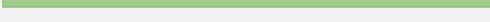
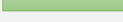
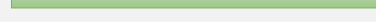

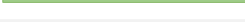
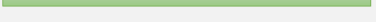

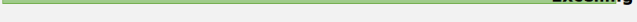
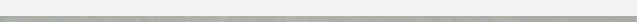
- Increase the energy efficiency of municipal operations and reduce reliance on greenhouse gas producing energy sources;
- Raise awareness of residents and business about options to reduce reliance on greenhouse gas producing energy sources;
- Assess the potential damage on Town infrastructure from a warming climate and rising seas; and
- Inform residents and business-owners of potential for property damage and the health and safety risks associated with a warming climate and rising seas;
- Build community resilience in the face of increasing climate uncertainty.

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

The oldest incorporated town in Maine, the Town of Kittery has a long history of supporting the sustainability and resilience of its community. In 2019, Kittery joined a coalition of six towns in coastal York County to create the SMPDC Regional Sustainability and Resilience Program. The program aims to foster more sustainable and resilient communities by leveraging regional collaboration to enhance the effectiveness of local government action. To identify and direct sustainability and resilience efforts, the program is establishing a baseline of sustainability and resilience efforts and needs in individual communities and the Coastal York Country region. Kittery excels in waste management and watershed protection efforts. The Town is also making significant progress on climate change mitigation and adaptation initiatives, including establishing the Kittery Climate Adaptation Committee, incorporating climate resilience into the Comprehensive Plan, and conducting coastal flood vulnerability assessments.

Using the SMPDC Sustainability Progress Framework (SPF), Kittery was evaluated on a variety of sustainability and resilience strategies within twelve categories, with strategies grouped into 22 indicators as shown below. Kittery's status on each progress indicator ranges from "Not Yet Considered" to "Excelling". Explanations for each indicator are detailed on the following pages. Also listed are suggested *Next Steps* for potential future sustainability and resilience efforts that reflect priorities identified by Town staff as well as efforts identified by regional program staff for the Town to consider.

| CATEGORY | INDICATOR | STATUS |
|-------------------------|--|--|
| Climate | Establish a GHG emissions inventory, target, and plan |  Getting Started |
| | Climate change vulnerability assessment |  Making Progress |
| Coastal Hazards | Integrate coastal risk reduction measures in zoning and regulations |  Making Progress |
| | Incorporate future climatic conditions into land use requirements and municipal policies |  Getting Started |
| Economic Development | Promote and support sustainability and resiliency actions for local businesses |  Getting Started |
| | Reduce municipal fossil fuel consumption and implement municipal energy efficiency measures |  Getting Started |
| Energy | Promote energy efficiency for residents and businesses |  Interested |
| | Support development of and access to renewable energy |  Getting Started |
| Land Ecosystems | Promote and practice environmentally-friendly and sustainable landscape approaches |  Almost There |
| Leadership | Participate as an active member of a national/regional sustainability and resilience network |  Almost there |
| Mobility | Promote and facilitate transit systems as well as bicycle and pedestrian networks |  Making Progress |
| | Adopt a complete streets policy |  Getting started |
| | Support the electrification of the transportation system, leading by example with the municipal fleet |  Getting started |
| | Formally adopt sustainability and resilience goals, policies, and strategies |  Almost there |
| Municipal Operations | Establish local financing strategies for sustainability and resilience activities |  Interested |
| | Incorporate sustainability and resilience criteria in municipal expenditure policies |  Making Progress |
| Sustainable Communities | Connect residents to resources and services that support well being and enhance community resilience |  Excelling |
| | Actively engage community members in local climate, sustainability, and resilience issues |  Getting started |
| Sustainable Development | Facilitate compact, mixed-use development that reduces environmental impacts and increases housing affordability |  Making Progress |
| Waste & Recycling | Deliver sustainable and affordable waste management services |  Excelling |
| Water | Include Low Impact Development in performance and design standards |  Excelling |
| | Establish and enforce progressive watershed protection measures |  Excelling |

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

Climate: Kittery's actions on climate are guided by the goals and strategies laid out in the Coastal Community Resilience section in the Town's Comprehensive Plan. The Town is undertaking its first municipal greenhouse gas (GHG) inventory in 2020 and has also begun to address vulnerability to climate change and its impacts. In 2019, Kittery established the Kittery Climate Adaptation Committee (KCAC) to advance the Town's resilience to climate change.

NEXT STEPS:

- Work with KCAC to complete municipal and community-wide GHG inventories and to establish a GHG emissions reduction target for municipal and/or community-wide emissions.
- Assess non-coastal vulnerabilities to climate change.
- Create a climate adaptation or resilience plan and begin implementing climate adaptation strategies.

Coastal Hazards: The Town has recently undertaken several initiatives to evaluate and plan for coastal hazards, including completing the Maine Flood Resilience Checklist in 2020 and participating in an EDA grant-funded project assessing the economic and social vulnerabilities associated with sea level rise and coastal flood events. A UNH Sustainability fellow developed hazard assessment maps with different flooding/sea level rise scenarios and planning recommendations for the Town. Kittery's Comprehensive Plan addresses coastal resilience, providing the enabling foundation for adoption of regulatory and policy actions to make the Town more climate resilient.

NEXT STEPS:

- Establish a coastal hazard overlay zoning district, based on adopted sea level rise scenarios, and accompanying development standards to ensure new and redevelopment in areas vulnerable to storm surge and sea level rise are resilient.
- Amend the floodplain management ordinance to incorporate enhanced flood risk reduction measures such as increased freeboard height requirements and accounting for cumulative improvement costs in the definition of substantial improvement and damage.
- Incorporate future precipitation projections in land use regulations and amend ordinances to require the use of more robust storm frequencies (e.g., 24-hour rainfall of a 30-year storm event) for stormwater management and design standards.

Economic Development: In partnership with the Portsmouth Naval Shipyard, Kittery undertook a Joint Land Use Study to address community growth and military readiness, with a primary objective to provide for sustainable growth in an economically, environmentally, and socially conscious manner. Kittery engages the business community on sustainability and resiliency issues through the KCAC, which requires two members to be representatives of local business, one of which must include aquaculture.

NEXT STEPS:

- Engage the business community on climate change and resiliency issues, potentially as part of SMPDC's EDA grant-funded project on coastal economic resilience.
- Work through KCAC to support the establishment of a regional business sustainability award or recognition program.

Energy: Reducing municipal fossil fuel consumption and implementing energy efficiency measures are both recommendations of Kittery's comprehensive plan. Kittery completed an upgrade to LED streetlights in 2019. The KCAC is working to promote energy efficiency for residents and businesses. Kittery supported the development of renewable energy by adopting a Property Assessed Clean Energy (PACE) ordinance in 2011 and adding a solar stipulation for lot configurations to the Land Use and Development Code in 2015. The town is currently considering a solar energy ordinance prescribing the permitting, standards, and allowable use of roof-top and ground mounted solar.

NEXT STEPS:

- Improve municipal energy efficiency by tracking building energy consumption (i.e. with EnergyStar Portfolio Manager), conducting energy audits of municipal facilities to identify opportunities for energy conservation, and continuing to implement energy efficiency measures as opportunities arise.
- Work through KCAC to connect residents and businesses to energy efficiency resources and renewable energy options.
- Work through KCAC to review and adopt the solar energy ordinance.

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

Land Ecosystems: Kittery practices environmentally-friendly landscape practices through the public works Integrated Pest Management (IPM) program and the Spruce Creek Watershed Management Program. Kittery has begun incorporating sustainable landscaping standards into the Title 16: Land Use and Development Code. Kittery has hosted multiple outreach events to connect residents to sustainable landscaping information, such as Yardscaping workshops.

NEXT STEPS:

- Continue working through Conservation Commission to connect residents to sustainable landscaping resources.
- Continue incorporating sustainable landscape requirements into the Title 16: Land Use and Development Code.
- Work through the Conservation Commission to encourage community-wide use of integrated pest management to reduce impacts from fertilizers and pesticides.

Leadership: Kittery is playing an active role in leading sustainability and resilience efforts in Maine. Kittery's sustainability and resilience activities are guided by the Kittery Climate Adaptation Committee (KCAC). Town Manager Kendra Amaral serves on the Maine Climate Council transportation working group, and Kittery joined ICLEI Local Governments for Sustainability in 2020.

NEXT STEPS:

- Continue working through KCAC to actively participate in regional/state sustainability and resilience networks.
- Share information about municipal leadership in sustainability and resilience broadly in the community and externally.

Mobility: Kittery strives to facilitate transit systems and bike and pedestrian networks. The Town is in the process of developing a Bicycle and Pedestrian Plan. Kittery has also worked to extend regional transit and will be further exploring alternative transportation opportunities as part of a Joint Land Use Study (JLUS) Implementation Grant in collaboration with the Portsmouth Naval Shipyard. A complete streets policy is recommended in the Kittery Comprehensive plan. Kittery installed a level 2 EV charging station at Rice Library and is exploring EV charging station incentive opportunities and EV fleet vehicle opportunities. Kittery is in the process of acquiring their first electric vehicle.

NEXT STEPS:

- Complete the Bicycle and Pedestrian plan and begin implementing strategies.
- Ensure alternative transportation projects and initiatives result from the JLUS implementation grant.
- Begin developing a Complete Streets Policy.
- Continue to pursue EV charging station installation at public sites.
- Collaborate with businesses to develop EV infrastructure.
- Establish a fleet purchasing policy to prioritize electric vehicles.

Municipal Operations: Sustainability is a guiding principle of Kittery's Comprehensive plan and the KCAC is charged with addressing Kittery's sustainability and resilience issues. Kittery strives to embed sustainability and resilience into existing operations, financial planning and expenditures. Kittery is in the process of incorporating sustainability criteria into their Capital Improvement Program.

NEXT STEPS:

- Ensure sustainability and resilience criteria are successfully incorporated into the Capital Improvement Program.
- Formalize sustainability and resilience goals and plans for the Town, as recommended by the Comprehensive Plan.
- Explore strategies such as Power Purchase Agreements, leases, and Energy Savings Performance Contracts to finance renewable energy systems and energy efficiency projects for municipal buildings.
- Budget and plan for long-term energy efficiency equipment upgrades (i.e. boilers and chillers for heating and cooling, window, door and rooftop replacements, and modified ductwork).

TOWN OF KITTERY

2020 Sustainability and Coastal Resilience Assessment

Sustainable Communities: Kittery connects residents to vital community services that enhance wellbeing and community resilience through the Kittery Community Center and Kittery Welfare Assistance. The Town also has an Emergency Management Agency Ordinance to prepare for environmental disasters and public health crises. Kittery supports the Kittery Community Market to promote local food access, offering a space in the Kittery Community Center for the winter market. Kittery has begun working through the KCAC to engage residents on local climate, sustainability, and resilience issues.

NEXT STEPS:

- Apply emergency management lessons from the Covid-19 pandemic to increase community preparedness and resilience.
- Collaborate with partner organizations to support community gardens and increased access to local foods.
- Host events educating the public about climate change and local impacts and how to reduce GHG emissions.
- Develop online materials for the community about sustainability initiatives and other allied organizations and government agencies.

Sustainable Development: Kittery is undertaking a recodification of the Title 16: Land Use and Development Code to incorporate sustainable development principles and practices. It is addressing infill development, mixed use zoning, open space preservation, redevelopment of underutilized properties, transit-oriented development, and housing affordability. Kittery is also addressing housing affordability and transit-oriented development through the JLUS implementation grant. In 2020 Kittery approved a number of housing initiatives, establishing a housing reserve fund, creating a process to utilize the proceeds from the sale of tax-foreclosed properties for affordable housing, and formally establishing a Housing Committee to work on affordable housing initiatives.

NEXT STEPS:

- Continue addressing transit-oriented development and housing affordability through the JLUS implementation grant.

Waste & Recycling: Kittery delivers sustainable and affordable waste management services. The town requires mandatory recycling for residents and at the transfer station. Municipal departments are also required to recycle. There is a Freebie Barn at the transfer station for donations, and curbside composting is available to residents and businesses.

NEXT STEPS:

- Explore a construction and demolition recycling policy to keep these materials out of landfills and ensure they are recycled.
- Continue to explore partnerships with the schools to promote education about consumption and waste.

Water: An MS4 community and an active member of the Southern Maine Stormwater Management Group (SMSWG), Kittery has adopted enhanced stormwater management regulations and policies. The Town has implemented water quality protection measures through a wetlands conservation ordinance, the Spruce Creek Watershed project, and green infrastructure projects to manage stormwater runoff on municipal properties. The Town is currently amending its land use ordinance to require low impact development (LID) for commercial land uses.

NEXT STEPS:

- Enhance the Town's existing land use regulations and policies that encourage and/or require the use of low impact development and green infrastructure approaches for stormwater management for all development and redevelopment projects requiring site plan review.
- Enact a pesticide and fertilizer ordinance.
- Adopt a septic inspection and pump out ordinance to ensure septic systems, especially those in areas vulnerable to current and future flooding, function properly and to minimize potential detrimental impacts to water quality and the environment.

