



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

AMENDED

**WORKSHOP
6:30 P.M.**

The Town Council will meet with the Town Manager and Marissa Day to discuss her Route 1 project.

September 25, 2017

Kittery Town Council
Regular Meeting
7:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 8/28/17 and 9/11/17
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition.

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

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

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

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

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

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

g. (090217-7) The Kittery Town Council moves to approve a renewal application from First Serve Hospitality Group PO Box 630, Kittery, ME 03904 for a Malt, Vinous and Spirituous Liquor License for Robert's Maine Grill, 326 US Route 1.

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

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

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

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

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

17. ADJOURNMENT



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

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

kamaral@kitteryme.org

Town Manager's Report to the Town Council September 25, 2017

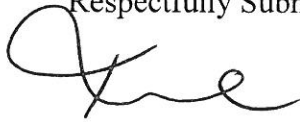
1. **Whipple Sidewalk Improvements** – The meeting with abutters to the Whipple Sidewalk project was successful. The engineer shared the project specifics, the schedule, and discussed the hurdles being experienced. The project engineer will be making some revisions to the plan based on the discussion. Once the revisions are made, we will review with MaineDOT and CMP the status of needed utility easements and solutions to resolve each outstanding easement. This will push the project timeline out again. MaineDOT is eager to see forward movement and has indicated they may need to reallocate funding to other projects if we are not successful on the utility easements. This project is an 80/20 funded project.
2. **Walker/Wentworth Street Improvements** – We anticipate an update from the project engineers in the coming weeks. The design work has been focused on investigating “Option 3” which includes sidewalks on both sides of Wentworth and parking on one side. Estimated total cost increase for this option is approximately \$600,000, of which the town would be responsible for some portion. The project is being reviewed by KACTS at their upcoming policy meeting.
3. **KACTS 2020 Project Planning** – The Town has submitted two projects to KACTS for consideration in the 2020 allocation plan. They are:
 - 1) Replacement of the traffic signal at Route 1 and Premium Outlet #4 (Burger King). In our research, we discovered the signals at this intersection were not accepted by the Town and therefore remain the responsibility of MaineDOT. They have asked the Town to take them over. We are seeking the intersection be improved prior to such transfer.
 - 2) Preliminary Engineering for improvements to the Intersection of Route 236 and Fernald Road (Aroma Joe's). We requested this in concert with Eliot.
4. **Casino Measure** – Councilor Spiller requested that the Town engage in conversations with other York communities about a potential casino in York County. In those conversations I have learned that though some communities are considering hosting or being targeted as a host (Biddeford, Old Orchard Beach), it does not appear there is already a definitive location in negotiation.
5. **Yankee Settlement Conservation Easement Proposal** – The Kittery Land Trust and Town Attorney have reviewed the Yankee Settlement Conservation Easement proposal and offered comment. We are still awaiting Maine DEP review and comment. DEP forwarded the proposal to the Attorney General's office for review. DEP provided an update last week that they are still waiting for the AGs comments.

6. **Recent Shipyard Report** – Following the release of the Government Accountability Office report citing poor conditions at US shipyards, I reached out to Senator Collins’ and Senator King’s offices. The news reports suggested that a BRAC may be pursued or supported in conjunction with their findings and the President’s stated goals for the upcoming budget. I had a conference call with staff from both offices on Thursday. The US Senate recently passed a funding bill that not only includes \$61M in investments at the Portsmouth Naval Shipyard, it also blocks a BRAC in the coming year. The bill is headed to committee for reconciliation with the House. I understand both House and Senate bills block a BRAC for the coming year.
7. **I-95 Dennett Road Bridge Project** – Town staff met with the Maine Turnpike Authority to discuss two upcoming projects that will impact Kittery. The first is repair of the Dennett Road Bridge. This project is scheduled for next spring and will include lane reduction, lane shifts on both sides of I-95, and closure of Exit 1 Northbound and the south-bound on-ramp. MTA has agreed to include the town in development of the detour plan including timing, communication, and routing. The MTA is well aware of the impacts of cut-through traffic on local roads. They have indicated this project should be complete before work is performed on the high-level bridge. The MTA has offered to present to the Council in advance of the project kicking off.
8. **Guide Sign Replacement Project** – The MTA is also working on a Guide Sign Replacement project in response to LD 1831 which was approved in 2014. This legislation seeks to standardize the criteria for highway guide signage throughout the state. Based on MTA’s interpretation of the law, their proposed signage changes on I-95 will eliminate any mention of the mall area, the Foreside, and other Kittery attractions. The signs will retain Navy Yard information. The guide signage replacement for this section of I-95 is planned for 2019. We will be sharing this information throughout town and seeking input on the MTA’s proposed new signage. Once we have gathered that information, we will determine appropriate next steps.
9. **Energy Committee** – Two residents have recently expressed interest in reenergizing the Town’s Energy Committee. We have sent out letters to the list of members on file to determine their interest in continuing to serve. Any residents interested in participating should please contact Maryann Place. A “kick-off” meeting of the committee will be scheduled for later in the calendar year.
10. **Senior Tax Circuit Breaker Program** – Councilor Lemont requested we look into establishing a senior tax circuit breaker program. Enclosed is a copy of the law and an example of a program being utilized in North Yarmouth. I will present a plan to the Council in the coming months that will include funding recommendation, funding source, and qualification criteria.
11. **Maine Municipal Association Annual Conference** – I plan to attend the MMA Annual Convention in Augusta October 4th and 5th. I look forward to the opportunity to connect with colleagues throughout the state and learn about challenges, initiatives, and innovations happening in the state and in our field.

Upcoming Dates:

- Meet the Candidates Night – October 4, 6PM, Town Hall
- Library Working Group Information Session – October 16, 6PM, Traip Academy
- **Absentee Ballots Available – October 10, Town Hall**
- First Tax Bill is Due – October 31
- **Election – November 7, 8AM to 8PM, Kittery Community Center**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendra Amaral', written in a cursive style.

Kendra Amaral
Town Manager

**TOWN OF NORTH YARMOUTH
PROPERTY TAX ASSISTANCE ORDINANCE**

SECTION 1. Title, Purpose, Authority

Subsection 1.1 Purpose:

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons **70 (seventy)** years of age and over, whose household income is **\$40,000** or less, who reside in the Town of North Yarmouth. Under this program, the Town of North Yarmouth will provide a tax credit to those individuals who qualify as North Yarmouth resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

SECTION 2. Definitions

Subsection 2.1 Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be the applicant's primary place of residence.

Subsection 2.2 Qualifying Applicant: A qualifying applicant is a person who is determined by the Town Manager, after review of a complete application under Section 4 of this Ordinance, to be eligible for a tax credit under the terms of this Ordinance.

SECTION 3. Criteria for Participation

Subsection 3.1 - In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- 3.1.1 The applicant shall be **70** (seventy) years of age or more at the time of application.
- 3.1.2 The applicant shall have a homestead in the Town of North Yarmouth at the time of the application and for the entire year prior to the date of application.
- 3.1.3 The applicant has been a resident of the Town of North Yarmouth for at least 10 (ten) years immediately preceding the date of application for participation in the Program.

SECTION 4. Application and Tax Credit Procedures

Subsection 4.1 - Person(s) seeking to participate in the Property Tax Assistance Program shall submit an application to the Town Manager no later than **June 30th**. Applications are required every year to participate in this program. The Town Manager shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof of household income. The Town Manager shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Town Manager shall notify an applicant if an application is determined to be incomplete. The Town Manager's decision on eligibility to participate in the Program shall be final.

SECTION 5. Determination of Eligibility and Amount of Eligibility

Subsection 5.1 - If the Town Manager determines that the applicant is eligible to participate in the Program, he/she shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

- 5.1.2 Available monies in the Town Tax Assistance Program fund or;

**TOWN OF NORTH YARMOUTH
PROPERTY TAX ASSISTANCE ORDINANCE**

5.1.3 \$1,000.00 per household.

Subsection 5.2 - The Town Manager shall report to the Select Board at the first meeting in August of each year, the projected credits and number of eligible applicants requesting assistance for the program fund.

SECTION 6. Program Fund - Limitations Upon Credits

Subsection 6.1 - Credits under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, credits shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no credit or less than the full credit to a qualifying applicant, the request will not carry over to the next year.

SECTION 7. Creation of the Program Fund

Subsection 7.1 - The Program Fund from which tax credits shall be made under the terms of this Ordinance shall be created as follows:

Subsection 7.2 - As funds are available, the Select Board shall request from the Annual Town Meeting to appropriate monies from the general fund or other Town sources to support this program. Any surplus monies available after all credits have been made shall be retained in the specified fund for future years program use.

SECTION 8. Timing of Tax Credits

Subsection 8.1 - A person who qualifies for a tax credit under this Program shall have their credit applied to their outstanding real estate taxes no later than **October 1st** for the year in which participation is sought.

SECTION 9. Limitations Upon Tax Credits

Subsection 9.1 - Only one qualifying applicant per household shall be entitled to credit under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager shall be disbursed to another member of the household as determined by the Town Manager. If the applicant was the only member of a household, then no tax credit shall be made under this Ordinance.

ADOPTED: May 30, 2009

AMENDED: June 18, 2011

AMENDED: April 8, 2017

Maine Revised Statutes

Title 36: TAXATION

Part 9: TAXPAYER BENEFIT PROGRAMS

Chapter 907-A: MUNICIPAL PROPERTY TAX ASSISTANCE

§6232. Municipal authority

The legislative body of a municipality may by ordinance adopt a program to provide benefits to persons with homesteads in the municipality. A municipality may choose to restrict the program to persons who are at least 62 years of age. [2005, c. 395, §4 (NEW).]

1. Conditions of program. Except as provided in subsection 1-A, a program adopted under this section must:

A. Require that the claimant has a homestead in the municipality; [2005, c. 395, §4 (NEW).]

B. Provide benefits for both owners and renters of homesteads; and [2005, c. 395, §4 (NEW).]

C. Calculate benefits in a way that provides greater benefits proportionally to claimants with lower incomes in relation to their property taxes accrued or rent constituting property taxes accrued. [2005, c. 395, §4 (NEW).]

[2007, c. 635, §1 (AMD) .]

1-A. Volunteer program. A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

[2007, c. 635, §2 (NEW) .]

2. Relationship to state program.

[2013, c. 455, §2 (RP) .]

3. Repeal of program. A municipality that has adopted a program under this section may repeal it through the same procedure by which the program was adopted.

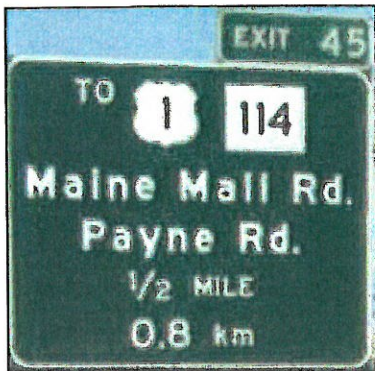
[2005, c. 395, §4 (NEW) .]

SECTION HISTORY

2005, c. 395, §4 (NEW). 2007, c. 635, §§1, 2 (AMD). 2013, c. 455, §2 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Guide Sign Replacement Project



Interchange Guide Sign



Supplemental Guide Sign



Supplemental Guide Sign



LOGO Sign

Background

The average life cycle of an interchange sign is approximately 12 to 15 years. A majority of the signs on the turnpike have exceeded their useful life (lost or losing their retro-reflectivity). The Maine Turnpike Authority (MTA) planned to replace its interchange and supplemental guide signs between 2016-2019.

In recent years, the Maine Legislature's Transportation Committee was confronted with numerous bills requesting interstate signs for high schools, theme parks, civic centers, historic sites, other tourism-related designations. In response, the Transportation Committee of the 126th Legislature asked the Maine Department of Transportation (MaineDOT) and the MTA to propose a fair, rational, uniform way to treat such requests that is generally in line with national standards, but tailored to Maine's specific needs. MTA and MaineDOT undertook a painstaking sign-by-sign effort over many months to address interchange signs, supplemental guide signs, and logo signs. The agencies proposed an objective, consistent system that allowed more signs than national standards to account for Maine's sparsely-settled areas and our tourism economy. The Committee took that work and held extensive work sessions (LD 1831), and unanimously reported out an amended bill that would provide directional guidance to travelers to locations that draw significant traffic – and expanded the logo sign program to allow flexibility. The full Legislature passed the unanimous Committee report and the Governor signed it on April 16, 2014. (P.L. 2014, Chapter 549)

Implementation

The MTA and MaineDOT have 5 years to remove or modify Interchange and supplemental guide signs in order to comply with the new law. By the end of 2019, all changes to signage should be complete. In 2016 MTA and MaineDOT will also be expanding the LOGO sign program including a reduction in the price to participate.

Schedule

Over the next four years the MTA will be completing the work in sections from north to south.

2016 - Exit 109 to Exit 75

2017 - Exit 63 to Exit 46

2018 & 2019 - Exit 45 to Exit 1

Looking for more information on Turnpike projects?

Visit our website at www.MaineTurnpike.com or contact:

Erin Courtney, MTA Public Relations phone: 207.482.8119 email: ecourtney@maineturnpike.com

STATE OF MAINE

—

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

—

H.P. 1320 - L.D. 1831

**An Act To Allow Signs for Areas of Local, Regional and Statewide Interest
on the Interstate System**

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

Sec. 1. 23 MRSA §1201, as amended by PL 2011, c. 610, Pt. C, §1, is repealed.

Sec. 2. 23 MRSA §1912-B, as amended by PL 2011, c. 344, §30, is further amended to read:

§1912-B. Logo signs on the interstate system

~~Pursuant to rules adopted under this section, the~~ The commissioner may authorize the placement of logo signs within the right-of-way of the interstate system except for that portion owned by the Maine Turnpike Authority. To implement this section, the commissioner shall adopt rules that include provisions that regulate the size, shape and location of logo signs, the application procedure for permission to erect a logo sign, the criteria for selection among applicants, allocation of available logo sign space and fees to produce, place and maintain a logo sign. Notwithstanding Title 5, section 8071, subsection 3, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Logo signs for exits on the Maine Turnpike are governed by rules adopted pursuant to section 1965, subsection 1, paragraph U. A logo sign may not be larger than existing service information signs permitted on the interstate highway. Logo signs may be installed only on portions of the interstate highway that are rural in character or on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike. A logo sign and may include only logos for gas, food, lodging, camping and attractions. Applications from at least 3 qualified businesses must be approved before installation of a logo sign panel at an exit. Logos for 2 or more types of service may be displayed on the same sign panel. More than one logo sign panel may be installed at an exit only when 3 or more qualified businesses are available for each of 2 or more types of service. The number of logo sign panels at an exit may not exceed one for each type of service or a total of 5 for all types of services. Rules adopted under this section must regulate the size, shape, manner and location of logo signs and must describe the procedure for applying to the department for

~~permission to erect a logo sign and the criteria used by the department to select among applicants. The commissioner shall establish fees for the production and placement of a logo sign and annual fees to cover the maintenance costs.~~

~~The commissioner shall adopt rules to implement this section. Those rules may not be adopted until March 15, 1996. The commissioner shall report to the Joint Standing Committee on Transportation in January 1996 on the development of those rules.~~

Sec. 3. 23 MRSA §1912-C is enacted to read:

§1912-C. Guide signs on the interstate system

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advance guide sign" means a sign described in the national standards that identifies the principal destinations and routes served by an exit and the distance to that exit.

B. "Authority" means the Maine Turnpike Authority.

C. "College or university" means an accredited institution providing postsecondary education that has authorization to confer a degree in accordance with Title 20-A, chapter 409.

D. "Department" means the Department of Transportation.

E. "Exit directional sign" means an exit sign that repeats the route and destination information that is displayed on an advance guide sign for that exit.

F. "Interchange guide sign" means an advance guide sign or exit directional sign.

G. "Military installation" means a facility that is owned by the Federal Government and is operated by a branch of the United States Armed Forces.

H. "National standard" means the latest version of the Manual on Uniform Traffic Control Devices approved by the United States Department of Transportation, Federal Highway Administration in accordance with 23 United States Code and the latest version of the Guidelines for the Selection of Supplemental Guide Signs for Traffic Generators Adjacent to Freeways published by the American Association of State Highway and Transportation Officials.

I. "Signing agency" means, with respect to signs proposed to be placed along the state-constructed and state-maintained interstate system, the department and, with respect to signs proposed to be placed along the Maine Turnpike, the authority.

J. "State park" means any area of land or an interest in land, with or without improvements, that is designated as a state park, that is acquired by or under the control of the State and that is managed primarily for public recreation or conservation purposes.

K. "Supplemental guide sign" means a sign used to provide information regarding destinations accessible from an exit other than places displayed on an interchange guide sign.

L. "Transportation facility" means a bus, train, air, ship or ferry terminal, a park and ride lot or an intermodal transportation facility.

M. "Veterans, police or firefighters memorial" means a veterans cemetery or a memorial honoring veterans, firefighters or police officers if the cemetery or memorial is maintained and funded by a state or federal agency.

2. Authority to place interchange guide signs on the interstate system. To guide travelers to destinations of local, regional and statewide interest, interchange guide signs and supplemental guide signs may be placed by a signing agency at strategic points on the interstate system beside the traffic lanes approaching an exit if the placement complies with this section and with national standards. All determinations regarding whether the placement of interchange guide signs or supplemental guide signs on the interstate system meets the standards contained in this section must be made by the signing agency.

3. Interchange guide signs. The following provisions apply to interchange guide signs.

A. The primary destination displayed on an interchange guide sign must be the municipality in which the exit is located or the street name or route adjacent to the exit, or both.

B. Unless otherwise allowed by the signing agency, advance guide signs must be placed from 1/2 mile to 2 miles in advance of the exit.

C. In addition to the primary destination, a secondary destination may be displayed on an interchange guide sign. The secondary destination must be selected by the signing agency in accordance with its judgment of how best to serve travelers and must be one of the following:

(1) The municipality with the largest population within 5 miles of the exit that has a highway that is classified as an arterial or major collector providing a direct connection from the exit to the municipality's population center or business district;

(2) A municipality with a population of at least 2,000 that is located within 5 miles of the exit, that has a highway that is classified as an arterial or a major collector providing a connection from the exit to the municipality's population center or business district if a portion of the interstate system passes through that municipality;

(3) A municipality that is located within 10 miles of the exit, that has a highway that is classified as an arterial or major collector providing a direct connection from the exit to the municipality's population center or business district and that has a population of at least 10,000;

(4) Another municipality that is considered a major destination if its inclusion would benefit travelers; or

(5) A major destination, other than a municipality, that is directly connected to the exit if its inclusion would benefit travelers.

D. An interchange guide sign may bear the name of a specific destination if the primary purpose of the exit is to provide access to that destination.

4. Supplemental guide signs. The purpose of a supplemental guide sign is to provide directional guidance to travelers and not to promote commercial or economic interests. Supplemental guide signs must be limited in number and restricted in location to avoid driver distraction and impairment to traffic.

The following provisions apply to supplemental guide signs.

A. A supplemental guide sign may be used only if it does not conflict or interfere with required signs or with other permitted signs already in place. Whether sufficient space exists for a supplemental guide sign must be determined by the signing agency with reference to national standards. Supplemental guide signs for municipalities and transportation facilities take precedence over supplemental guide signs for other destinations.

B. A supplemental guide sign must be located in advance of the exit that provides the most direct or convenient route to the destination, except that the signing agency may allow a different location if there is more than one exit in the municipality or if another location is warranted to facilitate traffic.

C. A supplemental guide sign for a destination is permitted only if there are sufficient signs off the interstate highway to direct travelers from the interstate highway to the destination with minimal confusion.

D. A sign for a destination that meets the criteria for logo signs under section 1912-B or in rules adopted pursuant to section 1965, subsection 1, paragraph U is not eligible to be placed as a supplemental guide sign under this section unless that destination's name is readily recognized as the principal attraction in a major recreational area as described in subsection 5, paragraph C and it is necessary to include it on a supplemental guide sign to avoid traveler confusion.

5. Destinations qualifying for supplemental guide signs. The following destinations may appear on a supplemental guide sign:

A. A college or university that:

(1) Is located within 15 miles of an exit and has an enrollment of 300 or more students attending classes on site; or

(2) Has an enrollment of 1,000 or more students attending classes on site;

B. A national park or state park that:

(1) Is located within 10 miles of an exit and has a minimum annual attendance of 25,000 recorded visitors; or

(2) Is between 10 and 120 miles from an exit and has a minimum annual attendance of 75,000 recorded visitors;

C. A major recreational area that is a geographic region that is served by a highway that is classified as an arterial or a major collector. The geographic region must:

(1) Contain a beach or lake access that is open to the public, allows swimming for all ages, provides parking for more than 100 vehicles, has rest rooms on or adjacent to the beach or lake access and, with respect to a beach, maintains lifeguards on duty during July and August;

(2) Contain a ski area open to the public that:

(a) Has a minimum vertical drop of 1,000 feet with 40 or more maintained trails; or

(b) Is within 10 miles of the exit, has a minimum vertical drop of 200 feet with 10 or more maintained trails and has an aerial lift servicing groomed trails; or

(3) Have generated at least 1% of the State's total sales subject to the taxes under Title 36, section 1811 on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, prepared food and rental of living quarters in any hotel, rooming house or tourist or trailer camp over the previous 3 years and must offer recreational opportunities of sufficient traffic significance to warrant signs in accordance with criteria developed by the signing agency;

D. A military installation to which at least 2,000 employees and military personnel are permanently assigned, as long as the distance from the applicable exit to the installation does not exceed one mile for every 200 employees and military personnel permanently assigned to the installation;

E. A municipality that qualifies for but has not been included on an interchange guide sign;

F. A transportation facility if signs for the facility significantly benefit the transportation system; and

G. A veterans, police or firefighters memorial that is located within 20 miles of an exit.

Sec. 4. 23 MRSA §1967, sub-§1, as amended by PL 2007, c. 480, §1, is repealed and the following enacted in its place:

1. Property of the authority. All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter are exempt from levy and sale by virtue of any execution, and an execution or other judicial process is not a valid lien upon property of the authority held pursuant to the provisions of this chapter.

A. The authority may not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements in that property, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, except for the following:

(1) Intermodal transportation facilities, kiosks at rest areas, gasoline filling stations, service and repair stations, safety patrol vehicles sponsored or operated by 3rd parties, tourist-oriented retail facilities, state and tri-state lottery ticket agencies, automatic teller machines and restaurants that the authority determines are necessary to service the needs of the traveling public while using the turnpike.

The leasehold interests in such intermodal transportation facilities, kiosks, gasoline filling stations, service and repair stations, tourist-oriented retail facilities, state and tri-state lottery ticket agencies, automatic teller machines and restaurants are subject to taxation as provided in section 1971;

(2) Electrical power, telegraph, telephone, communications, water, sewer or pipeline facilities installed or erected by the authority, or permitted to be installed or erected by the authority; and

(3) Signs erected and maintained by the authority, or allowed by the authority to be erected and maintained, in accordance with rules adopted pursuant to section 1965, subsection 1, paragraph U, that contain names, symbols, trademarks, logos or other identifiers of specific commercial enterprises.

As used in this subsection, "tourist-oriented retail facilities" means facilities that promote tourism in this State by selling products that are made or primarily made in this State or to which value is added in this State.

Sec. 5. Implementation. Within a reasonable time after the effective date of this Act, not to exceed 5 years, the Department of Transportation or the Maine Turnpike Authority, as appropriate, shall remove or modify any supplemental guide signs on the interstate system to comply with this Act.

VENDOR: KITTERY RECREATION DEPART YORK HOSPITAL CHECK NO. 025162

INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
AUG 2017	11	9,250.00	9,250.00	0.00	9,250.00

5003-62500

MAKE YORK HOSPITAL YOUR HOSPITAL

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHECK NO.	CHECK DATE	VENDOR NO.
025162	08/28/17	4620 K

Kennebunk Savings Bank



York Hospital
15 HOSPITAL DRIVE
YORK, MAINE 03909

CHECK NO. 025162

52-7445/2112
CHECK AMOUNT
9,250.00

PAY TO THE ORDER OF KITTERY RECREATION DEPARTMENT
 Nine Thousand Two Hundred Fifty And 00/100 Dollars *****
 200 ROGERS RD
 KITTERY, ME 03904

[Signature] MP
[Signature] MP
 TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$5000
 VOID AFTER 180 DAYS

SECURITY FEATURES: MICRO LINE, SECURITY PAPER



Fill V McFarland
Matthew A McFarland
188 Austin St
Portsmouth, NH 03801-4310

9-8-17

Date

1747
52-36/112 ME
504

Pay To The
Order Of

Kithay Community Center

Two hundred dollars and no/100

\$ 200.00/100

Bank of America



ACH RPT 011200385

Quinnstonland

For Melanny Rich online

Harvard Clarke

2063-43600
Kithay Community Center



Phone
Scan
Deposit
Check on Bank



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

REPORT TO TOWN COUNCIL

Meeting Date: September 25, 2017
From: Kendra Amaral, Town Manager
Subject: Vehicles and Traffic – Title 10 Amendments
Councilor Sponsor: Chairperson Gary Beers

EXECUTIVE SUMMARY

The attached amendments to Title 10 and Title 12 are being pursued to address a number of objectives including:

- Ensure the code reflects the parking regulations put in place after the Foreside Forum;
- Consolidate parking regulations into Title 10, specifically by bringing the Seapoint and Crescent Beach parking regulations from Title 12 to Title 10;
- Address traffic and parking regulations that use home owner names and “affectionate addresses” as geographical markers;
- Eliminate the overnight parking permit program that is unutilized; and
- Update and increase fines for violations.

STATEMENT OF NEED

The proposed amendments will ensure the Town’s Vehicle and Traffic Code is current, accurate, and fully enforceable.

This proposal resumes the effort initiated in September of 2016. Many of the proposed amendments are updates to the code to reflect parking and traffic controls already present in town. In a number of cases geographical references for the regulations were associated with parcel owners, which change over time, or “affectionate addresses” that are not easily discernable by every motorist.

In the course of refining the originally proposed amendments it was determined that adding the consolidation of parking regulations into Title 10 (Seapoint and Crescent Beach) was appropriate for the usability of the code.

The proposed amendments include increases in fines for violations of the code. The recommended amounts represent the first increase in many years, and are set at rates that will better disincentivize violations of the code.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed

1 **Title 10 VEHICLES AND TRAFFIC**

2
3 **Chapter 10.1 RULES OF THE ROAD**

4
5 **10.1.1 Obedience to Signs.**

6 Upon those streets or portions of streets which are designated as one-way streets vehicular
7 traffic must move only in the indicated direction when signs indicating the direction of traffic are
8 erected and maintained at every intersection where movement in the opposite direction is
9 prohibited.

10
11 **10.1.2 Schedule of Traffic Control Beacons—Obedience Required—Penalty.**

12
13 **10.1.2.1 Schedule.**

14 Stop and go beacons are to be erected and maintained at the following locations:

15
16 1. Drawbridges:

- 17
- 18 Route 1 Memorial Bridge
- 19 Route 1 By-Pass Sarah Long Bridge
- 20

21 2. At the junctions of:

- 22
- 23 Route 1 and Government Street
- 24 Route 1 and Walker Street
- 25 Route 1 and Wilson Road
- 26 Route 1 Maine Outlet Mall, and Kittery Outlet Center,
- 27 Route 1, Tidewater Mall, and Tanger II Mall
- 28 Route 1 and Haley Road
- 29 Government, Walker and Wentworth Streets
- 30 Route 1 By-Pass and Gorges Road
- 31

32 3. Fire station emergency beacons at or near:

- 33
- 34 Lewis Square Kittery Point fire station
- 35 Walker Street fire station
- 36

37 **10.1.2.2 Obedience Required.**

38 Vehicular traffic may pass through the beacons enumerated in this section when the lights are
39 green and must stop when the lights are red.

40
41 **10.1.2.3 Penalty.**

42 Anyone failing to observe the traffic signals enumerated in this section is subject to the penalty
43 provisions of Title 1, Chapter 1.3.

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

10.1.3 Authority to Designate Stop, Yield Intersections—Erection of Signs Required.

The Chief of Police, upon approval of the Town Council, may designate any intersection as a stop intersection or a yield intersection when the circumstances, in the chief’s judgment, so require; and stop signs and/or yield signs must be erected at such intersections.

10.1.4 Required Action at Stop Intersections.

When, in accordance with this chapter, stop signs are erected at or near the entrance to any intersection, every driver of a vehicle must stop such vehicle at such sign, or at a clearly marked stop line, before entering the intersection, except when directed to proceed by a police officer or traffic-control signals.

10.1.5 Required Action Upon Approach of Yield Intersection.

Drivers of all vehicles approaching yield intersections must yield the right-of-way to vehicles proceeding on the throughway.

10.1.6 Speed Limit.

Speed limits on all public ways in the Town are set by the state of Maine and are enforced by the police department under the authority of Title 29 of Maine Revised Statutes.

10.1.7 Passing, Obstructing Fire Truck.

It is unlawful to pass or obstruct a fire truck proceeding to or at the scene of a fire.

10.1.8 Driving Across Fire Hose.

It is unlawful for the driver of a vehicle to drive across a fire hose at the scene of a fire.

10.1.9 Traffic Restrictions—Trucks, Buses and Tractor-Trailer Vehicles.

Except for vehicles performing municipal services, through traffic on:

- A. Love Lane by buses and heavy trucks having a gross weight in excess of ten thousand (10,000) pounds is prohibited on Love Lane.
- B. Williams Avenue by truck traffic is barred (except for local deliveries and pickup) starting at the point where the easterly side of Traip Academy parking lot and Williams Avenue intersect and continuing around Williams Avenue to intersection with Whipple Road.
- C. Maple Avenue by tractor-trailer vehicles is prohibited.
- D. Commercial Street by buses (as defined in M.R.S., Title 29A) and heavy trucks having a gross weight in excess of ten thousand (10,000) pounds is from the intersection of Government Street to the intersection of Water Street (except for local deliveries and pickups on Commercial Street).
- E. Pleasant Street by buses (as defined in M.R.S. Title 29A) and heavy trucks having a gross weight in excess of ten thousand (10,000) pounds is prohibited from the intersection of

88 Government Street to the intersection of Water Street (except for local deliveries and pickups on
 89 Pleasant Street).

90
 91 **10.1.10 Traffic Intersection Directional Signs.**

92 Except when otherwise directed by a police officer, every operator of a vehicle must observe
 93 and comply with any traffic directional sign including right turn only and left turn only signs
 94 erected at the direction of the Town Council. This section applies to all existing right turn only
 95 and left turn only traffic signs and all signs hereinafter authorized pursuant to this section.

96
 97 **Chapter 10.2 ONE-WAY STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS**
 98 **DESIGNATED**

99
 100 **10.2.1 One-way Streets at all Times.**

101 The following streets are designated one-way streets at all times:

102
 103 Government Street, in an easterly direction, beginning one hundred and eighty five (185) feet
 104 from the intersection of Otis Avenue, ~~twenty-five (25) feet east of NET & T #29, CMP #30 utility~~
 105 ~~pole~~ to intersection of Walker and Wentworth Streets;

106
 107 Hunter Street, in a northerly direction;

108
 109 Jones Avenue, in a southerly direction from bank exit one hundred five (105) feet to
 110 Government Street;

111
 112 Mitchell School Lane, from Route 103 to the Mitchell School playground;

113
 114 Newmarch Street, in a southerly direction;

115
 116 Traip Avenue, beginning at its southern intersection with Wentworth Street, in a northerly
 117 ~~direction; with entrance adjacent to the Kinghorn property;~~

118
 119 Williams Avenue, ~~is to be one-way in a southerly direction from its point of intersection with~~
 120 ~~Whipple Road starting with the property line of Wallace Chick on the west side of Williams~~
 121 ~~Avenue southerly for one hundred eighty (180) feet. Williams Avenue is then to be two-way from~~
 122 ~~the southerly end of the property line of James Melhorn for its entire length to where Williams~~
 123 ~~Avenue intersects with Whipple Road on the easterly end of Williams Avenue. The exit is to be~~
 124 ~~one-way from the northerly end of the property line of Mattie Pettigrew northerly for two hundred~~
 125 ~~(200) feet to where the exit intersects with Whipple Road. at its westerly intersection with~~
 126 Whipple Road, is to be one way at its entrance for a distance of one hundred eighty (180) feet,
 127 and one way in a northern direction at the westerly exit for a distance of two hundred (200)
 128 feet ~~Map 9 Lot 15 to the intersection of Whipple Road. The remainder of the road is two way.~~

129
 130 **10.2.1.2 One-way Streets at Designated Times.**

131 The following streets are designated one-way streets between 6:00am and 7:00am, Monday
 132 through Friday:

133
 134 Lemont Lane in a westerly direction from the intersection of Philbrick Road to Woodlawn
 135 Avenue;
 136
 137 Cross Street in a westerly direction from the intersection of Philbrick Road to Woodlawn
 138 Avenue; and
 139
 140 Wainwright Avenue in a westerly direction from the intersection of Wyman Avenue to Woodlawn
 141 Avenue.

142
 143 This section does not prohibit the passage of vehicles performing municipal or emergency services.
 144

145 **10.2.2 Stop Intersections Designated.**

146
 147 **10.2.2.1 On Public Ways.**

148 The following intersections are designated as stop intersections and stop signs are to be so
 149 erected:

- 150
- 151 On Adams Drive at U.S. Route 1;
- 152 On Adams Road at rear entrance to Information Center;
- 153 On Armour Drive at Martin Road;
- 154 On Badgers Island at U.S. Route 1;
- 155 On Barters Creek Road at Crockett Neck Road;
- 156 On Bartlett Road at Haley Road;
- 157 On Bayview Lane at South Eliot Road;
- 158 On Bellamy Lane at Pepperrell Road;
- 159 On Bicknell Street at Philbrick Avenue;
- 160 On Bicknell Street at Woodlawn Avenue;
- 161 On Bond Road at Crockett Neck Road;
- 162 On Boush Street at Manson Avenue;
- 163 On Bowen Road at Whipple Road;
- 164 On Bridge Street at Old Post Road;
- 165 On Bridge Street at U.S. Route 1 By-Pass;
- 166 On Busdick Drive at Shapleigh Road;
- 167 On Captain’s Way at Pocahontas Road;
- 168 On Central Street at Wentworth Street;
- 169 On Chauncey Creek Road at Tenney Hill Road;
- 170 On Cole Street at Manson Avenue (four-way stop);
- 171 On Cole Street at Philbrick Avenue;
- 172 On Cole Street at Woodlawn Avenue;
- 173 On Coleman Avenue at Pepperrell Road;
- 174 On Colonial Road at Goodsoe Road;
- 175 On Commercial Street at Government Street;
- 176 On Commercial Street at Water Street;
- 177 On Cook Street at Bridge Street;
- 178 On Cottle Lane at Government Street;

- 179 On Cove Landing Road at Walker Avenue;
- 180 On Crockett Neck Road at Haley Road;
- 181 On Crockett Neck Road at Pepperrell Road;
- 182 On Cromwell Street at Manson Avenue;
- 183 On Cross Street at Woodlawn Avenue;
- 184 On Cutts Island Lane at Harbor Road;
- 185 On Cutts Road at U.S. Route 1;
- 186 On Cutts Road, northeast, at Betty Welch Road;
- 187 On Dame Street at Central Street;
- 188 On Dame Street at Walker Street;
- 189 On Dana Avenue at Route 236;
- 190 On Debra Lane at Dion Avenue;
- 191 On Dennett Road at New Dennett Road;
- 192 On Dennett Road at Route 103;
- 193 On Dennett Road Extension at Dennett Road;
- 194 On Dexter Lane at U.S. Route 1;
- 195 On Dion Avenue at Shapleigh Road;
- 196 On Dismukes Street at Manson Avenue (four-way stop);
- 197 On Dismukes Street at Philbrick Avenue;
- 198 On Dismukes Street at Woodlawn Avenue;
- 199 On Duncan Way at Pepperrell Road;
- 200 On Dunlea Avenue at George Street;
- 201 On E Street at Main Street;
- 202 On Emery Lane at Old Dennett Road;
- 203 On Fernald Road at Martin Road;
- 204 On Fernald Road at Route 236;
- 205 On Ford Lane at Rogers Road;
- 206 At Fort Foster Gate House — four signs;
- 207 On Foyes Lane at Haley Road;
- 208 On Friend Street at Whipple Road;
- 209 On Friend Street at Woodlawn Avenue;
- 210 On George Street at Love Lane;
- 211 On George Street at Rogers Road;
- 212 On Gerrish Island Lane at Chauncey Creek Road;
- 213 On Gerrish Island Lane at Tenney Hill Road;
- 214 On Goodrich Street at Manson Avenue;
- 215 On Goodrich Street at Philbrick Avenue;
- 216 On Goodrich Street at Woodlawn Avenue;
- 217 On Goodsoe Road at Rogers Road;
- 218 On Goosepoint Road at Haley Road (both ends of horseshoe);
- 219 On Gorges Road at Ranger Drive;
- 220 On Government Street at Walker Street;
- 221 On Grant Court at Government Street;
- 222 On Graylodge Road at South Eliot Road;
- 223 On Graylodge Road at Walker Avenue;

- 224 On Guilford Boat Sales Parking Lot at Old Post Road;
- 225 On Gull Avenue at Pleasant Street;
- 226 On Haley Road at Pepperrell Road;
- 227 On Halstead Street at Manson Avenue;
- 228 On Halstead Street at Philbrick Avenue;
- 229 On Halstead Street at Woodlawn Avenue;
- 230 On Happy Avenue at Dennett Road Extension;
- 231 On Harris Avenue at Graylodge Road;
- 232 On Hillcrest Avenue at George Street;
- 233 On Howard Street at Philbrick Avenue;
- 234 On Hunter Avenue at Government Street;
- 235 On I-95 off-ramp at Dennett Road;
- 236 On I-95 off-ramp (Exit 2 South) at Route 236 — two signs;
- 237 On Idlewood Lane at rear entrance to Information Center;
- 238 On Idlewood Lane at U.S. Route 1;
- 239 On Irwin Street at Howard Street;
- 240 On Island Avenue at U.S. Route 1;
- 241 On Jean Street at Debra Lane;
- 242 On Jean Street at Dion Avenue;
- 243 On Jones Avenue at Government Street;
- 244 On Jones Avenue at Walker Street;
- 245 At Municipal Complex (front/rear) at Rogers Road Extension;
- 246 On Langton Street at Rice Avenue;
- 247 On Lawrence Lane at Pepperrell Road;
- 248 On Leach Road at Dennett Road;
- 249 On Ledgewood Drive at U.S. Route 1;
- 250 On Lemont Lane at Philbrick Road;
- 251 On Lemont Lane at Woodlawn Avenue;
- 252 On Lewis Avenue at Love Lane;
- 253 On Lewis Road at U.S. Route 1;
- 254 [On Lewis Road at Norton Road;](#)
- 255 On Litchfield Road at Picott Road;
- 256 On Love Lane at Rogers Road;
- 257 On Love Lane at U.S. Route 1;
- 258 On Lutts Avenue at Love Lane;
- 259 On MacDougall Street at Manson Avenue;
- 260 On MacKenzie Lane at Route 236;
- 261 On Main Street at Government Street;
- 262 On Main Street at Jones Avenue;
- 263 On Main Street at Walker Street;
- 264 On Maine Information Center access road at U.S. Route 1;
- 265 On Manson Avenue at Cole Street;
- 266 On Manson Avenue at Dismukes Street;
- 267 On Manson Avenue at Rogers Road;
- 268 On Manson Avenue at Shapleigh Road;

- 269 On Manson Avenue Extension at Shapleigh Road;
- 270 On Manson Road at Wilson Road;
- 271 On Maple Avenue at Old Post Road;
- 272 On Maple Avenue at U.S. Route 1;
- 273 On Martin Road at Dennett Road;
- 274 On Martin Road at Route 236;
- 275 On Martin Road Extension at Martin Road;
- 276 On Meade Street at Manson Avenue;
- 277 On Meade Street at Philbrick Avenue;
- 278 On Meadow Lane at Stevenson Road;
- 279 On Melanie’s Court at Fernald Road;
- 280 On Mendum Avenue at Mendum Avenue;
- 281 On Mendum Avenue at Prince Avenue;
- 282 On Miller Road at Bartlett Road;
- 283 On Miller Road at Norton Road;
- 284 On Mitchell School Lane at CMP Pole #583;
- 285 On Mitchell School Lane at Haley Road;
- 286 On Moores Court at Bridge Street;
- 287 On Moore Street at Philbrick Avenue;
- 288 On Newson Avenue at Whipple Road;
- 289 On Nordia Lane at Dennett Road;
- 290 On Norton Road at Haley Road;
- 291 ~~On Norton Road at Lewis Road;~~
- 292 On Oak Terrace at Bridge Street (both ends of horseshoe);
- 293 On Oak Terrace at Bridge Street;
- 294 On Old Armory Way at Government Street;
- 295 On Old Cutts Road at Cutts Road;
- 296 On Old Dennett Road at Dennett Road;
- 297 On Old Dennett Road South at South Eliot Road;
- 298 On Old Ferry Lane at Whipple Road;
- 299 On Old Post Road at Bridge Street;
- 300 On Old Post Road at Cook Street;
- 301 On Old Post Road at Route 103;
- 302 On Otis Avenue at Government Street;
- 303 On Otis Avenue at Main Street;
- 304 On Otis Avenue at Walker Street;
- 305 On Oxpoint Drive at Adams Drive;
- 306 On Oxpoint Drive at U.S. Route 1;
- 307 On Page Street at U.S. Route 1;
- 308 On Palmer Avenue at State Road;
- 309 On Park Street at Cook Street;
- 310 On Patten Place at Manson Road;
- 311 On Paul Street at Old Post Road;
- 312 On Payne Road at Bartlett Road;
- 313 On Payne Road at Brave Boat Harbor Road;

- 314 On Pepperell Terrace at Pepperell Road;
- 315 On Phelps Street at Philbrick Avenue;
- 316 On Philbrick Avenue at Moore Street;
- 317 On Philbrick Avenue at Wainwright Avenue;
- 318 On Philbrick Road at Whipple Road;
- 319 On Pickernell Lane at Wilson Road;
- 320 On Picott Road at Cutts Road;
- 321 On Picott Road at Wilson Road;
- 322 On Pine Street at Central Street;
- 323 On Pine Street at Love Lane;
- 324 On Pinkham Avenue at Route 103;
- 325 On Pleasant Street at Government Street;
- 326 On Pocahontas Road at Chauncey Creek Road;
- 327 On Pocahontas Road Extension at Pocahontas Road;
- 328 On Prince Avenue at Government Street;
- 329 On Priscilla Terrace at Government Street;
- 330 On Ranger Drive at Dennett Road;
- 331 On Ranger Drive at Valles Road;
- 332 On Remicks Lane at Cutts Road;
- 333 On Rice Avenue at Government Street;
- 334 On Rice Avenue at Water Street;
- 335 At Rice Public Library at Walker Street;
- 336 On Ridgewood Drive at Martin Road, both ends of horseshoe;
- 337 On Ridgewood Drive Cul-de-sac at Ridgewood Drive;
- 338 On Ripley Road at U.S. Route 1;
- 339 On Road between Rogers and Shapleigh at Rogers, west of Dana Avenue;
- 340 On Road between Rogers and Shapleigh at Shapleigh;
- 341 On Road ~~in front of Town Barn~~ from U.S. Route 1 ~~spur to Route 236 cutoff~~ to Rogers Road
- 342 Extension;
- 343 On Rogers Lane at Rogers Road;
- 344 On Rogers Road at Shapleigh Road;
- 345 On Rogers Road Extension at Rogers Road;
- 346 On Rogers Road Extension (spur) at U.S. Route 1;
- 347 On Rogers Road Extension (spur) at Rogers Road Extension;
- 348 On Rose Lane at Whipple Road;
- 349 On Rosellen Drive at Haley Road;
- 350 On Route 103 at New Dennett Road;
- 351 On U.S. Route 1 By-Pass at Rotary;
- 352 On Rudolph Avenue at Park Street;
- 353 On School Street at Dion Avenue;
- 354 At Shapleigh School front drive-thru to parking lot;
- 355 At Shapleigh School rear parking lot to Manson Road;
- 356 Road at Shapleigh School front exits to Stevenson Road — two signs;
- 357 On South Eliot Road at Dennett Road — two signs;
- 358 On Spinney Cove Drive at South Eliot Road;

- 359 On Spinney Way at Dennett Road;
- 360 On Spinney Way at Old Dennett Road;
- 361 On Sterling Road at U.S. Route 1;
- 362 On Stevenson Road at Manson Road;
- 363 On Stevenson Road at Route 236;
- 364 On Stimson Street at Government Street;
- 365 On Stimson Street at Water Street;
- 366 On Sunset Drive at Dennett Road;
- 367 On Tilton Avenue at Whipple Road;
- 368 On Traip Avenue at Wentworth Street;
- 369 On Trefethen Avenue at Whipple Road;
- 370 On U.S. Route 1 at Route 236;
- 371 On Valles Road at New Dennett Road;
- 372 On Valles Road at Ranger Drive;
- 373 On Valles Road at U.S. Route 1 By-pass (near Northeast Hydraulics);
- 374 On Wainwright Avenue at Woodlawn Avenue;
- 375 On Water Street at Rice Avenue;
- 376 On Water Street at U.S. Route 1;
- 377 On Watts Street at Philbrick Avenue;
- 378 On Wheelhouse Way at Captain’s Way;
- 379 On Wheelhouse Way at Pocahontas Road;
- 380 On Whipple Road at Shapleigh Road;
- 381 On Whipple Road at Wentworth Street;
- 382 On Whipporwill Lane at Haley Road;
- 383 On Williams Avenue at Whipple Road;
- 384 On Wilner Street at Philbrick Avenue;
- 385 On Woodlawn Avenue at Manson Avenue;
- 386 On Woodlawn Avenue at Whipple Road;
- 387 On Wyman Avenue at Philbrick Avenue.

388
 389 **10.2.2.2 On Private Ways.**

390 The following intersections in malls and private drives are designated as stop intersections and
 391 stop signs are to be so erected:

- 392
- 393 At Dansk Square exit to U.S. Route 1;
- 394 On Elizabeth Lane at High Pasture Road (private way);
- 395 At Foxwell Apartments (21 Manson Avenue) at Manson Avenue;
- 396 At Guilford Boat Sales (65 U.S. Route 1 By-pass South) at U.S. Route 1 By-pass;
- 397 On High Pasture Road at Bartlett Road (private way);
- 398 On High Pasture Road at Miller Road (private way);
- 399 At Homestead Nursing Home exit to U.S. Route 1;
- 400 At Circle K – Irving Oil (103 U.S. Route 1 By-pass South) at Ranger Drive;
- 401 At Kittery Outlet Center to U.S. Route 1 exit;
- 402 At Kittery Place Mall North to Kittery Outlet Center;
- 403 At Kittery Place to U.S. Route 1 exit;

- 404 On Ledgewood Drive at U.S. Route 1;
- 405 At Maine Outlet Mall North rear;
- 406 At Maine Outlet Mall North parking lot to North access road;
- 407 At Maine Outlet Mall North to U.S. Route 1;
- 408 At Maine Outlet Mall South parking lot to North access road;
- 409 At Maine Outlet Mall SE parking lot to South access road;
- 410 At Maine Outlet Mall SW parking lot to South access road;
- 411 At Maine Outlet Mall South to U.S. Route 1 exit;
- 412 At Pine Knoll Trailer Park at Spinney Way;
- 413 At Tanger I Outlet Center parking lot to access road;
- 414 At Tanger I Outlet Center thru-way to Dansk Square;
- 415 At Tidewater Mall North to U.S. Route 1;
- 416 At Tidewater Mall South rear to South access road;
- 417 At Tidewater Mall SE parking lot to South access road;
- 418 At Tidewater Mall SW parking lot to South access road;
- 419 At Tidewater Mall from rear overflow parking lot to South access road;
- 420 At Warren's Lobster House (11 Water Street) at Water Street.

10.2.3 Yield Intersections Designated.

The following intersections are designated as yield intersections and yield signs are to be so erected:

- ~~On Bridge Street at Old Post Road;~~
- On Cutts Island Lane at Chauncey Creek Road, southeast;
- ~~On Exit off U.S. Route 1 By-Pass at Rotary, southeast;~~
- On Goodwin Road at Pocahontas Road;
- On Old Post Road at Rotary, northeast;
- On Old Post Road at Rotary, northwest;
- On Route 103 at Old Post Road, northeast;
- On Route 236 at Rotary, northeast;
- On Route 236 at Rotary, southeast;
- On Route 236 at U.S. Route 1, northeast;
- On Route 236 at U.S. Route 1, southeast;
- On U.S. Route 1 at Rotary, northeast;
- On U.S. Route 1 at Rotary, northwest;
- On U.S. Route 1 at Rotary, southeast;
- On Walker Street at U.S. Route 1, northeast.

Chapter 10.3 STOPPING, STANDING AND PARKING

10.3.1 General Parking Regulations.

10.3.1.1 Prohibited at All Times.

Parking is prohibited at all hours in the following locations:

449
450 Within ten (10) feet of any hydrant;
451
452 Within ten (10) feet of any corner;
453
454 Within ten (10) feet of pavement on Route 1, both sides, from Spruce Creek to the Kittery-York
455 Town line;
456
457 ~~From the right-of-way to Frisbee's Wharf to the land of A. Blake~~ Bellamy Lane, both sides, from
458 Pepperrell Road in a southerly direction for one hundred and sixty (160) feet;
459
460 The cul-de-sac at the end of Dion Avenue;
461
462 Adams Drive, no parking on westerly side from the intersection of Route 1 in a southerly direction
463 to its end and on the easterly side from the intersection with Route 1 to the driveway of 7 Adams
464 Drive;
465
466 Bowen Road, northwest side from Route 103 ~~to land of Milton Hall,~~ for a distance of seven
467 hundred seventy-eight (778) feet;
468
469 Bowen Road, southeast side, from the intersection of Route 103, ~~land of James O. McNally,~~
470 easterly to the intersection of Old Ferry Lane, ~~a distance of one hundred sixty five (165) feet;~~
471
472 Bridge Street, northerly side, excepting that the first three hundred (300) feet from Old Post
473 Road—the first one hundred fifty (150) feet, no time limit; the second one hundred fifty (150)
474 feet, one-hour time limit;
475
476 Bridge Street, southerly side;
477
478 Chauncey Creek Road on the north side, beginning four hundred and thirty three (433) feet from
479 the intersection of Gerrish Island Lane ~~at CMP Pole #30~~ and continuing in a easterly westerly
480 direction for a distance of eight hundred and twelve (812) feet; ~~direction to CMP Pole #36;~~
481
482 Chauncey Creek Road on the north side, beginning at the intersection of Tenney Hill Road, and
483 ~~CMP Pole #16~~, continuing in an easterly direction three hundred sixty-two (362) feet;
484
485 Chauncey Creek Road on the south side, beginning at the intersection of Pepperrell Road and
486 Tenney Hill Road, and continuing in an easterly direction for one thousand nine hundred and
487 twenty (1920) feet ~~to CMP Pole #33~~, excepting any parking off the public way;
488
489 Commercial Street, on the west side, beginning at the intersection of Government Street and
490 continuing southerly to the intersection of Water Street;
491
492 Fernald Road, north and south side, beginning at the intersection of Route 236 in a westerly
493 direction for six hundred and ninety (690) feet ~~to CMP Pole #22;~~

494
495 Fort Foster, paved road, both sides, from gate house to pier, a distance of two thousand five
496 hundred (2,500) feet;
497
498 Government Street, south side, from U.S. Highway No. 1 to Hunter Avenue.
499
500 Hunter Avenue beginning at Water Street and continuing northerly to the intersection of
501 Government Street;
502
503 Jones Avenue, both sides, from Government Street to Walker Street;
504
505 Love Lane, east side, beginning at its point of intersection with Government Street, north one
506 hundred fifty (150) feet;
507
508 Love Lane, east side, between its point of intersection with Government Street to the end of the
509 property of the Wentworth-Dennett School;
510
511 Manson Road, from the intersection with Stevenson Road in a northerly direction five hundred
512 (500) feet, and in a southerly direction for three hundred (300) feet;
513
514 Old Post Road, on the northerly side, from Bridge Street to Cook Street;
515
516 Old Post Road, on the southerly side, from Bridge Street to Cook Street, with the exception
517 of two hundred (200) feet from Bridge Street, which is to be one-hour automobile only
518 parking;
519
520 Oxpoint Drive, both sides, from the intersection of Adams Drive in an easterly direction to the
521 driveway of 2 Oxpoint Drive;
522
523 Pleasant Street, on the west side, beginning at the intersection of Water Street and continuing
524 northerly to the intersection of Government Street;
525
526 Ranger Drive, the west and east side in a northerly direction from the intersection at Gorges
527 Road to the end of Ranger Drive, including the cul-de-sac;
528
529 Rogers Road on both sides, beginning at its point of intersection with Shapleigh Road (Route
530 236) to the point where Rogers Road intersects with Wentworth Street (Route 103);
531
532 Route 103, east side, from the north side of the property of Edward Thomson, south to where
533 Route 103 intersects with Paul Street;
534
535 Seapoint Road, north side, from the ~~intersection of Thaxter Road and Seapoint Road, a~~
536 ~~distance of six hundred ninety-eight (698) feet in an easterly direction to~~ New England
537 Telephone pole number 4 in a westerly direction for two thousand two hundred and ninety eight
538 (2,298) feet;

539

540 Seapoint Road, south side, from the New England Telephone pole number 4 in a westerly
541 direction for two hundred and fifty (250) feet; and the-

542

543 Seapoint Road, western end of the designated parking area along Seapoint Road, a distance of
544 two hundred and twenty (220) feet in a westerly direction;

545

546 Stevenson Road, from the intersection with of Manson Road on the southerly side in a westerly
547 direction for a distance of one thousand one hundred and fifty five (1155) feet; one hundred
548 (100) feet;

549

550 Stevenson Road, from the intersection of Manson Road at a point where the property of Map 29
551 Lot 28A intersects with the property of Map 29 Lot 28 on the southerly side in a westerly
552 direction for a distance of one thousand two hundred and seventy five (1275) feet one-tenth of a
553 mile;

554

555 Stevenson Road, from the intersection with Manson Road on the northerly side in a westerly
556 direction for a distance of one hundred and six (106) feet.

557

558 Stevenson Road, from the main (middle) entrance driveway on the northerly side in a westerly
559 direction for a distance of one hundred and forty seven (147) feet to the westerly entrance
560 driveway;

561

562 Stevenson Road at a point where the town of Kittery property, Map 29, Lot 24, intersects with
563 Map 29, Lot 23, westerly direction for a distance of one-tenth of a mile;

564

565 Tilton Avenue, northwest side, from Whipple Road, a distance of thirty-five (35) feet;
566 Tilton Avenue, southeast side;

567

568 Traip Avenue, north and westerly side, a distance of four hundred twenty (420) feet from its
569 southerly intersection with Wentworth Street;

570

571 Walker Street, south side three hundred and fourteen (314) feet and north side four hundred and sixty (460)
572 Feet feet from U.S. Highway No. 1; to Main Street;

573

574 Walker Street, north side, west of Wentworth Street, from the northeast corner of Wentworth/Walker Street
575 intersection to a point ~~40~~ fifty five (55) feet westerly;

576

577 Walker Street, south side, west of Wentworth Street, from the southwest corner of the Wentworth/Walker
578 Street intersection to a point fifty seven (57) feet westerly;

579

580 ~~Walker Street, north side, from the northeast corner of its intersection with Wentworth Street~~
581 ~~west side of the property of Dr. Charles W. Kinghorn to the property belonging to the U.S. Navy;~~

582

583 ~~Walker Street, south side, from the west side of the Sugrue Block to the property of the U.S.~~
584 ~~Navy;~~
585 ~~Stoddard Street to the Naval Shipyard.~~

586
587 Water Street, on the south side from the intersection of Commercial Street easterly for a
588 distance of one hundred and eighty five (185) feet; ~~CMP Pole #16 continuing easterly to CMP~~
589 ~~Pole #51;~~

590
591 Wentworth Street, east side, between its two points of intersection with Traip Avenue;

592
593 Wentworth Street, east side, from the north corner of the Sugrue Block to the south entrance of
594 Traip Avenue;

595
596 Wentworth Street, north side, east of Walker Street, from the northeast corner of the
597 Wentworth/Walker Street intersection to a point ninety (90) feet east;

598
599 Whipple Road, north side, beginning at its point of intersection with Rogers Road, easterly to its
600 point of intersection with Shapleigh Road;

601
602 Whipple Road, north side, from Keene Circle to Philbrick Road;

603
604 Williams Avenue, both sides, starting at the exit of Traip Academy's parking lot and continuing in
605 an easterly direction, ending at the beginning of 24 Williams Avenue.

606
607 **10.3.1.2 Prohibited from 7:00 a.m. to 4:00 p.m., Monday through Friday.**

608 Parking is prohibited from 7:00 a.m. to 4:00 p.m. on the south side of Williams Avenue
609 commencing at property known as R.W. Traip Academy.

610
611 **10.3.1.3 One-Hour Parking from 7:00 a.m. to 6:00 p.m.**

612 One-hour parking is permitted from 7:00 a.m. to 6:00 p.m., (Unrestricted parking is permitted on
613 Sundays and holidays), in the following locations:

614
615 Central Street, Cross Street, Friend Street, Jones Avenue, Love Lane, Main Street, Newmarch
616 Street, Otis Avenue, Pine Street, Prince Avenue, Rice Avenue, Stimson Street, Trefethen
617 Avenue, Williams Avenue, Woodlawn Avenue;

618
619
620 Manson Avenue from Rogers Road to Boush Street;

621
622 Old Post Road, both sides, for a distance of four hundred fifty (450) feet northeasterly towards
623 Memorial Field from its intersection with Dennett Road;

624
625 Philbrick Road from Whipple Road to Cross Street;

626

627 ~~Ranger Drive, the west and east side in a northerly direction from the intersection at Gorges~~
 628 ~~Road to the end of Ranger Drive, including the cul-de-sac.~~

629
 630 Rogers Road from the junction of Rogers Road and Whipple Road to Orchard Grove Cemetery;

631
 632 Traip Avenue, westerly side, ~~from Rice Library lot to the northerly intersection with Wentworth~~
 633 ~~Street;~~ and easterly side for its entire length;

634
 635 Wentworth Street, west side, from Wallingford Square to the railroad crossing, from south end of
 636 Traip Avenue to the railroad crossing;

637
 638 Whipple Road from the junction of Woodlawn Avenue and Whipple Road to Tilton Avenue.

639
 640 **10.3.1.4 Four Hour Maximum Parking.**
 641 Allowed between signs in the following locations during school hours and public events:

642
 643 Stevenson Road at a point one hundred (100) feet from the intersection with Manson Road on
 644 the southerly side in a westerly direction to a point five hundred and fifty (550) feet, ~~to the point~~
 645 ~~where the property of Map 29 Lot 28A intersects with the property of Map 29 Lot 28;~~

646
 647 Stevenson Road, from a point one hundred and six (106) feet from the intersection with Manson
 648 Road on the northerly side in a westerly direction for a distance of one hundred and twenty-two
 649 (122) feet to the main (middle) school entrance;

650
 651 Stevenson Road, from the westerly school entrance driveway on the northerly side in a westerly
 652 direction for a distance of two hundred and fifty (250) feet, ~~to a point where the town of Kittery~~
 653 ~~property, Map 29, Lot 24, intersects with Map 29, Lot 23.~~

654
 655 **10.3.1.5 Time Period Restrictions.**
 656 A. It is unlawful to leave a motor vehicle parked, standing, or unattended on any public way in
 657 the Town:

- 658
 659 1. November 1st to April 4th 15th, inclusive:
 660
 661 a. Between the hours of 12:00 midnight and 6:00 a.m.,
 662
 663 b. More than four hours between 6:00 a.m. and 12:00 midnight;

- 664
 665 2. April ~~2nd~~ 16th to October 31st, inclusive:
 666
 667 a. More than four hours between 6:00 a.m. and 6:00 p.m., Monday through Friday.

668
 669 B. The Town Manager is authorized to declare a total parking ban on any or all public ways in
 670 the Town for the purpose of snowplowing or snow removal operations.

671

672 C. Parking is prohibited from 5:00 a.m. to 7:00 a.m. and from 5:00 p.m. to 7:00 p.m. ~~in the~~
 673 ~~following locations:~~

674
 675 ~~1. On the north side of Pepperrell Road starting at Smith Lane and running east for sixty (60)~~
 676 ~~feet.~~

677
 678 ~~2. It is unlawful for any person to park longer than two consecutive hours in the municipal~~
 679 ~~parking lot located at the southeast side of the Rice Public Library. All day parking permits may~~
 680 ~~be obtained from the police department. These permits will be limited to business owners and~~
 681 ~~employees of businesses located in the Kittery Foreside zone as defined in the zoning~~
 682 ~~ordinance (Section 16.12.150). These permits are for the purpose of freeing up on-street~~
 683 ~~parking for customers. The all day permits will be issued to specific individuals and will be~~
 684 ~~numbered. The permits must be displayed in the driver's side windshield area during the time~~
 685 ~~the vehicle is parked in the municipal lot. When the ownership of a business changes or an~~
 686 ~~employee leaves the employment of a business located in the Kittery Foreside zone, the parking~~
 687 ~~permit is then cancelled and must be returned to the police department.~~

688
 689 ~~3. Parking in the municipal parking lot between the hours of 12:00 midnight and 6:00 a.m. will be~~
 690 ~~restricted to permit holders. Overnight parking permits may be obtained from the police~~
 691 ~~department. These permits will be limited to individuals who reside in the Kittery Foreside zone~~
 692 ~~as defined in the land use and development code, Section 16.3.2.15E, Kittery Foreside – KF.~~
 693 ~~The overnight parking spaces are limited to six in number and are located on the southeast~~
 694 ~~boundary of the parking lot. These individuals may also apply for twenty-four (24) hour parking~~
 695 ~~permits.~~

696
 697 ~~4. The overnight or twenty-four (24) hour permits will be issued to specific individuals and will be~~
 698 ~~numbered. The permits must be displayed in the driver's side windshield area during the time~~
 699 ~~the vehicle is parked in the municipal lot. When the individual no longer resides in the Kittery~~
 700 ~~Foreside zone, the parking permit is then cancelled and must be returned to the police~~
 701 ~~department. Residents will be allowed to park their vehicles overnight or for twenty-four (24)~~
 702 ~~hours only in an area within the municipal lot that is designated and posted for use by residents.~~
 703 ~~Each resident permit holder will be responsible for snow removal in the immediate area~~
 704 ~~surrounding their parked vehicle.~~

705
 706 D. Two-hour parking will be permitted from 7:00 A.M. to 6:00 P.M., (Unrestricted parking is
 707 permitted on Sundays and holidays), in the following locations:

708
 709 Government Street, south side, from Hunter Avenue to Wallingford Square and north side across from
 710 Knight Avenue to Wallingford Square;

711
 712 Wallingford Square, both sides, including the town wharf and its approaches;

713
 714 Walker Street, south side, beginning fifty seven (57) feet west of Wentworth Street, in a westerly to the
 715 direction for a distance of one thousand ~~fourteen~~ hundred and forty (1440) feet; ~~past the intersection of~~
 716 ~~Walker and Main Street;~~

717

718 Walker Street, north side, beginning ~~ten fifty five (40 55)~~ feet west of Wentworth Street, ~~in a westerly to the~~
 719 ~~direction for a distance of one thousand thirteen~~ three hundred and ten (1310) feet; ~~past the intersection of~~
 720 ~~Walker and Main Street.~~

721
 722 E. The Town’s parking lot located on the east side of Moore Street is restricted to permit
 723 holders and their guests only. Permit holders are limited to residents of Moore Street who do not
 724 have off-street parking available. Parking permits may be obtained from the police department.
 725 The owner or operator of any vehicle found in violation of this section will be summonsed and
 726 the vehicle will be towed at the owner’s expense as provided in this chapter.

727
 728 F. Parking in the Municipal Parking Lot located in Wallingford Square at the corner of Walker
 729 Street is restricted to a maximum of two (2) consecutive hours from 7:00 a.m. to 6:00 p.m. and three
 730 (3) consecutive hours from 6:00 p.m. to 7:00 a.m. Parking is not permitted between the hours of
 731 midnight and 6:00 a.m. from November 1st through ~~March 31st~~, April 15th inclusive.

732
 733 G. Seapoint and Crescent Beach
 734 1. South side of Seapoint Road starting two hundred and fifty (250) feet from New England
 735 Telephone pole number 4 in a westerly direction for eight hundred and twenty five (825) feet. From
 736 May 15th to September 30th, parking is restricted to vehicles displaying a valid solid waste sticker or
 737 guest permit only.

738
 739 The Municipal Office issues solid waste stickers for town residents and nonresident property
 740 taxpayers and active military personnel stationed at the Portsmouth Naval Shipyard and
 741 residing in military housing. There is no cost for the initial sticker.

742
 743 2. From New England Telephone pole number 81 in a westerly direction for one hundred and thirty
 744 five (135) feet. Parking must be off the paved road surface.

745
 746 3. Parking must be off the paved road surface.

747
 748 4. The beach parking lot and parking areas on the south side of Seapoint Road are closed each
 749 day from 11:00 p.m. to 3:00 a.m.

750
 751 ~~10.3.1 SEAPOINT PARKING REGULATIONS FROM TITLE 12~~

752
 753 **10.3.2 Parking Within Lines.**
 754 Failure to park within prescribed lines as laid out on any street is a violation of the parking rules.
 755

756 **10.3.3 Parking on Sidewalks.**
 757 Parking vehicles of any kind on sidewalks anywhere in Town is prohibited.
 758

759 **10.3.4 Blocking Driveways.**
 760 It is unlawful for any person to park, leave standing or unattended any vehicle on the public
 761 ways of the Town, in such manner so as to block any driveway, public or private, as to prevent
 762 egress or entrance to such driveway.
 763

764 **10.3.5 Handicapped Reservation – 33 Government Street**

765 The two marked parking spaces in front of #33 Government Street on the south side are
 766 designated handicapped parking spaces on ~~Thursday from 9:00 a.m. to 12:00 noon and on~~
 767 Sunday from 8:00 a.m. to 12:00 noon.

768
 769 **10.3.6 Parking in Handicapped Spaces.**

770 Parking in a marked handicapped space is prohibited unless the vehicle is displaying a
 771 handicapped sticker or handicapped license plate(s). The owner or operator of any vehicle
 772 found in violation of this section ~~will~~may be summonsed and the vehicle towed at the owner's
 773 expense.

774
 775 **10.3.7 Parking in Fire Lanes.**

776 Parking is prohibited at all times in designated fire lanes. The owner or operator of any
 777 unauthorized vehicle found parked in a fire lane will be summonsed and the vehicle towed at the
 778 owner's expense.

779
 780 **10.3.8 General Penalties.**

781
 782 A. Penalties for violations of any of the following parking regulations are as follows:
 783

1. Overtime parking	\$15.00 \$35.00
2. Parked on crosswalk	\$15.00 \$50.00
3. Parked less than (10) feet from corner	\$15.00 \$50.00
4. Parked on sidewalk	\$15.00 \$50.00
5. Parked within (10) feet of hydrant	\$15.00 \$50.00
6. Blocking driveway	\$15.00 \$35.00
7. Violation of all-night parking	\$15.00 \$25.00
8. Parked interfering with snow removal	\$15.00 \$25.00
9 7. Violation of parking ban	\$15.00 \$35.00
10. Violation of (4) hour parking	\$15.00 \$25.00
11 8. Other <u>Title 10 Violations</u> restricted areas	\$15.00 \$35.00
12 9. <u>Parking in a Fire lane</u> Lane	\$25.00 \$100.00

13 10. Handicapped parking violation	\$25.00 \$250.00
1411. Failure to display dump sticker or permit at Seapoint Beach	\$50.00

784 B. For first violations, penalty fees must be paid within thirty (30) days. After thirty (30) days unpaid,
 785 first violation penalty fee doubles. Any violator who does not pay the required penalty fee within
 786 forty-five (45) days ~~is to~~ may be issued a summons to appear and answer in the York District Court
 787 for failure to pay such penalty ~~and, upon conviction, is to be fined not more than fifty dollars (\$50.00)~~
 788 ~~for each offense plus court cost.~~

789
 790 ~~C. For second and subsequent offenses, the violator will be summoned to court and fined a~~
 791 ~~sum not to exceed twenty dollars (\$20.00) for violations of Section 10.3.1, and thirty dollars~~
 792 ~~(\$30.00) for violations of Sections 10.3.2, 10.3.3, or 10.3.4.~~

793
 794 **10.3.9 Parking on Bellamy Lane—Penalty for Violations.**

795
 796 **10.3.9.1 Prohibition.**

797 It is unlawful for any person having custody or control of any vehicle to park such vehicle upon
 798 Bellamy Lane between April 1st to October 15th, provided however, that this section does not
 799 pertain to vehicles while engaged in the loading or unloading of freight.

800
 801 **10.3.9.2 Penalty.**

802 Any person found in violation of this section will be fined not more than twenty dollars (\$20.00)
 803 for each offense.

804
 805 **10.3.10 Parking on Frisbee’s Wharf—Penalty for Violations.**

806
 807 **10.3.10.1 Prohibition.**

808 Except as otherwise provided in subsection 10.3.10.4, it is unlawful for any person having
 809 custody or control of any vehicle who is not a resident or real estate taxpayer of the Town to
 810 park any such vehicle upon the Town wharf or pier known as Frisbee’s Wharf or Pier in Kittery
 811 Point in any parking space not so designated for one-hour nonresident parking. Such
 812 nonresident parking spaces are to be clearly marked and located along the southwesterly
 813 portion of such wharf. Parking by nonresidents in such spaces is limited at any one time to one-
 814 hour parking.

815
 816 **10.3.10.2 Parking Reservation.**

817 Parking for residents or real estate taxpayers of the Town on so-called Frisbee’s Wharf or Pier
 818 is in those spaces specifically designated for residents parking along the northwesterly sideline
 819 of the wharf and along the northeasterly portion thereof and only for those vehicles displaying a
 820 current Town transfer sticker issued by the Town hall and affixed to the vehicle in a manner
 821 prescribed by the Town Manager. Residents or real estate property taxpayers of the Town may
 822 also park their vehicles in the area designated in subsection A of this section, subject to the
 823 one-hour limitation.

824

825 **10.3.10.3 Time Period Restriction.**

826 It is unlawful for any person having custody or control of any vehicle to park any such vehicle
827 upon the Town wharf or pier known as Frisbee’s Wharf or Pier in Kittery Point between the
828 hours of 2:00 a.m. and 4:00 a.m.

829

830 **10.3.10.4 Open Parking Spaces**

831 Parking spaces as so designated along the westerly side of the Town wharf or pier known as
 832 Frisbee’s Wharf or Pier in Kittery Point presently comprising approximately twelve (12) parking
 833 spaces are available for parking to Kittery residents and nonresidents alike.

834
 835 **10.3.10.5 Penalty.**

836 Any person found in violation of this section will be fined not more than twenty dollars (\$20.00)
 837 for each offense. In addition, any vehicle or motor vehicles in violation of this section is to be
 838 towed away at the expense of the owner as provided in subsections B and C of Section 10.3.8.

839
 840 **10.3.11 Towing.**

841
 842 **10.3.11.1 Authority.**

843 Any vehicle or motor vehicle in violation of Sections 9.1.1, 10.3.1, 10.3.2, 10.3.3, 10.3.5, and 29
 844 M.R.S. §1111, and any person who is arrested and has a vehicle on a public way at the time of
 845 arrest, or any vehicle that is subject to impoundment by the police department, may be towed by
 846 the police department at the expense of the owner as provided herein.

847
 848 **10.3.11.2 Tower Requirements.**

849 Owners of towing vehicles used by the Town for the purpose of removing illegally parked cars
 850 under the terms of this section must show proof of liability insurance, have storage capability,
 851 and be approved by the Chief of Police.

852
 853 **10.3.11.3 Tow Charges.**

854 Any owner of towing vehicles approved for the removal of vehicles illegally parked under the
 855 terms of this section is subject to the following towing rates:

- 856
 857 A. A flat rate as set out in Appendix A for any towing between the hours of 7:00 a.m. and 5:00
 858 p.m., Monday through Friday;
 859 B. A flat rate as set out in Appendix A at all other times;
 860 C. An additional charge as set out in Appendix A if a “dolly” has to be used;
 861 D. A maximum charge as set out in Appendix A for any dry run where a vehicle is not towed;
 862 E. Motorcycle—extra charge as set out in Appendix A;
 863 F. No fee may be charged to the owner of the vehicle for the first twenty-four (24) hours of
 864 storage unless the vehicle has been towed due to snow removal;
 865 G. An additional charge as set out in Appendix A for any unusual circumstances.

866
 867 **Chapter 10.4 BICYCLES, SKATEBOARDS, SCOOTERS AND ROLLER SKATES**

868
 869 **10.4.1 Definitions.**

870
 871 As used in this chapter, the following terms have the following meanings:

872
 873 **Bicycle** means every pedaled vehicle propelled solely by human power upon which any person
 874 may ride, usually having two tandem wheels and excepting child’s tricycles and similar devices.

875
 876 **Motorized scooter** or **motorized skateboard** means any scooter or skateboard as defined in
 877 this chapter which has attached to it a motor (gasoline power or battery) designed to propel the
 878 scooter or skateboard.

879
 880 **Public parking lot** means any property publicly-owned and used for parking vehicles, including
 881 any portion of the same leading to and from a public road or way.

882
 883 **Roller skate** means any device designed to be attached to the foot and having wheels, usually
 884 propelled by human power and intended to carry or propel an individual.

885
 886 **Scooter** means any surface (usually flat) that has attached to it wheels and an upright
 887 handlebar propelled solely by human power usually having two wheels and used to carry or
 888 propel an individual.

889
 890 **Skateboard** means any board, surface, or other similar device, usually propelled by human
 891 power and usually having attached four wheels and used to carry or propel an individual.

892
 893 **10.4.2 Regulation of Bicycles.**
 894
 895 It is a violation of this chapter for any person to ride or operate a bicycle on any sidewalk within
 896 the Town except any person ten (10) years of age or younger riding or operating a bicycle
 897 having wheels twenty (20) inches in diameter or smaller.

898
 899 **10.4.3 Regulations of Skateboards, Scooters, and Roller Skates.**
 900
 901 **10.4.3.1 Violation.**
 902 It is a violation of this chapter for any person to ride or operate a skateboard, roller skate or
 903 scooter on any sidewalk, public parking lot or closed street, as listed in this section, within the
 904 Town.

905
 906 **10.4.3.2 Closed Streets Enumerated.**
 907 Closed streets, as stated above, are identified as follows:

- 908
 909 A. Major Highways and Roads.
 910
 911 1. Interstate 95, including all entrance and exit ramps,
 912 2. Route 1 Bypass, including all entrance and exit ramps,
 913 3. Route 1, from the New Hampshire state line to the York Town line,
 914 4. Route 236, from the Eliot Town line to Route 103, including Rogers and Shapleigh
 915 Roads,
 916 5. Route 103, from the Eliot Town line to the York Town line, including Eliot Road, Dennett
 917 Road, Old Post Road, Cook Street, Government Street, Walker Street, Wentworth
 918 Street, Whipple Road, Pepperrell Road, Tenny Hill Road and Brave Boat Harbor Road,
 919 6. Route 101, from Route 1 to the Eliot Town line;

921 B. Secondary Streets and Ways.

- 922
- 923 1. Cutts Road,
 - 924 2. Betty Welch Road,
 - 925 3. Remicks Lane,
 - 926 4. Picott Road,
 - 927 5. (New) Dennett Road,
 - 928 6. Old Post Road,
 - 929 7. Bridge Street,
 - 930 8. Government Street,
 - 931 9. Wallingford Square, including entrance plaza to the Navy Yard,
 - 932 10. Love Lane, from Route 1 to Rogers Lane,
 - 933 11. Litchfield Road, from Route 1 to Interstate 95;

934

935 C. Village Area.

- 936
- 937 1. Manson Avenue,
 - 938 2. MacDougal Street,
 - 939 3. Moore Street,
 - 940 4. Philbrick Road,
 - 941 5. Philbrick Avenue,
 - 942 6. Woodlawn Avenue,
 - 943 7. Friend Street,
 - 944 8. Wainwright Avenue,
 - 945 9. Wyman Avenue;

946

947 D. Kittery Point Area.

- 948
- 949 1. Old Ferry Road,
 - 950 2. Bowen Road,
 - 951 3. Crockett Neck Road,
 - 952 4. Bellamy Lane, including Town wharf,
 - 953 5. Sith's Lane, also known as Pepperrell Lane,
 - 954 6. Mitchell School Lane, from Route 103 to Mitchell School grounds,
 - 955 7. Rosellen Drive,
 - 956 8. Haley Road,
 - 957 9. Lewis Road,
 - 958 10. Foyes Lane,
 - 959 11. Chauncey Creek Road,
 - 960 12. Seapoint Road,
 - 961 13. Gerrish Island Lane,
 - 962 14. Cutts Island Lane;

963

964 E. All other streets within the Town not identified above are open streets.

965

966 **10.4.3.3 Riding on Open Streets.**
 967 Riding on or operating a skateboard, scooter or roller-skating on any open street within the
 968 Town is governed by rules established and published by the Chief of Police.

969
 970 **10.4.3.4 Assumption of Responsibility for Personal Injury and/or Property Damage.**
 971 The designation of any street within the Town as an open street per se does not necessarily
 972 mean a “safe street.” Skateboarding, scootering and roller-skating are, at best, dangerous and
 973 hazardous sports; therefore, skateboarders, scooter and roller skaters assume all responsibility
 974 for personal injury and/or property damage.

975
 976 **10.4.3.5. Discretion of Chief to Close Streets.**
 977 The Chief of Police may, at the chief’s discretion, temporarily close any open street for a period
 978 of up to thirty (30) consecutive days.

979
 980 **10.4.4 Impoundment.**
 981 Any police officer, or other duly authorized law enforcement officer, within the Town, when
 982 satisfied that a juvenile under the age of eighteen (18) years has ridden a bicycle, skateboard,
 983 scooter or roller skates in violation of any of the provisions of this chapter, may impound the
 984 bicycle, skateboard, scooter or roller skates for a period not to exceed five days for any offense.
 985 Any individual eighteen (18) years of age or older who violates any of the provisions of this
 986 chapter commits a traffic infraction covered by the penalties in Section 10.5.1.

987
 988 **10.4.5 Regulation of Motorized Scooters or Motorized Skateboards.**
 989 It is unlawful for any individual to operate a motorized scooter or motorized skateboard on any
 990 public way or sidewalk within the Town. Anyone found operating in violation of this section
 991 commits a traffic infraction covered by penalty in Section 10.205.010.

992
 993 **Chapter 10.5 TRAFFIC PENALTIES**

994
 995 **10.5.1 General Penalty for Traffic Infractions.**
 996 Violations of this title are considered traffic infractions as defined by state statute and must
 997 (except for parking violations) be punished by a fine of not less than twenty-five dollars (\$25.00)
 998 nor more than two hundred fifty dollars (\$250.00). Fines for all parking violations are determined
 999 as otherwise provided in this title. All fines collected hereunder accrue to the benefit of the
 1000 Town.

89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133

G. No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mix liquors within the bounds of Rogers Park. No person may possess or consume any illegal drug within Rogers Park.

H. Camping is prohibited from 12:01 a.m. to 6:00 a.m., unless permitted by the Town Council.

12.3.4 Enforcement.

This chapter is enforced by the police department. The Kittery conservation commission is responsible for the management of Rogers Park.

12.3.5 Penalties.

Any person who violates any provision of this chapter commits a civil violation for which a fine of not more than one hundred dollars (\$100.00) may be adjudged for each separate offense. All penalties recovered accrue to the benefit of the town.

Chapter 12.4 SEAPOINT AND CRESCENT BEACHES

12.4.1 Definitions.

As used in this chapter:

Crescent Beach means and includes all land bounded within the following: south and east by the Atlantic Ocean, northerly by the saltmarsh and Seapoint Beach and westerly by other owners.

Seapoint Beach means and includes all land bounded within the following: on the south and east by the Atlantic Ocean, on the north by the land now or formerly of Albert Kerr, on the west by the saltmarsh, other owners and the easterly edge of Cutts Island Road. Seapoint Beach includes that area known as Thaxter's Point.

12.4.2 Disorderly Conduct.

No person may engage in disorderly conduct within Seapoint or Crescent Beach. Disorderly conduct as used herein includes but is not limited to the making of loud and unreasonable noises; the activating of any device or explosive substance which releases noxious or offensive odors; knowingly accosting, insulting, taunting or challenging any person with offensive, derisive or annoying words or gestures, or other physical conduct which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of a person so accosted, insulted, taunted or challenged.

12.4.3 Vehicular Use—Parking Restrictions.

A. No person may drive or park any motor vehicle other than an authorized vehicle on Seapoint or Crescent Beaches, shore or bank. No bus may be operated, driven or parked anywhere within the area defined as Seapoint and Crescent Beaches.

~~B. Parking in all designated parking areas for Seapoint and Crescent beaches is available for town residents and nonresidents in accordance with Title 10 of Town Code. from October 1st to May 14th only. Nonresident parking in designated parking areas for Seapoint and Crescent beaches from May 15th to September 30th, inclusive, is prohibited except in the parking area designated by signage for both resident and nonresident parking. This restriction does not apply to vehicles enumerated in Sections 12.8.1(A) and (B) and Section 12.4.15(A).~~

~~C. Parking is allowed on the south side of Seapoint Road from its intersection with Thaxter Road a distance of five hundred fifty (550) feet in a westerly direction, subject to the following restrictions:~~

- ~~1. All vehicles must be parked off the paved roadway surface;~~
- ~~2. May 15th to September 30th, inclusive, all parking is limited to vehicles bearing valid Kittery solid waste stickers or guest permits issued by the police department except for parking in the area designated by signage for both resident and nonresident parking;~~
- ~~3. October 1st to May 14th, inclusive, parking is allowed without stickers.~~

~~D. Tagging and/or towing of violators is utilized to enforce the parking restrictions in subsections B and C above.~~

~~E. The Municipal Office issues solid waste stickers for town residents and nonresident property taxpayers and active military personnel stationed at the Portsmouth Naval Shipyard and residing in military housing. There is no cost for the initial sticker.~~

12.4.4 Public Indecency.

No person may engage in public indecency within Seapoint or Crescent Beaches. As used in this chapter, public indecency is defined as set forth in Title 17-A, §854 of the Maine Criminal Code.

12.4.5 Littering.

No person may throw, drop, deposit, discard or otherwise dispose of litter within Seapoint and Crescent Beaches except in a litter receptacle.

12.4.6 Disturbing Topography.

No person may remove, molest, injure or otherwise damage anything natural or physical within Seapoint and Crescent Beaches. This provision is not intended to regulate the removal of seashells and driftwood, seaweed and scientific samples.

12.4.7 Drinking.

No person may drink or consume any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mix liquors upon Seapoint and Crescent Beaches.

12.4.8 Animals.

No domestic animal is allowed within Seapoint or Crescent Beaches except that dogs, while under the control of their owner or keeper, are allowed on Crescent and Seapoint Beaches at

**KITTERY TOWN CODE
TITLE 10 AND TITLE 12
ENACTMENT**

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give due and
2 proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine
3 Revised Statutes, and more particularly where the Town, its officers, and various of its officials,
4 are obligated to perform the duties imposed by Maine's Title 30-A, MRS, §3009.1, wherein
5 municipal officers have the exclusive authority to enact all traffic ordinances in the municipality
6 subject to the certain provisions.

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

12 **WHEREAS**, pursuant to Title 30-A, MRS, §3009, municipal officers have the exclusive authority
13 to enact all traffic ordinances in a municipality subject to certain provisions; and

14 **WHEREAS**, the Commissioner of Public Works and the Police Chief advise that recent changes
15 to parking and traffic controls to certain areas of Kittery, warrant revision to Town Code Title 10,
16 to reflect Police enforcement authority to a necessary degree; and

17 **WHEREAS**, the Commissioner and Chief also advise that the town cease using property
18 owner's names and local landmarks to define the geographical bounds of regulations in Title 10;
19 and

20 **WHEREAS**, the Council intends for Title 10 to be the source for all parking regulations, inclusive
21 of parking regulations for Seapoint and Crescent Beach, which are currently in Title 12; and

22 **WHEREAS**, the Council intends to revise the penalties for civil violations of Title 10 to amounts
23 that reflect the severity of the violations.

24 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001 and §3009, AND
25 TOWN CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TITLE
26 10 AND TITLE 12 OF THE TOWN CODE, AS PROPOSED.

27 **Approved as to form:** _____ {NAME}, Town Attorney

28 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,

29 20____, by: _____ {NAME} Motion to approve by Councilor

30 _____ {NAME}, as seconded by Councilor _____ {NAME} and

31 passed by a vote of _____.

32 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,
33 Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

34 **Attest:** {NAME}, _____ Town Clerk



TOWN OF KITTELY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: September 25, 2017
From: Kendra Amaral, Town Manager
Subject: Code of Ethics
Councilor Sponsor: Chairperson Gary Beers

EXECUTIVE SUMMARY

The Council identified adoption of Procedures and a Code of Ethics as a priority in its annual goals and Town Manager goals for the 2016-2017 year.

The proposed Title 15 Code of Ethics establishes a standard of expectations and requirements for the ethical behavior for all municipal officials including the Town Council, Board members, and Employees.

STATEMENT OF NEED

We cannot simply rely on the principle of “do the right thing” for our ethical guidance. The “right thing” is not always a black and white absolute. Moreover, Kittery has experienced that opinions on what is the “right thing” as it relates to municipal officials may vary, creating a source of conflict that divides and distracts the town government from its core function of service.

Adoption of a code will not prevent all possible issues. However, with this code, we will have a shared basis from which to evaluate behavior, in a manner that is more specific than “do the right thing”, and a defined process if the actions of a municipal official are called into question.

The State of Maine statutes yield significant local control relative to Council procedures and code of ethics. The Maine Municipal Association advocates that communities adopt a code of ethics as a means of guiding or building competencies in ethics.

The proposed Title 15 reflects a compilation of model ordinances and policies, with adjustments to address specific objectives of the town.

PROPOSED SOLUTION/RECOMMENDATION

Approve amendments as proposed.

15.1 ESTABLISHMENT

The proper operation of democratic government requires that Town Councilors and their appointees be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that Town Employees, Town Councilors and Town appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, this Code of Ethics is hereby established for all Town Employees, Town Councilors, and members of all Town Boards, Commissions, Authorities, and Committees now existing or hereafter created.

15.2 DEFINITIONS

Board means all statutory and non-statutory boards, commissions, authorities, and committees now existing or hereafter created under the Town Charter or by virtue of any ordinance, order or resolve adopted by the Town Council.

Board Member means any person elected to membership or associate membership on a Town Board excluding the School Committee, or appointed to such a board, commission, authority, or committee by or under the authority of the Town Council.

Business means any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized for the purposes of making a profit.

Conflict of Interest means a situation in which any municipal officials by reason of personal interest, are placed in a situation of temptation to serve their own personal interest to the prejudice of the interests of those for whom the law authorized and required them to act.

Council means the Town Council of the Town of Kittery. An individual member of the Town Council is known as Councilor.

Financial Interest means a direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock. Any Employee, Councilor, or Board Member or any member of that person's immediate family who holds a financial interest in a disclosed blind trust is not deemed to have a conflict of interest with regard to matters pertaining to assets held by the trust.

Harm means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official or voter is interested.

Immediate Family means a spouse, and the following when living in the household of an Employee, Councilor, or Board Member: children, parents, brothers and sisters.

Municipal official means any elected or appointed member of Kittery's Town government including Town Council, members of boards, commissions, authorities, committees, and Town employees.

Special Interest means a direct or indirect interest having value peculiar to a certain person or group, whether economic or otherwise, which value may inure to such person or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval thereof, by the Council or Board and which interest is not shared by the general public.

43 Town Councilor means a member of the Kittery Town Council.

44 Town Employee means any person working for, on a permanent or temporary basis, and
 45 drawing an hourly wage or salary from the Town of Kittery. This term does not include outside
 46 consultants or professional personnel providing services to the Town as independent
 47 contractors under a written professional services contract or other similar engagement.

48 **15.3 STANDARDS of CONDUCT**

49 This Code establishes ethical standards of conduct for all Town Employees, Town Councilors,
 50 and Board Members and by setting forth those acts or actions deemed to be in conflict or
 51 incompatible, or to create the appearance of conflict or incompatibility, with the best interests of
 52 the Town Kittery.

53 **15.3.1. Statutory Standards.**

54 There are certain provisions of the general statutes of the State of Maine and the Kittery Town
 55 Charter which should, while not set forth herein, be considered an integral part of this Code.
 56 Accordingly, the provisions of the following sections of the general statutes of the State of
 57 Maine, as may be superseded or amended, are hereby incorporated by reference and made a
 58 part of this Code of Ethics, and apply to all Employees, Town Councilors, and Board Members
 59 whenever applicable as if more fully set forth therein, to wit:

- 60 17-A MRS § 456 Tampering with Public Records or Information
- 61 17-A MRS § 602 Bribery in Official and Political Matters
- 62 17-A MRS § 603 Improper Influence
- 63 17-A MRS § 604 Improper Compensation for Past Action
- 64 17-A MRS § 605 Improper Gifts to Public Servants
- 65 17-A MRS § 606 Improper Compensation for Services
- 66 17-A MRS § 607 Purchase of Public Office
- 67 17-A MRS § 608 Official Oppression
- 68 17-A MRS § 609 Misuse of Information
- 69 17-A MRS § 903 Misuse of Entrusted Property
- 70 21-A MRS § 504 Persons Ineligible to Serve
- 71 30-A MRS § 2605 Conflicts of Interest
- 72 30-A MRS § 2606 Prohibited Appointments
- 73 30-A MRS § 2607 Neglect of Official Duty
- 74 30-A MRS § 5122 Interest of Public officials, Trustees or Employees

75 **15.3.2. Contracts, Purchases, and Employment.**

76 **15.3.2.1. Prohibition - Purchasing.**

77 Town Employees, Town Councilors, or Board Members may not participate directly in
 78 deliberation, approval or disapproval, or recommendation, in the purchase of goods and
 79 services for the Town, and the award of any contracts with the Town, except as permitted under
 80 the Town's Purchasing Regulations and under the laws of the State of Maine, where to their
 81 knowledge there is a financial interest, or special interest other than that possessed by the
 82 public generally, in such purchase or award, held by:

- 83 a. such persons or a member of their immediate family;
- 84 b. a business in which such persons or a member of their immediate family serves as an officer,
 85 director, trustee, partner or employee in a supervisory or management position; or

86 c. any other person or business with whom such persons or a member of their immediate family
87 are in business, or are negotiating or have an arrangement concerning future employment.

88 **15.3.2.2. Council – Boards Prohibition – Hiring.**

89 Councilors or Board Members may not participate by way of deliberation, approval or
90 disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take
91 any other personnel action in respect to any applicant for Town employment or Town employee,
92 where said applicant or employee is:

93 a. a member of the Councilor's or Board Member's immediate family; or

94 b. a person with whom either the Councilor or Board Member, or a member or their immediate
95 family, is in business.

96 **15.3.2.3. Employee Prohibition – Hiring.**

97 Except as authorized under the Town's published Personnel Rules and Regulations, no
98 Employee may participate by way of deliberation, approval or disapproval, or recommendation,
99 in the decision to hire, promote, discipline, lay off or to take any other personnel action in
100 respect to any applicant for employment, where said applicant or employee is:

101 a. a member of the Employee's immediate family; or

102 b. a person with whom either the Employee or a member of the immediate family is in business.

103 **15.3.3. Disclosure of Confidential Information.**

104 **15.3.3.1. Prohibition.**

105 Employees, Councilors, or Board Members may not, without proper legal authorization, disclose
106 confidential information; nor may they use such information to advance their financial or private
107 interest or the financial or private interest of others.

108 For purposes of this subsection, the term, "confidential information" means any information, oral
109 or written, which comes to the attention of, or is available to, such Employee, Councilor, or
110 Board Member only because of their position with the Town, and is not a matter of public record.

111 **15.3.3.2. Executive Session Information.**

112 Information received and discussed during an executive session of the Town Council or any
113 Town Board called pursuant to 1 MRS § 405 must not be disclosed to any third party unless
114 permitted by affirmative vote of such body.

115 **15.3.4. Gifts and Favors Prohibition.**

116 Employees, Councilors, or Board Members may not accept any gift, favor or thing of value,
117 whether in the form of service, loan, item, or promise, from any person or business which to
118 their knowledge is interested directly or indirectly in any manner whatsoever in business
119 dealings with the Town; nor may any Employee, Councilor, or Board Member:

120 (1) accept any gift, favor or thing with a value greater than twenty-five dollars (\$25.00); or

121 (2) grant in the discharge of their official duties any improper favor, service or thing of value.

122 Nothing herein prohibits the acceptance of gifts or favors by Employees, Councilors, or Board
123 Members from members of their immediate families, such that are not intended to influence that
124 person in the discharge of their official duties.

125 Employees, Councilors, or Board Members may not use or permit the use of any Town-owned
126 property, including but not limited to, motor vehicles, equipment, and buildings, for any private

127 purposes. Nothing herein prohibits the use of Town buildings and equipment at rates and/or on
128 terms as may be established.

129 **15.3.5. Representing Third Party Interest before Town Agencies.**

130 **15.3.5.1. Employees.**

131 Employees may not appear on behalf of any third-party interest before any Town agency, or
132 represent a third-party interest in any action, proceeding, or litigation in which the Town or one
133 of its agencies is a party. Nothing herein prohibits any Employee from appearing as a witness
134 when duly called by a party for the purpose of giving non-privileged testimony before any Town
135 agency or in any such action, proceeding or litigation. Nothing herein prohibits any Employees,
136 on behalf of their personal interest, from appearing before any Town agency. "Personal interest"
137 includes, for this purpose, any interest of the Town Employee concerned as a resident,
138 landowner, or taxpayer affected by the matter under consideration.

139 **15.3.5.2. Councilors.**

140 Councilors may not either appear on behalf of any third-party interest before any Town agency,
141 or represent a third-party interest in any action, proceeding, or litigation in which the Town or
142 one of its agencies is a party. Nothing herein prohibits a Councilor, on behalf of a constituent in
143 the course of their duties as a representative of the electorate, or any Councilor, on behalf of
144 their personal interest, from appearing before a Town agency.

145 **15.3.5.3. Board Members.**

146 Board Members may not appear on behalf of any third party interest before a Town agency of
147 which they are a current member. Nothing herein prohibits a Board Member, on behalf of their
148 personal interest, from appearing before any Town agency including that of which they are a
149 current member, but such Board Member or Commission Member may not deliberate or vote on
150 the item concerned.

151 **15.3.6. Conflicts/Bias/Influence.**

152 **15.3.6.1. Conflict of Interest.**

153 Councilors or Board Members may not, in such capacity, participate in the deliberation or vote,
154 or otherwise take part in the decision-making process, on any agenda item before their
155 collective body in which they or a member of their immediate family has a financial or special
156 interest, other than an interest held by the public generally.

157 **15.3.6.2. Bias.**

158 Councilors and Board Members must abstain from the discussion and the vote on any item
159 before that Board, if the member is so biased against the applicant or the item that they could
160 not make an impartial decision, thereby depriving the applicant of the due process right to a fair
161 and objective hearing.

162 **15.3.6.3. Improper Influence or Official Oppression.**

163 No Councilor or Board member may:

164 A. Threaten any harm to a public servant, municipal official, or voter, with the purpose of
165 influencing their action, decision, opinion, recommendation, nomination, vote or other exercise
166 of discretion;

167 B. Privately address to any public servant who has or will have an official discretion in a judicial
168 or administrative proceeding any representation, argument or other communication with the

169 intention of influencing that discretion on the basis of considerations other than those authorized
170 by law; or

171 C. Fail to report to a law enforcement officer conduct perceived to influence action, decision,
172 opinion, recommendation, nomination, vote, or other exercise of discretion.

173 D. Act with the intention to benefit themselves or another or to harm another, and knowingly
174 commit an unauthorized act which purports to be an act of office

175 E. Knowingly refrain from performing a duty imposed by law or clearly inherent in the nature of
176 their office with the intention to benefit themselves or another, or to harm another.

177 **15.3.6.4. Disclosure, Recusal or Abstention.**

178 Councilors or Board Members who believe that they or a member of their immediate family has
179 a financial or special interest, other than an interest held by the public generally, in any agenda
180 item before their collective body, must disclose the nature and extent of such interest and the
181 Town Clerk or designee shall make a record of such disclosure.

182 Such disclosure must be made no later than the date of the first meeting of the Council or Board
183 thereof, at which the agenda item concerned is to be taken up for consideration,
184 recommendation, discussion or vote and at which the Councilor or Board Member is present.

185 To avoid the appearance of a violation of this section, once any Councilor or Board Member is
186 determined to have a conflict of interest in respect to any agenda item, and once all conflict of
187 interest questions relating to the agenda item concerned have been determined as provided
188 herein, the Councilor or Board member must immediately remove themselves from their regular
189 seat as a member of the body.

190 They may not return to their regular seat as a member of the body until deliberation and action
191 on the item is completed.

192 **15.3.6.5. Challenge of a Board Member.**

193 Appellants, petitioners, members of the public, or Board members present, are allowed to
194 challenge a Councilor or Board member as to a perceived or alleged conflict of interest or bias.

195 All conflict of interest and bias challenges relating to a particular agenda item must be raised
196 and resolved prior to any consideration of the item concerned. Each Councilor or Board
197 Member present is entitled to vote on all conflict of interest questions except those questions
198 pertaining to that individual Councilor or Board Member's alleged conflict of interest or bias.

199 A majority vote of the Board members, except the member being challenged, decides whether
200 such alleged conflict or bias is such that it:

201 (a) may reasonably be seen to interfere with the challenged member's ability to hear and act on
202 the item impartially and may conceivably impinge upon the appellant/petitioner's right of due
203 process; or

204 (b) whether it would reasonably be seen to give the appearance to the public of an
205 inappropriate communication, conflict, or bias, so as to undermine the public confidence in
206 the fairness of the meeting.

207 All votes of conflict of interest and bias challenges must be recorded.

208 Upon determination that a conflict of interest or bias in fact exists, the Councilor or Board
209 Member concerned must be excused from participating in discussion, deliberation or vote on the
210 relevant agenda item.

211 **15.3.6.6. Rule of Necessity.**

212 If so many members are disqualified due to a conflict of interest, bias, or other legal reason that
213 the Board will not be able to meet its quorum requirement, and there is no other body legally
214 authorized to act, those members may be able to participate under a legal theory called “the rule
215 of necessity”. The Council or Board should consult with the Town Attorney before applying the
216 “rule of necessity” in order to determine whether some other alternative is possible, such as the
217 creation of a special Board to hear that particular case.

218 **15.4 COMPLAINTS PROCESS**

219 **15.4.1. Submission of Complaints**

220 Any Councilor, Board member, or member of the public believing a municipal official has failed
221 to observe this Code, must report such complaint directly to the Town Manager in writing.

222 The Town Manager will address complaints against Employees in accordance with state and
223 federal employment laws, Town Code Title 2, Town Policy, and any applicable Collective
224 Bargaining Agreements.

225 **15.4.2. Review of Complaints Against Councilors or Board Members**

226 The Town Manager will review any complaint made against a Councilor or Board Member to
227 determine if it is based in fact and if it is relevant to this Code, and take the following action:

228 (a) If the complaint is not found to be based in fact no further action will be taken;

229 (b) If the complaint is found to be based in fact and related to this Code, the Town Manager
230 shall report the complaint to the Council; or

231 (c) If the complaint is found to be based in fact and not related to this Code, the Town Manager
232 will refer the complaint to the proper authorities and report such action to the Council.

233 The Council will determine, by majority vote, whether or not to conduct a hearing on any
234 complaint reported by Town Manager.

235 **15.5 VIOLATION and PENALTIES**

236 **15.5.1. Determination of Violation.**

237 The Council shall determine if a Councilor or Board member has violated this Code only after
238 notice is given to accused Councilor or Board member and conducting a hearing.

239 The Council will conduct their hearing with the Councilor or Board Member in executive session,
240 unless the Councilor or Board member requests the hearing to occur in public.

241 **15.5.2. Penalties.**

242 Violations of this Code constitutes cause for penalty. Councilors found in violation of this Code
243 may be censured or deemed to forfeit their office in accordance with the Charter (2.12.2). Board
244 members found in violation of this Code may be censured or removed from office.

245 Penalties will be determined by a majority vote of the Council upon concluding a violation has
246 occurred.

**KITTERY TOWN CODE
TITLE 15 - CODE OF ETHICS
ENACTMENT**

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give due and
2 proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine
3 Revised Statutes, and more particularly where imposed by Maine Revised Statutes Title 30-A,
4 Municipalities and Counties, §2605, Conflicts of interest.

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

10 **WHEREAS**, in their discretion, the municipal officers may adopt an ethics policy governing the
11 conduct of elected and appointed municipal officials; and

12 **WHEREAS**, the basic rationale for regulation of ethics among Kittery's municipal officials is to
13 foster and preserve public trust in the fundamental integrity of local government; and

14 **WHEREAS**, the proper operation of democratic government requires that municipal officials be
15 fair, impartial and responsive to the needs of the people and each other in the performance of
16 their respective functions and duties; decisions and policy be made in proper channels of the
17 Town's governmental structure; public office not be used for personal gain; and municipal
18 officials maintain a standard of conduct that will inspire public confidence in the integrity of the
19 Town's government; and

20 **WHEREAS**, the Town Council desires to establish ethics regulations for Kittery's municipal
21 officials and establish a process to address complaints against municipal officials;

22 **NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN**
23 **CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 15, CODE OF ETHICS,**
24 **OF THE TOWN CODE, AS PRESENTED.**

25

26 **Approved as to form:** _____ {NAME}, Town Attorney

27 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,

28 20____, by: _____ {NAME} Motion to approve by Councilor

29 _____ {NAME}, as seconded by Councilor _____ {NAME} and

30 passed by a vote of _____.

31 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,
32 Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

33 **Attest:** {NAME}, _____ Town Clerk

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 10/6/2017

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|---|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input checked="" type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: CORK DISTRIBUTORS INC.			Business Name (D/B/A) FOR THE LOVE OF FOOD & DRINK		
APPLICANT(S) –(Sole Proprietor) WILLIAM H IRISH		DOB: 8.26.63	Physical Location: 120 ROGERS RD.		
DOB:		City/Town KITTERY, ME	State 03904	Zip Code	
Address 814 SANFORD RD.			Mailing Address PO BOX 53		
City/Town WELLS, ME	State 04090	Zip Code	City/Town KITTERY, ME	State 03904	Zip Code
Telephone Number 207.703.8820	Fax Number		Business Telephone Number 207.703.8820	Fax Number	
Federal I.D. # 47-4036030			Seller Certificate #: or Sales Tax #: 1181450		
Email Address: Please Print FORTHELOVEOFFOODANDDRINK@GMAIL.COM			Website: FORTHELOVEOFFOODANDDRINK.COM		

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

Requested inspection date: ANY AVAILABLE TIME Business hours: ANY AVAILABLE TIME

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 65000. LIQUOR \$ 4500.
- Is applicant a corporation, limited liability company or limited partnership? YES NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? Yes No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

 License # Name of Business (Use an additional sheet(s) if necessary.)

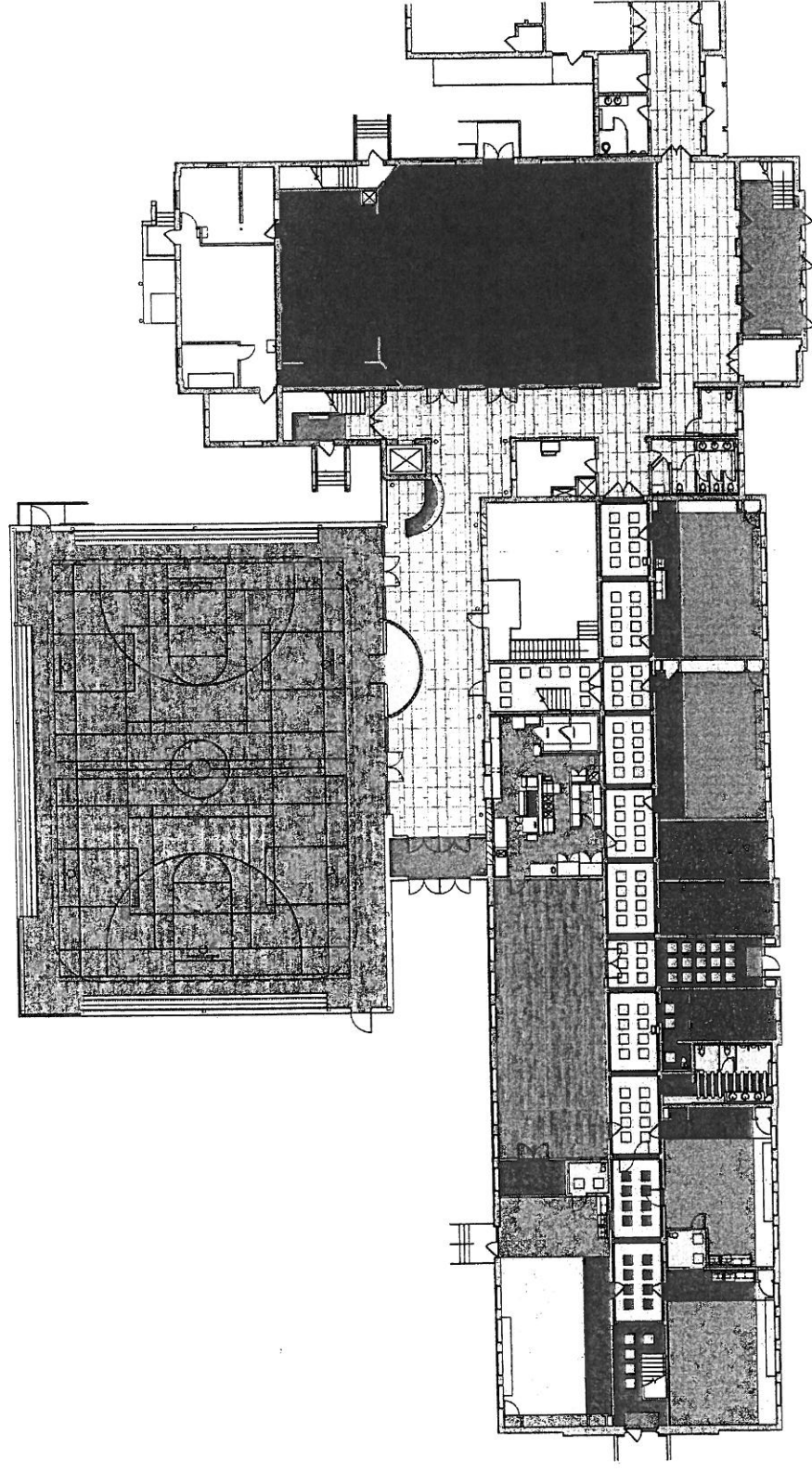
 Physical Location City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: WILLIAM H IRISH
7. Business records are located at: 814 SANFORD RD. WELLS, ME 04090
8. Is/are applicant(s) citizens of the United States? YES NO
9. Is/are applicant(s) residents of the State of Maine? YES NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
WILLIAM H IRISH	8.26.63	AUGUSTA, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
814 SANFORD RD. WELLS, ME 04090		
12 MACDOUGAL ST. KITTEERY, ME 03904		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____
13. Has/have applicant(s) formerly held a Maine liquor license? YES NO
14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____
Kittery Community Center, 120 Rogers Road, Kittery ME 03904
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) KITTEERY COMMUNITY CENTER, 120 ROGERS RD. KITTEERY, ME 03904
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____
17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? CHILD CARE CENTER LOCATED AT END OF BUILDING
Which of the above is nearest? CHILD CARE CENTER
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
If YES, give details: _____

KITTERY COMMUNITY CENTER AT FRISBEE COMMON



FIRST FLOOR FINISH PLAN



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

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

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

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

Please clearly complete this form in its entirety.

- Exact legal name: CORK DISTRIBUTORS, INC.
- Doing Business As, if any: FOR THE LOVE OF FOOD & DRINK
- Date of filing with Secretary of State: 6/8/2015 State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
WILLIAM H IRISH	814 SANFORD RD. WELLS, ME 04090 12 MACDOUGAL ST. KITTERY, ME 03904	8.26.63	PRESIDENT	100

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

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

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

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

Name: _____


Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

 9/11/2017

Signature of Duly Authorized Person Date

WILLIAM H IRISH

Print Name of Duly Authorized Person

Submit Completed Forms to:

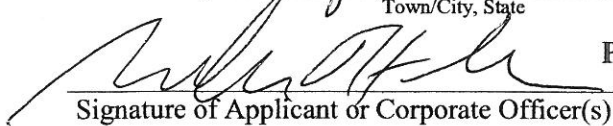
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

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

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

Dated at: Witley me on 9/11/2017, 2017
Town/City, State Date

Please sign in blue ink



Signature of Applicant or Corporate Officer(s)

WILLIAM H IRISH

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

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

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:
Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

cense that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD) .]

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

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

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

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

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

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

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

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

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

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP) .]

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

[1995, c.140, §6 (AMD) .]

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

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

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

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

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 12/13/2017

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: First Serve Hospitality Group	Business Name (D/B/A) Robert's Maine Grill
APPLICANT(S) --(Sole Proprietor) Shiva K. Natarajan	DOB: 06/10/1964
	Physical Location: 326 US Route 1
	City/Town State Zip Code Kittery, ME 03904
Address P.O. Box 630	Mailing Address P.O. Box 630
City/Town State Zip Code Kittery, ME 03904	City/Town State Zip Code Kittery, ME 03904
Telephone Number Fax Number 203-434-7205	Business Telephone Number Fax Number 207-439-0300
Federal I.D. # 81-3995475	Seller Certificate #: or Sales Tax #: 1181797
Email Address: Please Print ShivaKnat@gmail.com	Website: www.robertsmainegrill.com

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

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 3,300,932 LIQUOR \$ 848,323
- Is applicant a corporation, limited liability company or limited partnership? YES NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? Yes No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: _____
7. Business records are located at: 326 US Route 1, Kittery, ME 03904
8. Is/are applicant(s) citizens of the United States? YES NO
9. Is/are applicant(s) residents of the State of Maine? YES NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Shiva K. Natarajan	6/10/1964	Calcutta, India
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
New York, New York		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____
13. Has/have applicant(s) formerly held a Maine liquor license? YES NO
14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____
15. Describe in detail the premises to be licensed: **(On Premise Diagram Required)** Full Service Restaurant and Bar
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____
17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2.0 Miles
- Which of the above is nearest? Jehovah's Witness
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
- If YES, give details: SBA Loan, 44 Business Capitol (Division of Berkshire Bank)

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

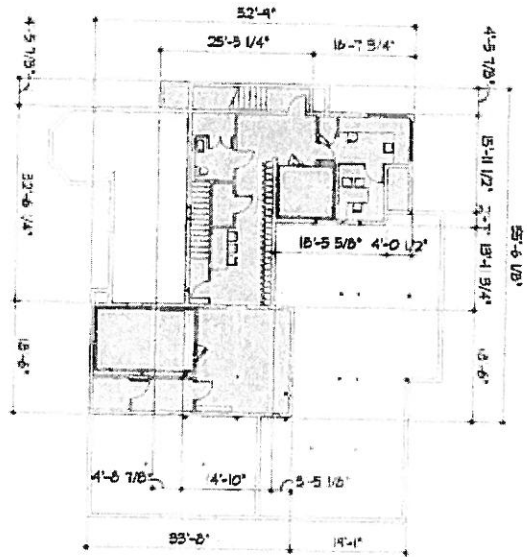
DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

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

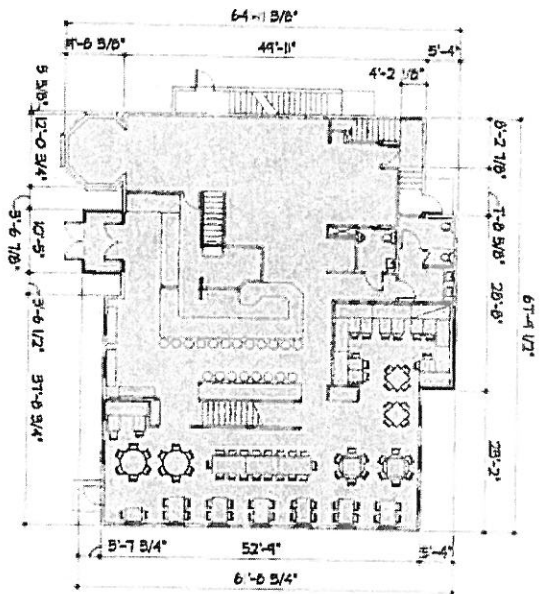
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

<p>See diagrams attached as 2 separate sheets.</p>
--



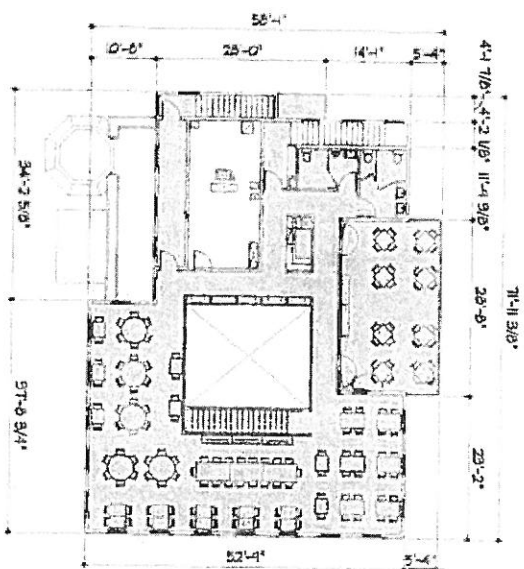
BASEMENT:

AREA = 1626 SQ.FT.



FIRST FLOOR:

AREA = 3743 SQ.FT.

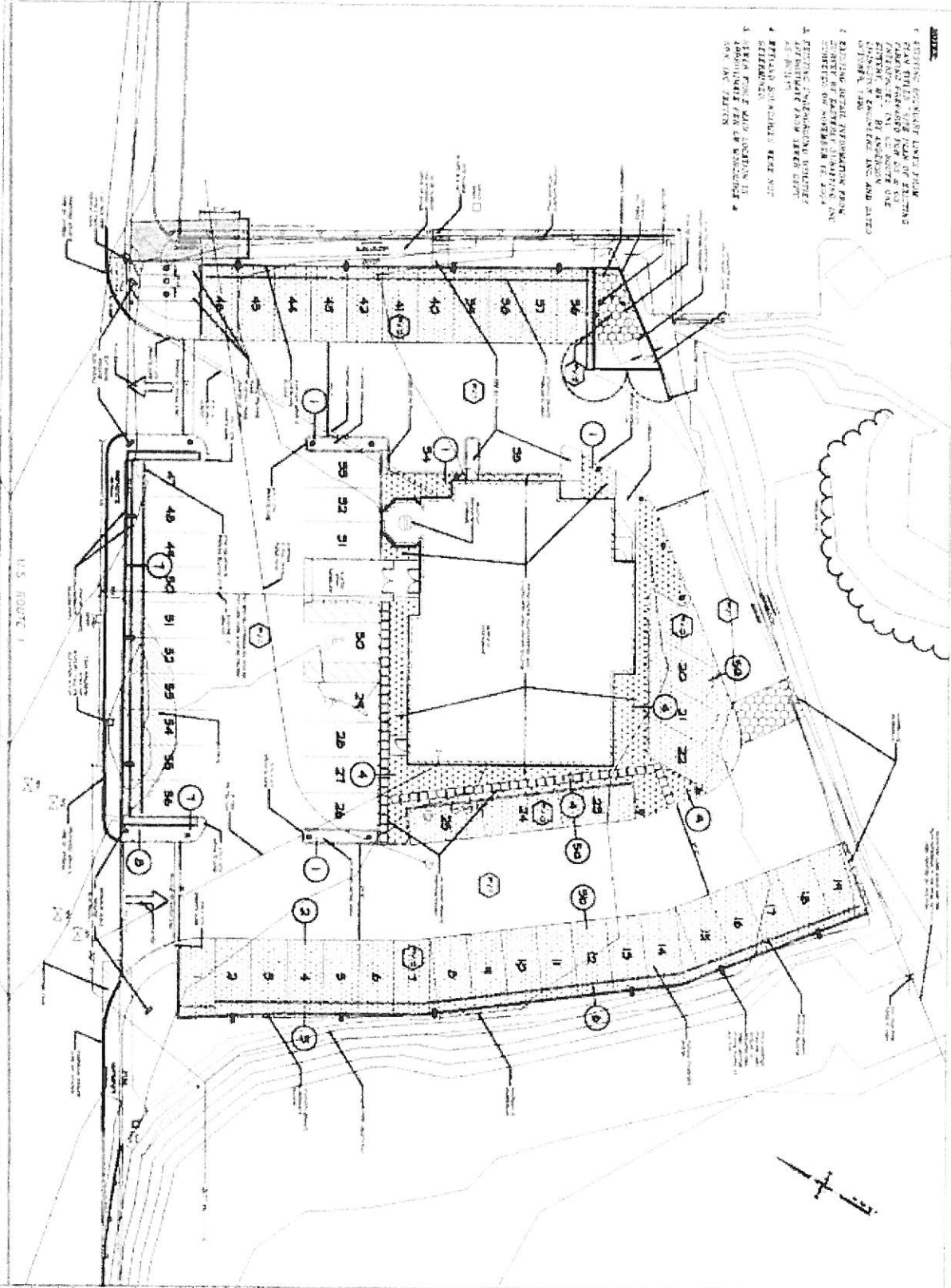


SECOND FLOOR:

AREA = 2744 SQ.FT.

TOTAL AREA (FLOOR BASE - SECOND): 8113 SQ.FT.

KITTERY SEAFOOD RESTAURANT	
CONCEPT PRESENTATION	
Arch Calculation	AC01
Oct 17, 2005	384' x 1'-0"



- NOTES:**
1. EXISTING ROOM NUMBER LISTED FROM PLAN WITH THE NEW PLAN OF EXISTING ROOMS. ROOMS 1 THROUGH 10 ARE EXISTING ROOMS. ROOMS 11 THROUGH 66 ARE NEW ROOMS. BY INTERIOR WALLS IN EXISTING PLAN AND DATED 10/15/50.
 2. EXISTING DETAIL INFORMATION FROM EXISTING PLAN TO BE USED IN CONNECTION WITH THIS PLAN.
 3. SEE PLAN AND SECTION IN CONNECTION WITH THIS PLAN FOR DETAIL INFORMATION.
 4. ROOMS 1 THROUGH 10 ARE EXISTING ROOMS.
 5. ROOMS 11 THROUGH 66 ARE NEW ROOMS.

ROBERT'S
MOTEL OF THE SANDS HOTEL

308 U.S. ROUTE 1
MOUNTAIN VIEW, ARIZONA

C-1

Prepared by: [Name]

Date: [Date]

Scale: [Scale]

Sheet No. [Number]

Total Sheets [Number]

Project No. [Number]

Client: [Name]

Address: [Address]

City: [City]

State: [State]

Zip: [Zip]

Architect: [Name]

Address: [Address]

City: [City]

State: [State]

Zip: [Zip]



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

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

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

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

Please clearly complete this form in its entirety.

1. Exact legal name: First Serve Hospitality Group
2. Doing Business As, if any: Robert's Maine Grill
3. Date of filing with Secretary of State: 9/28/16 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Shiva K. Natarakan	184 Thompson Street, Apt. 6S, New York, NY 10012 8 Pepperell Way, York, ME 03909	06/10/64	President	100

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

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

Name: _____

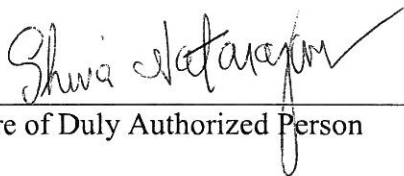
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

Date

Sept 11 2017

Shiva K. Natarajan

Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages

Division of Liquor Licensing and Enforcement

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

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

Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434

Email Inquiries: MaineLiquor@Maine.gov

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

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

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008.

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

cense that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD) .]

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

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

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

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

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

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

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

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

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

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP) .]

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

[1995, c.140, §6 (AMD) .]

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

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

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

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

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

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

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

Dated at: York, Maine on September 11, 2017
Town/City, State Date

Shiva Natarajan
 Signature of Applicant or Corporate Officer(s)
Shiva K. Natarajan
 Print Name

Please sign in blue ink

 Signature of Applicant or Corporate Officer(s)

 Print Name

FEE SCHEDULE

- FILING FEE: (must be included on all applications)..... \$ 10.00**

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 11/27/17

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: The Black Birch Inc.			Business Name (D/B/A) The Black Birch		
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location: 2 Government Street		
		DOB:	City/Town Kittery	State ME	Zip Code 03904
Address 2 Government Street			Mailing Address 2 Government Street		
City/Town Kittery	State ME	Zip Code 03904	City/Town Kittery	State ME	Zip Code 03904
Telephone Number 207-703-2294	Fax Number		Business Telephone Number 207-703-2294	Fax Number	
Federal I.D. # 46-1023520			Seller Certificate #: or Sales Tax #: 1159546		
Email Address: Please Print gavinbeaudry@theblackbirch.com			Website: www.theblackbirch.com		

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

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: NA
 - State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 741,864 LIQUOR \$ 507,263
 - Is applicant a corporation, limited liability company or limited partnership? YES NO
- If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you own or have any interest in any another Maine Liquor License? Yes No
- If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

 License # Name of Business (Use an additional sheet(s) if necessary.)

 Physical Location City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: NA
7. Business records are located at: 2 Government Street
8. Is/are applicant(s) citizens of the United States? YES NO
9. Is/are applicant(s) residents of the State of Maine? YES NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Benjamin Lord	09.13.1977	Calais, ME
Jake Smith	11.20.1975	Pawtucket, RI
Gavin Beaudry	03.26.1981	Nashua, NH
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Benjamin Lord - Dover, NH		
Jake Smith - York, ME		
Gavin Beaudry - Kittery, ME		

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

Name: See attached Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
 Yes No If Yes, give name: _____

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

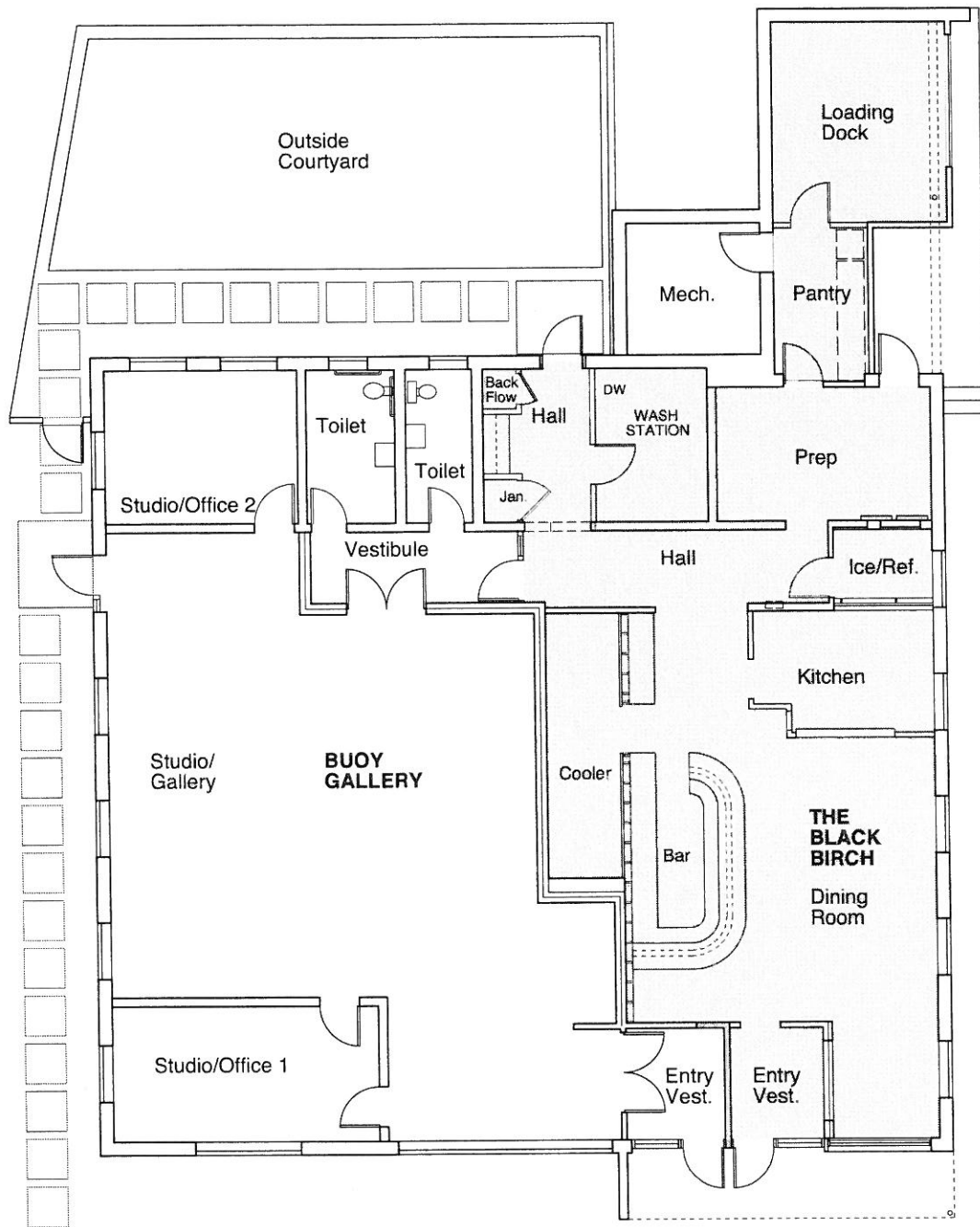
14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner:
STUDIO VERTE, LLC, 172 PEPPERELL RD, KITTERY POINT, ME 03905

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) See Attached

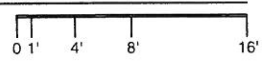
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES NO Applied for: _____

17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 200 yards
 Which of the above is nearest? Church

18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
 If YES, give details: _____



FLOOR PLAN
 2 Government Street



July 2016
 ARQ Architects

A.1



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

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

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

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

Please clearly complete this form in its entirety.

- Exact legal name: The Black Birch, Inc
- Doing Business As, if any: The Black Birch
- Date of filing with Secretary of State: 7/23/12 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Benjamin Lord	Dover, NH	09/13/77	Treasurer	45
Gavin Beaudry	Kittery, ME	03/26/81	President	45
Jake Smith	York, ME	11/20/75	Vide President	10

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

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

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

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

Name: see attached

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

9/8/17
Date

GAVIN BEAUDRY
Print Name of Duly Authorized Person

Submit Completed Forms to:

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

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United State? Yes

Name: Benjamin Lord
Offense: DUI – 1st Offense
Disposition: Guilty

Date of Conviction: 10/21/05
Location: Portsmouth, NH District Court

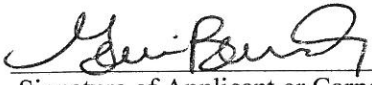
Name: Gavin Beaudry
Offense: Violation—Disorderly Conduct
Disposition: Guilty

Date of Conviction: 10/21/05
Location: Durham, NH District Court
(now Dover District)

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

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

Dated at: Kittery, ME on SEPTEMBER 28th, 2017
Town/City, State Date


 Signature of Applicant or Corporate Officer(s)
GAVIN BEAUDRY
 Print Name

Please sign in blue ink

 Signature of Applicant or Corporate Officer(s)

 Print Name

FEE SCHEDULE

- FILING FEE: (must be included on all applications)..... \$ 10.00**

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

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

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

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

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

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

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

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

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

cense that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

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

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

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

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

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

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

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

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

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

[2009, c. 81, §§1-3 (AMD) .]

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

A. [1993, c. 730, §27 (RP).]

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

[1995,c.140,§6(AMD) .]

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

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

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

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

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

**TOWN OF KITTERY
WARRANT FOR MUNICIPAL ELECTION**

COUNTY OF YORK, SS

STATE OF MAINE

To James Soucy, a constable (or resident) of this municipality:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Kittery of the election described in this warrant:

TO THE VOTERS OF THE TOWN OF KITTERY:

You are hereby notified that the **MUNICIPAL ELECTION** in this municipality will be held at the **KITTERY COMMUNITY CENTER**, 120 Rogers Road, on **NOVEMBER 7, 2017**, to determine the following:

To elect two members to the Town Council for three year terms.

To elect two members to the School Committee for three year terms.

Referendum Questions:

Question #1: Shall the Town of Kittery approve the Charter Amendments summarized below?

Key: Strike out text = text ~~to be deleted~~, Underline text = text to be added.

The amendments will be given to each voter when you receive your ballot, as they are too large to place on the ballot.

Explanation: As part of recodification, the Town's contractor General Code conducted an analysis of the charter and offered recommended amendments. These proposed amendments are technical editing changes which would amend, alter, or improve language clarity of the original charter. No proposed change is intended to disrupt, cancel, abrogate, or make inoperable the original charter.

Question #2: Shall the Town of Kittery approve the Charter Amendments reprinted below?

Key: Strike out text = text ~~to be deleted~~, Underline text = text to be added.

§ See. 5.02. Personnel system.

(1) Merit principle. All appointments and promotions of town ~~officers~~ officials and employees, subject to the direction and supervision of the manager, ~~shall~~ are to be made solely on the basis of merit and fitness demonstrated by examinations or other evidence of competence.

(2) Personnel director. The town manager ~~shall be~~ is the personnel director.

(3) The personnel director may seek appropriate professional human resource support, advice and, counsel to: Personnel board.

~~(a) There shall be a personnel board consisting of 5 members and 2 or more alternates appointed as hereinbefore provided in this charter. The first appointments to this board shall be made in the following manner: Two members for 3 years, 2 members for 2 years, and one member for one year. All succeeding appointments shall be made for terms of 3 years. Alternates shall be appointed for 3-year terms.~~

~~(b) The personnel board shall:~~

~~1(a). Assist the personnel director in developing and updating in maintaining an the administrative code; and~~

~~2(b). Advise the personnel director on issues of personnel management; and;~~

~~3. Act as an appeals or grievance board.~~

(4) Personnel rules. The personnel director shall prepare personnel rules which the council shall adopt by ordinance with or without amendment. These rules ~~shall~~ are to provide for:

~~(j) Grievance procedures, including procedures for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the town manager with a copy to the aggrieved employee;~~

Explanation: The Personnel Board was incorporated many years ago, before present day laws accorded significant employee legal protections. With the magnitude and complexity of human resource legal and technical functional requirements, converting this process to professional expertise assistance is a necessary consideration in order to limit liability and avoid litigation.

Question #3: Shall the Town of Kittery approve the Charter Amendments reprinted below?

Key: Strike out text = text ~~to be deleted~~, Underline text = text to be added.

§ See. 6.05. Capital program.

(1) Submission to manager. The town council ~~manager~~ shall prepare and submit to the ~~manager~~ council a 5-year capital program at least 90 calendar days prior to the final date for submission of the proposed budget. (Amended by vote of the people 6-11-02)

(2) Contents. The capital program shall ~~must~~ include:

~~(e) Recommendations to fund improvements in the established capital program dedicated reserve account; any proposed multi-year capital bonds for voter approval; or, any to be addressed as a separate budget line item to be fully funded in the ensuing fiscal year with voter approval. Debt service for voter-approved capital bonds and capital improvement program dedicated reserve funds are annual appropriations.~~

~~(3) Capital program requirements approved by council to be entirely funded in the ensuing fiscal year, as a separate budget account line item outside the capital program dedicated reserve account, must be submitted to the qualified voters of the town after a public hearing, at a regular or special election, or town meeting as prescribed herein, and are obligated provided a majority of the legal votes cast in such election are in the affirmative.~~

~~(4) The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. (Amended by vote of the people 10-4-94)~~

Article XIV. Town Meeting

§ See. 14.03. Town meeting eligibility.

The provisions of Title 30-A to the contrary notwithstanding, only the following are subject to disposition through a municipal election, preceded by a public hearing, or through a town meeting as provided herein:

~~(3) That part of the capital program which is proposed for the ensuing fiscal year:~~

~~(34) Unless fully funded by bond issue under Sec. 6.07, or by a dedicated reserve account, Any unbudgeted expenditure greater than \$125,000, as long as that expenditure does not cause the unencumbered surplus to fall below an amount equal to the equivalent of 2 ½ months of current year operating budget, per item, project, or an aggregate of same, for:~~

~~(45) Unless an emergency appropriation under Sec. 6.09. (2), any appropriation greater than \$125,000:~~

Explanation: Council providing a capital plan to the Town Manager is backward from all other Town administrative protocols. Reversing that, while retaining a Council-appointed citizen-involved committee, provides a better administrative foundation.

The Charter provides three appropriations mechanisms for capital funding:

1. Section 6.07 for bond issues is used for large scale multi-year payment as approved by voters;
2. Section 14.03 (3), "*That part of the capital program which is proposed for the ensuing fiscal year.*" is used for projects to be funded from tax appropriations in the one year, as approved by voters or a town meeting; and
3. Section 14.03 (4), "*Unless fully-funded by bond issue under Sec. 6.07, or by a dedicated reserve account, ...*".

Adding those features to Section 6.05.2 subparagraph (e) and 6.05.3, clarifies the distinction between the Capital program, the capital budget, and capital financing methods and funding sources, clarifies the provisions in one section with no change to their application.

The Town Meeting Article was added in 2002 principally to ensure certain actions would only be taken by decision of voters by municipal election. This amendment simply moves the two pieces of language dealing with the Capital program to that section (6.05).

Question #4: Shall the Town of Kittery approve the Charter Amendments reprinted below?

Key: Strike out text = text to be deleted, Underline text = text to be added.

§ See. 6.11. Administration of budget.

(2) Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and the officer shall also be liable to the town for any amount so paid. ~~However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action was made or approved by ordinance.~~

(3) Issuance of bonds and multi-year contracts. Except where prohibited by law, nothing in this charter may be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action was

made or approved by ordinance. Where a non-appropriation of funds clause is incorporated into a contract with termination and there is no penalty if not appropriated, and any renewal year is automatic with an approved appropriation, the contract is not considered multi-year. (Amended by vote of the people 10-4-94)

Explanation: Statute permits execution of municipal contracts which may be more than one fiscal year if a non-appropriation clause is included. A typical feature also permits automatic renewal options without further formal action if funds are, in fact, appropriated.

Question #5: Shall the Town of Kittery approve the Charter Amendments reprinted below?

Key: Strike out text = text to be deleted, Underline text = text to be added.

Article IX. Port Authority and Harbor

There shall be a port authority as provided by special Maine statutes as amended.

~~Editor's note~~ The Town of Kittery Port Authority was established by P. & S.L.1961, Ch.163, as amended; article IX of the charter is maintained as it was enacted. As you will note, there are no sections designated within the article.

§ 9.01. Port Authority.

(1) Composition. There is established a Town port authority, consisting of 7 members who are appointed as hereinbefore provided in this charter, having such powers and performing such duties as provided by law.

(2) Terms. Members serve terms of 5 years and until their successors are appointed and qualified.

(3) Term limits. No member may serve more than 2 consecutive terms of 5 years. Any member who has served 2 consecutive terms of 5 years is ineligible to serve on the board for a period of 1 year. Computation of term limits commences with the first term of 5 years following the effective date of this provision and does not include service prior to the said effective date.

Transition clause: Members of the Port Authority appointed by the Town Council serving as of the effective date of this provision continue for the duration of the terms last appointed.

§ 9.02. Powers and Duties.

The port authority has conferred upon it such powers as are conferred upon port authorities by statute, and has the power to:

(1) Plan for the maintenance and development of the port, harbor and navigable tidal waters within the jurisdiction of the Town, in order to foster and stimulate commercial and recreational use of these areas; and

(2) Aid in the development of salt water fisheries and associated industries; ship and boat building, repair and storage and associated industries; pleasure boating, swimming and other associated recreational uses of these areas and facilities.; and

(3) Be custodian of municipally-owned wharves, docks, piers and landings; and

(4) Make such rules and regulations touching municipally-owned wharves, docks, piers and landings, harbors, harbormasters, and the conduct of its business, as necessary; and, set a fee schedule for the uses thereof.

§ 9.03. Harbormaster.

The Town Manager is authorized and empowered to appoint and set compensation for a harbor master with the advice and consent of the port authority. The harbormaster will enforce the directives of the authority, such as the placement of moorings, the assignments of anchorage areas and the movement of traffic, and the use of municipally-owned wharves, docks, piers and landings, under operational direction of the authority.

NOTE: This supersedes, repeals, and replaces, Maine Private & Special Law 1961, Chapter 163, as amended in Private and Special 1963, Chapter 97 §2, and Private and Special 1993, Chapter 26 §1.

Explanation: Presently the Port Authority, as a volunteer Board, is having to spend time and energy administering a department that is embedded within the town administration, but not fully part of the town. This arrangement leads to confusion, blurred lines of authority and responsibility for administrative matters. To try to resolve some of the issues, the KPA and Town Council entered into an agreement that covers some administrative functions in a limited manner. There are still other areas where a lack of clear lines is challenging.

Ultimately bringing the KPA into the town structure will afford them the ability to focus on their core mission of maintaining a safe and well-functioning port, harbor, and tidal waters within their jurisdiction.

This change is to retain the overall structure of the existing Port Authority and simply move it under the "umbrella" and jurisdiction of the Town rather than its present 1961 legislative enactment.

Nonbinding Referendum Question:

Which location should the town consider for the Rice Public Library facility needs?

Select only one:

- Rehabilitate and build an addition onto the current Rice Building
- Build a new library building adjacent to Rogers Road at the Kittery Community Center
- Neither of the above

Explanation: The Rice Library Working Group is seeking to identify the public preference for the location of the library. This is a non-binding referendum and does not obligate the town to any action or expenditure.

Currently, the Library operates out of two buildings, with cost inefficiencies associated with running two buildings. The current Library facilities have inadequate space for children’s programming and other events. Neither building is handicapped-accessible. Both will require substantial investments in the near future to maintain.

Each of the proposed locations has advantages and disadvantages. Questions about funding sources, design, and the Library becoming a town department are not under consideration at this time.

The polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.

The Registrar of Voters will hold office hours while the polls are open to correct any error in, or change a name or address on the voting list; to accept the registration of any person who is eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this 25th day of September 2017.

	MUNICIPAL OFFICERS

A true copy

ATTEST: _____
TOWN CLERK

OFFICER’S RETURN

YORK COUNTY, SS

STATE OF MAINE

I certify that I have notified the voters of Kittery of the time and place for the Municipal Election, by posting an attested copy of the within warrant at the KITTERY POST OFFICE, KITTERY POINT POST OFFICE, MUNICIPAL OFFICE, AND THE KITTERY RESOURCE RECOVERY FACILITY, within Kittery on _____, 2017, which is at least seven (7) days next prior to election day.

Dated at Kittery on _____, 2017.

Constable of Kittery



Maine Municipal
Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, Executive Director

DATE: September 1, 2017

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 4, 2017, at 1:30 p.m. in the Cumberland Room at the Augusta Civic Center.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the ***MMA Voting Delegates Credential Form*** on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at:

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

Please note that the MMA Executive Committee is not putting forth any proposed amendments to the MMA bylaws for this year. If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 3, 2017** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's 81st MMA Annual Convention at the Augusta Civic Center. We have a great line up of speakers, workshops and networking opportunities at this year's convention. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 4, 2017
1:30 – 2:15 p.m.
Augusta Civic Center, Augusta, Maine
Cumberland Room**

PROPOSED AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Laurie Smith
(Town Manager, Kennebunkport)
2. **Approval of 2016 MMA Annual Business Meeting Minutes** – Laurie Smith
3. **Introduction of New Executive Committee Members** – Laurie Smith
4. **MMA President's Report** – Laurie Smith
5. **Executive Director's Report** – Stephen Gove, MMA Executive Director
6. **Other Business** (*comments from the floor*)
7. **Adjournment**

MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS

_____ is hereby designated as the official Voting Delegate and
(name)

_____ as the alternate voting delegate for _____
(name) (municipality)

to the Maine Municipal Association Annual Business Meeting which is scheduled to be held, Wednesday, October 4, 2017, 1:30 p.m., at the Augusta Civic Center, Augusta, Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 3, 2017** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358



1
2
3
4
5

**TOWN COUNCIL
RULES AND PROCUDURES MANUAL
ADOPTED:**

6	Table of Contents	
7	CHAPTER 1 - PURPOSE	<u>44</u>
8	A. Council Values	<u>44</u>
9	B. Orientation of New Members.....	<u>44</u>
10	C. Councilor Awareness	<u>44</u>
11	CHAPTER 2 - DEFINITIONS	<u>44</u>
12	CHAPTER 3 - OVERVIEW OF BASIC TOWN DOCUMENTS.....	<u>55</u>
13	A. Kittery Town Charter	<u>55</u>
14	B. Kittery Town Code	<u>55</u>
15	C. Maine Statutes.....	<u>66</u>
16	D. Annual Budget.....	<u>66</u>
17	E. Capital Improvement Plan (CIP)	<u>66</u>
18	F. Comprehensive Plan.....	<u>66</u>
19	G. Disaster Plan	<u>66</u>
20	CHAPTER 4 - COUNCIL GENERAL POWERS AND RESPONSIBILITIES	<u>77</u>
21	A. Town Council Generally	<u>77</u>
22	B. Powers.....	<u>77</u>
23	C. Policy.....	<u>77</u>
24	D. Ethical Behavior.....	<u>77</u>
25	E. Other Service	<u>77</u>
26	F. Other Participation	<u>88</u>
27	G. Community Activities	<u>88</u>
28	CHAPTER 5 - SUPPORT PROVIDED TO TOWN COUNCIL	<u>88</u>
29	A. Staff/Clerical Support.....	<u>88</u>
30	B. E-Mail and Computer Access.....	<u>88</u>
31	C. Meeting Rooms.....	<u>88</u>
32	D. Mail, Deliveries	<u>99</u>
33	CHAPTER 6 - COMMUNICATIONS	<u>99</u>
34	A. Overview.....	<u>99</u>
35	B. Correspondence from Councilors.....	<u>99</u>
36	C. Liaison Role.....	<u>1010</u>
37	CHAPTER 7 - INTERACTION WITH TOWN STAFF/OFFICIALS.....	<u>1010</u>
38	A. Overview.....	<u>1010</u>
39	B. Council- Manager Form of Government.....	<u>1010</u>

40	C. Town Manager.....	<u>1010</u>
41	D. Council-Manager Relationship	<u>1010</u>
42	E. Manager Evaluation	<u>1111</u>
43	F. Council Informed	<u>1111</u>
44	G. Council/Town Attorney Relationship	<u>1111</u>
45	H. Interference with Administration	<u>1111</u>
46	I. Ordinance Power.....	<u>1111</u>
47	CHAPTER 8 - ACCESS TO INFORMATION	<u>1212</u>
48	A. Access to Information.....	<u>1212</u>
49	B. Public Records.....	<u>1212</u>
50	C. Magnitude of Information Request	<u>1313</u>
51	D. Copy Costs	<u>1414</u>
52	CHAPTER 9 - TOWN COUNCIL MEETINGS & WORKSHOPS.....	<u>1414</u>
53	A. Council Meetings	<u>1414</u>
54	B. Televised Meetings	<u>1616</u>
55	C. Agenda / Order of Business	<u>1616</u>
56	D. General Procedures.....	<u>1920</u>
57	CHAPTER 10 - OPEN MEETING LAW	<u>2222</u>
58	A. Applicability.....	<u>2222</u>
59	B. Meetings	<u>2222</u>
60	C. Correspondence	<u>2222</u>
61	CHAPTER 11 - PROCEDURAL ADMINISTRATION.....	<u>2223</u>
62	A. Review of Town Council Rules.....	<u>2223</u>
63	B. Adherence to Rules	<u>2223</u>
64	C. Town Manager as Rule Advisor	<u>2323</u>
65	D. Adherence to Administrative Procedure and Process Procedures.....	<u>2323</u>
66	CHAPTER 12 - ADDITIONAL TRAINING & RESOURCE MATERIALS	<u>2323</u>
67	A. Maine Municipal Association (MMA)	<u>2323</u>
68	B. International Town Management Association (ICMA).....	<u>2323</u>
69	C. Resource Materials.....	<u>2323</u>
70	APPENDIX A – DECORUM OF THE PUBLIC	<u>2525</u>
71	APPENDIX B – ROBERT’S RULES SUMMARY & MOTIONS TABLE.....	<u>2727</u>
72		

73 **CHAPTER 1 - PURPOSE**

74 The Town Council of Kittery, Maine has prepared and adopted these rules to assist the Council
75 by documenting accepted practices and clarifying expectations. Through agreement of the
76 Council and staff to be bound by these practices, administration of Council affairs is greatly
77 enhanced. While attempting not to be overly restrictive, procedures are established so that
78 expectations and practices can be clearly articulated. These procedures will aid Council in
79 taking responsible action.

80 **A. Council Values**

81 The following values should be maintained by the Council:

- 82 1. Objective, open-minded, achievement-oriented;
- 83 2. Have respect and care for each other;
- 84 3. Be straightforward, no hidden agendas;
- 85 4. Maintain humor;
- 86 5. Traditions are respected, but not binding;
- 87 6. Deliberate in many voices, but govern in one; and
- 88 7. Collective rather than individual decision-making.

89 **B. Orientation of New Members**

90 It is important that members of the Council gain an understanding of the full range of services
91 and programs provided by the Town. As new members join the Council, the Town Manager
92 shall provide critical organizational information, arrange for opportunities to tour facilities and
93 meet with key staff. At any time, if there are facilities or programs about which a Councilor
94 would like more information, arrangements will be made to provide the information and increase
95 the Councilor's awareness.

96 **C. Councilor Awareness**

97 The Council realizes that Councilors should make an effort to broaden and increase their
98 knowledge of information and skills directly related to their responsibility to govern the Town,
99 and that efforts should be made to appropriate sufficient funds for this purpose.

100 To ensure effective management of the annual budget, prior to incurring and requesting
101 reimbursement for such expenses, individual Councilors must obtain the approval of the Council.
102 Such approval is required for any individual expense that would be paid from the Council
103 Expense accounts.

104 **CHAPTER 2 - DEFINITIONS**

105 **Ordinance** means a local law of the Town of Kittery, duly enacted by the Council or by
106 referendum, prescribing general, uniform, and permanent rules of conduct relating to the
107 corporate affairs or the government of its inhabitants of the municipality. Ordinances govern the
108 administrative code, zoning, building, safety, and other matters of the municipality.

109 **Order** means a mandate; precept; command or direction authoritatively given; policy or
110 procedure. The Town Council can give instructions to the Town Manager in the form of an order.

111 **Resolution** means a term usually employed to denote the subject matter of which would not

112 properly constitute an ordinance, such as a mere expression of opinion; a vote of thanks or of
113 censure, etc. Such is not law but merely a form in which the Town Council expresses an opinion,
114 will, or intent.

115 **NOTE:** The chief distinction between a “resolution” and an “order” is that a resolution is used
116 whenever the Town Council wishes merely to express an opinion as to some given matter or
117 thing, while by an “order” it is intended to direct and control matters applying to persons or
118 things in general.

119 **Appropriation** means the Council authorization for the expenditure of monies and stipulating the
120 amount, manner and purpose of the item of expenditure. Adoption of the budget constitutes
121 appropriations of the amounts specified therein.

122 **Appropriation Order** means the Town Council order adopting the budget. An appropriation
123 order need not be confined to one subject. Appropriation orders include supplemental
124 appropriations, emergency appropriations, reduction of appropriations, and transfer of
125 appropriations including transfers from one fund to another.

126 **CHAPTER 3 - OVERVIEW OF BASIC TOWN DOCUMENTS**

127 These rules provide a summary of important aspects of Council activities. However, it cannot
128 incorporate all material and information necessary for undertaking the business of a Town
129 Council. Many other laws, plans, and documents, exist which guide or bind the Council to
130 certain courses of action and practices. A summary of some of the most notable documents
131 that establish Council direction is provided below.

132 **A. Kittery Town Charter**

133 The Charter defines the home rule authority of the Inhabitants of the Town of Kittery. It is like
134 the Town Constitution. It was approved by the voters and can be changed only by them through
135 a ballot measure and/or Charter Commission process. The Charter governs the Town Code.
136 Also described within the Charter is the Council-Manager form of government, which is
137 practiced in Kittery. This form of government prescribes that the Council’s role is to establish
138 polices and priorities, while the role of the Town Manager is that of chief executive officer.

139 **B. Kittery Town Code**

140 The Town Code contains local laws and regulations adopted by ordinances. It describes the
141 organization of the municipal officers and officials and responsibilities as well as the
142 appointment of certain Town staff positions and advisory commissions. It includes the local
143 laws and regulations pertaining to administrative operations as well as the local inhabitant laws.

Title 1 – General Provisions

Title 9 – Public Peace, Morals & Welfare

Title 2 - Administration & Personnel

Title 10 – Vehicles & Traffic

Title 3 – Revenue & Finance

Title 11 – General Assistance

Title 4 – Boards, Commissions & Committees

Title 12 – Streets, Sidewalks & Public Places

Title 5 – Business Licenses & Regulations

Title 13 – Public Services

Title 6 - Animals

Title 14 – Reserved

Title 7 – Cable Television

Title 15 – Code of Ethics (Proposed)

144 Appendix A of the Town Code is the municipal Fee Schedule for permitting, licensing, services,
145 application, appeal, or the like, ordained in any title of the Town Code.

146 **C. Maine Statutes**

147 State Law contains many requirements for the operation of town government and administration
148 of towns throughout the state. Kittery is organized in accordance with provisions of the statutes
149 and charter. Kittery is a “Charter Town” and has adopted local provisions to determine how the
150 Town is structured.

151 Councilors should become familiar with Maine Revised Statutes (MRS) Title 30-A, Municipalities
152 and Counties:

General Provisions §2001 - §2006	Municipal Fire Protection §3151 - §3157
Home Rule §2101 - §2109	Parks, Trees and Playgrounds §3252 - §3291
Regional Cooperation §2301 - §2343	Public Dumps §3351 - §3353
Quasi- Municipal Districts §2351 - §2357	Sewers and Drains §3401 - §3446
Meetings and Elections §2501 - §2556	Transportation §3501 - §3519
Municipal Officials §2601 - §2705	Municipal Rent Control §3601 - §3606
Municipal Records §2751 - §2757	General Provisions §3701 - §3703
Municipal Reports §2801 - §2802	Economic Regulation §3751 - §3981
Ordinances §3001 - §3014	Planning and Land Use §4301 - §4457
Health, Welfare and Improvements §3101 - §3110	Planning and Zoning §4501 - §4554

153 **D. Annual Budget**

154 The fiscal year of the Town begins on the first day of July and ends on the last day of June of
155 the ensuing year. The Town’s annual budget provides a description of Town services and the
156 resources used to provide those services. The Town’s budget process is defined in Town
157 Charter Article VI, Financial Procedures.

158 **E. Capital Improvement Plan (CIP)**

159 The Town has developed an extensive capital plan which provides a 5-year outlook for asset
160 management and capital investment projects. The Town’s capital program process is defined in
161 Town Charter, Section 6.05.

162 **F. Comprehensive Plan**

163 Pursuant to a state mandate and Charter Section 8.02, the comprehensive plan is adopted by
164 the voters and provides the overarching vision and goals for the Town including future land use
165 and development plans and policies. The comprehensive plan is updated every 10 years.

166 **G. Disaster Plan**

167 The Town has established Emergency Management Regulations that guide the Town in its
168 response protocols and procedures in the event a major manmade or natural disaster occurs.

169 **CHAPTER 4 - COUNCIL GENERAL POWERS AND RESPONSIBILITIES**

170 **A. Town Council Generally**

171 The powers of a Town Council in Maine to establish policy are quite broad. Essentially,
172 Councils may undertake any action related to Town affairs other than those forbidden or
173 preempted by State or Federal law, or local Charter. Specifically, the Council has the power, in
174 the name of the Town, to do and perform all acts and things appropriate to a municipal
175 corporation and the general welfare of its inhabitants and which the Constitution and laws of the
176 State of Maine do not specifically forbid.

177 Councilors should familiarize themselves with the entire Town Charter, particularly Section 2.07,
178 Enumeration of Powers.

179 **B. Powers**

180 It is important to note that the Council acts as a body. No member has any extraordinary
181 powers beyond those of other members. While the Chairperson has some additional
182 ceremonial and other responsibilities as described below, in the establishment of policies,
183 voting, and in other significant areas, all members are equal.

184 **C. Policy**

185 It is also important to note that policy is established by at least a majority vote of the Council.
186 While individual members may disagree with decisions of the majority, a decision of the majority
187 does bind the Town to a course of action. In turn, it is the Town Manager's responsibility to
188 ensure the policy of the Council is upheld. Actions of the administration to pursue the policy
189 direction established by a majority of Council do not reflect any bias against Councilors who
190 held a minority opinion on an issue.

191 **D. Ethical Behavior**

192 The basic rationale for regulation of ethics among Kittery's municipal officials is to foster and
193 preserve public trust in the fundamental integrity of local government. Even where an official's
194 conduct may not be legally proscribed, personal relationships or competing interests may create
195 an appearance of impropriety sufficient to undermine public confidence in the fairness and
196 honesty of local officials. 30-A MRS §2605(6)) therefore encourages officials to avoid the
197 appearance of a conflict of interest by disclosure or by abstention in such cases.

198 The Town also has a Code of Ethics Ordinance (Title 15) that governs the Town Council and
199 other municipal officials in their conduct. Councilors should familiarize themselves with Title 15.

200 **E. Other Service**

201 Limitations are imposed on a Council member's ability to serve on advisory boards of the Town.
202 No member of the Council may be appointed to or serve as a voting member of any Town
203 board, committee, or commission, whether composed of citizen volunteers, Town employees, or
204 a combination of both except as duly authorized by the Council. This is not construed as
205 prohibiting members of the Council from serving on committees or subcommittees of the
206 Council itself, or of agencies representing other levels of government.

207 Councilors are assigned as liaison to the following established committees:

208 Capital Improvement Program Committee

- 209 Comprehensive Plan Update Committee
- 210 Economic Development Committee
- 211 Kittery Community Center Board of Directors
- 212 Mary Safford Wildes Trust
- 213 Open Space Advisory Committee
- 214 Recycling Scholarship Selection Committee
- 215 Warrant Review
- 216 Other assignments may arise as needed.

217 **F. Other Participation**

218 Councilors are encouraged to participate and provide leadership in regional, state, and national
219 programs and meetings. Councilors are strongly encouraged to report to the Council on matters
220 discussed at subcommittees and other regional, state, and national board/agency/group
221 activities in which they have been involved.

222 **G. Community Activities**

223 Councilors may choose to participate in community activities, committees, events, and task
224 forces. When a Council member participates in these types of activities, the Council member is
225 acting as an interested party rather than acting on behalf of the Town Council and must ensure
226 that is clearly understood by all parties engaged in such activities.

227 **CHAPTER 5 - SUPPORT PROVIDED TO TOWN COUNCIL**

228 **A. Staff/Clerical Support**

229 General staff and administrative support to members of the Council is provided through the
230 Town Manager's Office.

231 **B. E-Mail and Computer Access**

232 Each Councilor is offered a Town of Kittery email account for corresponding with constituents,
233 other members of Council, and other town-related contacts. The Town's e-mail system is for
234 the conduct of official business, and not for personal or political reasons.

235 **1.** All email correspondence, both in- and out-of-, town issued email accounts is public records
236 under the "Right to Know Law". This means that they are open for public viewing in the event
237 of any legal discovery and inquiries under the Freedom of Access Act (FOAA). Emails are
238 retained via backup procedures for these purposes. This includes emails deleted from town-
239 issued mailboxes.

240 **2.** Distribution of email accounts and email access is given after a Councilor is sworn in.

241 **C. Meeting Rooms**

242 Conference rooms are available on the first floor of Town Hall for shared use by staff and
243 members of the Council. Large meeting room space in Town facilities can also be reserved for
244 use of Councilors by the Town Manager's Office staff.

245 **D. Mail, Deliveries**

246 Members of the Council receive-mail and other materials from the public, private interests, and
247 staff, at Town Hall. A mailbox is maintained in the mail room at Town Hall for each member. In
248 addition, the Police Department will hold Council materials for pick-up outside of normal Town
249 Hall business hours. Meeting agenda hard copy materials are available by noon on Thursday
250 prior to a scheduled Regular or Special Council meeting. However, members who prefer to use
251 their computers to access council packet materials can opt out of receiving a hard copy of the
252 Council packet. Time sensitive communications or materials may be delivered via email or
253 facsimile.

254 **CHAPTER 6 - COMMUNICATIONS**

255 **A. Overview**

256 Perhaps the most fundamental role of the Council as a group is communication;
257 communication with the public to assess community opinions and needs; communication with
258 the Town Manager to provide policy direction and to gain an understanding of the implications
259 of various policy alternatives; and, communication with each other in the performance of Council
260 duties. Because the Council performs as a body (that is, acting based on the will of the majority
261 as opposed to individuals), it is important that general guidelines be understood when speaking
262 for the Council. Equally important, when members are expressing personal views and not those
263 of the Council, the public should be so advised.

264 **B. Correspondence from Councilors**

265 Members of the Council could be called upon to write letters to citizens, businesses, or other
266 public agencies. Typically, however, the Town Manager will be charged with transmitting the
267 Town's position on policy matters to outside agencies on behalf of the Council.

268 **1. Personal Communications**

269 On occasion, members may wish to transmit correspondence on an issue upon which the
270 Council has yet to take a position or about an issue for which the Council has no position. In
271 these circumstances, members should clearly indicate within their correspondence that they are
272 not speaking for the Council as a whole, but for themselves as one member of Council.

273 **2. Council Positions**

274 After the Town Council has taken a position on an issue, official correspondence should reflect
275 that position.

276 **3. Speaking for "the Town"**

277 Similar to written correspondence, when members are requested to speak to groups, or are
278 asked the Council's position on an issue, the response should reflect the position of the Council
279 as a whole. Of course, a member may clarify their vote on a matter by stating, "While I voted
280 against X, the Town Council voted in support of it." When representing the Town at meetings or
281 other venues, it is important that those in attendance gain an understanding of the Council's
282 position as well as that of an individual member.

283 **4. Press Conference**

284 Prior to holding a press conference, the Chairperson or Town Manager should, as a courtesy
285 inform all members of the Council. Similarly, prior to holding a press conference a Council

286 member should, as a courtesy, inform the Chairperson or Town Manager and other members of
287 the Council. Statements representing community positions on any issue requires a prior
288 affirmative Council vote endorsing the stated position.

289 **C. Liaison Role**

290 Members of the Council may be assigned to serve in a liaison capacity with one or more Town
291 boards, commissions, or committees. The purpose of the liaison assignment is to facilitate
292 communication between the Council and the advisory body. The liaison also helps to increase
293 the Council's familiarity with the membership, programs, and issues of the advisory body. In
294 fulfilling their liaison assignment, members may elect to attend meetings periodically to observe
295 the activities of the advisory body or simply maintain communication with the chair on a regular
296 basis.

297 When interacting with boards/commissions/committees, Councilors are to reflect the views of
298 the Council as a body. Typically, assignments to liaison positions are made at the beginning of
299 a Council term. The Chairperson will request liaison assignments which are desired by each
300 member and will submit recommendations to the full Council of the various committees, boards,
301 and commissions which Councilors will represent as a liaison. A vote of the Council will be
302 taken to confirm all appointments.

303 **CHAPTER 7 - INTERACTION WITH TOWN STAFF/OFFICIALS**

304 **A. Overview**

305 Council policy is implemented through professional staff. Therefore, it is critical that the
306 relationship between Council and staff be well understood by all parties so policies and
307 programs may be implemented successfully. The Town of Kittery has a long tradition of positive
308 relationships between members of the Council and staff. To maintain these effective
309 relationships, it is important that roles be clearly recognized.

310 **B. Council- Manager Form of Government**

311 Kittery has adopted a Town Council-Town Manager form of government, as defined in the
312 Charter, Articles II and III. This structure reflects that it is the Town Council's role to establish
313 Town policy and priorities. The Council appoints a Town Manager to implement this policy and
314 undertake the administration of the organization.

315 **C. Town Manager**

316 The Manager is appointed by the Town Council to enforce its laws; to direct the daily operations
317 of Town government; to prepare and monitor the budget; and, to implement the policies and
318 programs initiated by the Council. The Town Manager is responsible to the Council as a whole
319 rather than to individual Councilors, and directs and coordinates the various departments.

320 **D. Council-Manager Relationship**

321 The employment relationship between the Council and Town Manager honors the fact that the
322 Town Manager is the chief executive officer of the Town. Council and the Town Manager are a
323 participatory team and the Council is to avoid situations that can result in Town staff being
324 directed, intentionally or unintentionally, by one or more members of the Council. Regular
325 communication between the Council and Town Manager is important in maintaining open
326 communications. All dealings with the Town Manager, whether in public or private, should

327 respect the responsibilities of the Town Manager in administrative matters. Disagreements
328 should be expressed in policy terms, rather than in terms that question satisfaction with or
329 support of the Town Manager.

330 **E. Manager Evaluation**

331 The Town Council is to evaluate the Town Manager on a regular basis to ensure that both the
332 Town Council and Town Manager are in agreement about performance and goals based on
333 mutual trust and common objectives. The Town Council establishes the evaluation criteria and
334 performance review process for the Town Manager

335 **F. Council Informed**

336 As in any professional relationship, it is important that the Town Manager keep the Council
337 informed. The Town Manager respects and is sensitive to the political responsibility of the
338 Council and acknowledges that the final responsibility for establishing the policy direction of the
339 Town is held by the Council. The Town Manager communicates with Council in various ways.
340 In addition to the formal Council meetings, the Town Manager sends email communication, has
341 individual meetings or discussion with Councilors, all to ensure the Council is kept informed on
342 topics.

343 Communication must be undertaken in such a way that all Councilors are treated similarly and
344 kept equally informed. It is equally important that the Council provide ongoing feedback,
345 information, and perceptions to the Town Manager including some response to written
346 communication requesting feedback.

347 **G. Council/Town Attorney Relationship**

348 The Town Attorney is the chief legal advisor for the Town. The Town Attorney serves at the will
349 of the Town Manager. The Council has the right to employ or retain special attorneys, if it
350 deems it to be in the best interests of the Town. No member of the Council may request a legal
351 opinion relative to Town business from the Town's appointed attorneys without prior assent of
352 the Council. All such requests must be made through the Town Manager.

353 **H. Interference with Administration**

354 Except for the purposes of inquiries, the Council or any of its members may deal with Town
355 officials and employees who are subject to the direction and supervision of the Town Manager
356 solely through the Town Manager. Neither the Council nor any of its members may give orders
357 to any such official or employees either publicly or privately.

358 **I. Ordinance Power**

359 The Council by ordinance, may create, change, and abolish offices, departments and agencies,
360 other than the offices, departments and agencies established by the Charter. The Council, by
361 ordinance, may assign additional functions or duties to offices, departments or agencies
362 established by the Charter or by statute, but may neither discontinue nor assign to any other
363 office, department or agency any function or duty assigned by the Charter to a particular office,
364 department or agency.

365 Individual members of the Town Council should not attempt to pressure or influence staff
366 decisions, recommendations, workloads, schedules, and department priorities. If a Council
367 member wishes to influence the actions, decisions, recommendations, workloads, work

368 schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter
369 of Council policy or order to the Town Manager.

370 Should Council members become dissatisfied about a department, they must raise their
371 concerns with the Town Manager, not the department head. Individual Councilors are
372 responsible to communicate concerns as soon as possible and not let them fester.

373 **CHAPTER 8 - ACCESS TO INFORMATION**

374 **A. Access to Information**

375 Individual Councilors as well as the Council as a whole are permitted complete freedom of
376 access to any information requested and are to receive the full cooperation and candor of the
377 Town Manager in being provided with any requested information. The Town Manager will
378 always inform the Council when a critical or unusual event occurs about which the public would
379 be concerned.

380 Councilors should come to meetings prepared – having read item documents as well as any
381 additional information or memoranda that include an update on major projects or evolving
382 issues. Additional information may be requested from the Town Manager, if necessary.

383 **B. Public Records**

384 The law's definition of "public records," while broad, excludes records designated confidential by
385 other laws (see 1 MRS §402(3)). Note that while Council may have the "right-to-know" town
386 confidential information, routine access is limited by the principle of "need-to-know". For
387 example, General Assistance case details are not available to Councilors except for a Fair
388 Hearing proceeding.

389 Because such designations are widely scattered throughout both State and federal statutes,
390 some commonly encountered exclusions are listed alphabetically below.

- 391 1. Ambulance and rescue records, including medical records, 1 MRS §402(3)(H).
392 2. Concealed weapons applications, 25 MRS §2006.
393 3. Criminal history and records information, 16 MRS §611 et seq. This law covers only certain
394 records held by municipal police departments; you must read the definition section carefully to
395 identify what is and is not confidential.
396 4. General assistance, 22 MRS §4306.
397 5. Identities of minors participating in municipal recreation programs, 1 MRS §402(3)(K).
398 6. Income tax information, 26 U.S.C. §6103 et seq. MMA Legal Services routinely advises that
399 tax-related information is not public under most circumstances. This includes FICA
400 withholding and other deductions or withholdings.
401 7. Juvenile records and reports of municipal fire departments regarding the investigation and
402 family background of a juvenile fire setter, 1 MRS §402 (3) (I).
403 8. Nutrient Management Plan, 7 MRS §4202(1) submitted by a person who owns or operates a
404 farm.
405 9. Personnel records, 30-A MRS §2702. This includes records pertaining to an identifiable
406 employee and containing the following: medical information (physical and mental problems);
407 performance evaluations and personal references: credit information, information about the
408 personal history, general conduct or character of members of an employee's immediate family;
409 complaints, charges and accusations of misconduct and replies to same, and other
410 information which may result in disciplinary action. Resumes, applications, references and
411 other information submitted by a person seeking municipal employment, are confidential.
412 Except for letters and notes of reference expressly submitted in confidence, the application,
413 resume, and letters and notes of reference of a successful applicant become public records
414 after that applicant is hired. (Unlisted telephone numbers remain protected.)
415 10. Poverty abatement applications, 36 MRS §841.
416 11. Protection from abuse, 19-A MRS §4008. This law authorizes the court to order the
417 omission or deletion from publicly available records of the address of the plaintiff or minor
418 child; when a municipal official receives a copy of such an order, the confidentiality of that
419 address must be maintained.
420 12. Voter address, 21–A MRS §22(3). Where a voter submits to the registrar a signed
421 statement that the voter has good reason to fear for the safety of the voter or the voter's family
422 if the voter's address were public, the registrar shall treat that voter's address only as
423 confidential, and not as a public record.

424 Moreover, because statutes regarding confidentiality are enacted almost annually, a thorough
425 search of Maine statutes should be undertaken before making a request for records.

426 **C. Magnitude of Information Request**

427 Any information, service-related needs, or policy positions perceived as necessary by individual
428 Councilors which cannot be fulfilled based on these guidelines should be scheduled for a
429 Council meeting. If so directed by action of the Council, the Town Manager will proceed to

430 complete the work within a Council-established timeline.

431 **D. Copy Costs**

432 The cost charged by the Town for making copies of any materials, excluding those produced by
433 the Planning Department, access to which the public is entitled, is twenty-five (25) cents a copy.

434 **CHAPTER 9 - TOWN COUNCIL MEETINGS & WORKSHOPS**

435 **A. Council Meetings**

436 **1. Regular Meetings**

437 The regular meetings of the Council are held in the Council Chambers of the Town Hall on either
438 the second or fourth Monday of each calendar month, or both. Public proceedings commence
439 at the time stated on the posted agenda for each meeting.

440 When said meeting falls on a holiday or is otherwise postponed, the regular meeting is held on
441 the following Wednesday, at the same time and place.

442 The Maine Freedom of Access Law, 1 MRS §406 requires notice to be given in ample time to
443 allow public attendance and must be disseminated in a manner reasonably calculated to
444 notify the general public.

445 Items for consideration by the Council may be reviewed at a workshop of the Council; however
446 no action may be taken during a workshop.

447 Councilors should inform the Chairperson as soon as possible if they expect to be unable to
448 attend on a set meeting date. .

449 **2. Special Meetings**

450 Special meetings may be called by the Chairperson or by four members of the Town Council.
451 Notice of such meeting must, when possible, be given at least twelve (12) hours before the time
452 for holding the meeting. The call for the meeting must set forth the matters to be acted upon
453 and nothing else may be considered.

454 Special meetings include public comment time as provided at regular Council meetings, but
455 such public comment is limited to the matters on the agenda for the meeting. Notices of such
456 meetings must include the name(s) of the person(s) requesting the meeting.

457 Notice requirements of the Right to Know Law must be complied with for all meetings; minutes
458 of the meeting are to be taken by the Town Clerk, or designee, and be made available for public
459 inspection.

460 **3. Other Locations**

461 The date and venue of any regular meeting may be changed upon the vote of the Council,
462 provided, however, that said change in date, or venue, will still provide for at least one regular
463 meeting in each month.

464 **4. Canceled Meetings**

465 When the Council deems appropriate, one or more regular meetings may be canceled by a
466 majority vote of the Council. The Council must meet regularly, however, at least once each
467 month. The Chairperson may cancel a Council meeting during a winter storm event, or other
468 emergency situation.

469 **5. Placing Items on Agenda**

470 Town Council: Any Council member may request an item to be considered on a future agenda.
471 Such request must be submitted to the Town Clerk no later than 4:00pm on the Tuesday
472 preceding a Regular Meeting.

473 Members of the public: A member of the public may request an item/and or petition to be
474 placed on a future agenda through communication with Councilors. The Chairperson will review
475 and act upon the request. Some requests may not require Council action.

476 **6. Items not on the Agenda**

477 Items not on the agenda may be added to the agenda only if the Council makes findings that (1)
478 the need to consider the item arose after the posting of the agenda; and, (2) there is a need to
479 take immediate action at this meeting of the Town Council.

480 **7. Deadlines**

481 The agenda closes at 4:00pm on the Tuesday before a Monday meeting. All agenda item
482 reports, commentaries, and supporting documentation for Council meetings and workshops
483 must be turned in by 4:00pm the Tuesday before the scheduled meeting, so that the agenda
484 and packets can be prepared and ready for distribution by noon on the Thursday prior to the
485 meeting.

486 **8. Council Action**

487 The Town Council shall act only by ordinance, order, resolve, and by consensus. Actions of the
488 Council are recorded in the minutes of the Council meeting.

489 **9. Effective Date Of Council Actions**

490 All actions of the Council, except ordinances, take effect immediately upon passage. The
491 effective date of ordinances is governed by Section 2.14, Paragraph 3 of the Town Charter.
492 Emergency Ordinances take effect immediately, when adopted in accordance with Town
493 Charter Section 2.15.

494 **10. Duties Of The Chairperson**

495 The Chairperson shall assume the chair at the time appointed for the meeting; call the members
496 to order; provide for introductory and pledge of allegiance; cause the roll to be called; and, a
497 quorum being present, proceed to conduct the business of the Council according to the
498 published agenda.

499 The Chairperson shall preserve decorum and order; speak to points of order in preference to
500 other members; and, decide all questions of order subject to an appeal to the Council by motion
501 regularly made and seconded, and no other business is in order until the question on appeal be
502 decided.

503 The Chairperson shall declare all votes, but if any member doubts a vote, the Chairperson shall
504 cause a return of the members voting in the affirmative and in the negative without debate.

505 All persons wishing to speak, whether they are Council members or members of the general
506 public must first be recognized by the Chairperson.

507 The Chairperson enjoys the same rights and privileges as other members of the Council,
508 including the introduction and seconding of motions and participation in debate.

509 **11. Vice Chairperson**

510 The position of Vice Chairperson serves in the temporary absence or disability of the
511 Chairperson.

512 **12. Voting**

513 Voting is by a randomly sequenced roll call with the Chairperson voting last. Councilors shall
514 indicate their vote by an Aye or Nay, or by abstention, when polled. No Councilor may be
515 excluded from participation in debate on any question except as required by Town Charter, state
516 statute, or Town Code (currently Section 12.01, 30-A MRS §2605, or Title 15, respectively).
517 Councilors have the right to change their vote up to the time the vote is announced by the
518 Chairperson.

519 The vote must be recorded in the minutes of the meeting to indicate each Councilor's vote, or
520 abstention.

521 **B. Televised Meetings**

522 As part of its franchise agreement with the Town of Kittery, the licensed cable provider provides
523 the Town with a channel (22) on the local cable television system as a means for providing
524 municipal information to the citizens of Kittery, broadcast live. The Town also provides live-
525 streaming video for global internet access.

526 The Town Hall Chambers is equipped with a public address system. The system provides
527 microphones at the dais, and a lectern. There are several issues related to the sound system
528 which are important to keep in mind.

529 **1. Open Microphones**

530 Use caution when discussing matters near a microphone before the meeting starts. During the
531 cable television setup process, microphones are on and televising background sounds even
532 before the meeting starts.

533 **2. Public Comment – Lectern**

534 Have all speakers come forward to the lectern. Do not allow people to speak from the
535 audience, as those viewing on television cannot hear them. See Appendix A – Decorum of the
536 Public.

537 **C. Agenda / Order of Business**

538 **1. Agenda**

539 In order that advance notice of the matters to be discussed at Council meetings is afforded
540 interested parties, all meetings of the Council will be conducted according to the agenda.

541 An agenda will be prepared for each regular meeting and posted by the Thursday preceding
542 said meeting.

543 When practicable, an agenda will be prepared at least twelve hours in advance of a special
544 meeting; delivered to all Council members and posted as normal meetings are posted.

545 All Town Manager's memoranda of interest to the Council members will be issued to them at
546 least seventy-two hours before a regular meeting.

547 To the extent possible, matters to be discussed at a meeting by the Town Manager or

548 Chairperson will be listed on the agenda under Chairperson Communications, or Town
549 Manager's Report, respectively.

550 The category of Unfinished Business is specifically reserved for Council business discussed at a
551 previous meeting that has been postponed or continued to the meeting for which the present
552 agenda is prepared.

553 The New Business section of the agenda is reserved for those matters which a Councilor wishes
554 to introduce anew.

555 Except as provided in Charter Article XI, no proposal for ordinance enacting, repeal, or
556 amendment, may lie before the Council unless introduced by a Council member or the Town
557 Manager.

558 All reports or proposals made to the Council, which require or request that an action be taken by
559 the Council, are to be submitted in written form. The content will be presented in as concise and
560 direct a manner as possible and may include:

- 561 • Executive Summary
- 562 • Statement of Need
- 563 • Background
- 564 • Proposed Solution / Recommendation with Rationale (including costs)

565 **NOTE:** Not every header category is needed for every report. For example, a brief topic
566 without funding may have only "Background", and "Recommendation".

567 The agenda consists of the following categories:

- 568 1. Call to Order
- 569 2. Introductory
- 570 3. Pledge of Allegiance
- 571 4. Roll Call
- 572 5. Agenda Amendment and Adoption
- 573 6. Town Manager's report
- 574 7. Acceptance of previous minutes
- 575 8. All items involving municipal officials or guests.

576 Allocated for topics requiring the presence of Town staff, Attorney, Auditor, engineering, etc.
577 Also the item for conducting the Charter-required interviews for the Board of Appeals and
578 Planning Board.

579 Persons who are represented by legal or engineering consultants, who are present and wish
580 to address the Council, shall notify the Chairperson prior to the Council Call to Order of the
581 subject they wish to speak on and will be heard at this time.

- 582 9. Public hearings
- 583 10. Public Comment
- 584 a. Comment by members of the public (3 minutes per person)

- 585 b. Response to public comment directed to a particular Councilor
- 586 c. Chairperson's response to public comments.

587 11. Unfinished business

588 12. New business

- 589 a. Donations/gifts received for Council disposition
- 590 b. Disbursement Warrants

591 13. Councilor issues or comment

592 14. Committee and other reports

- 593 a. Communications from the Chairperson
- 594 b. Committee reports

595 15. Executive session, if required

596 16. Adjournment

597 **2. Order of Business**

598 Immediately following the roll call, the Chairperson may amend and must adopt the agenda,
599 except no matter requiring public notice may be added without such notice. Agenda
600 amendment after adoption may be made only by majority vote.

601 **3. Town Manager Report**

602 The Town Manager provides an update on relevant and pertinent activities, issues of the town
603 operation, responses to Council requests, and seeks when appropriate Council direction on
604 pending matters.

605 **4. Approval/Correction of Minutes**

606 Minutes of the Town Council meetings are "Action Based" minutes, wherein little narrative is
607 included, and only motions and votes are shown in the record. Such minutes are to be
608 submitted to the Council for approval and/or correction in draft form at a subsequent regular
609 meeting. It is the policy of the Council only the members of the Council, the Town Manager, and
610 the Town Clerk have the authority to revise the minutes subject to a majority vote of the Council.
611 Councilors having only typographical corrections to minutes are encouraged to provide such
612 corrections to the Town Clerk directly and need not wait to submit such corrections at a
613 meeting. As a time saving measure, even full correction items should be communicated to the
614 Town Clerk before the meeting.

615 **5. Action Items**

616 Items requiring Council vote that may require additional information. A Council member may
617 ask questions on any item on the agenda. Councilors are encouraged to seek clarifications prior
618 to the meeting, if possible. A member may move that an item be postponed to the next Council
619 meeting, to a date specific, or upon a contingent requirement, for further attention by motion,
620 with a second and majority vote to approve.

621 **6. Executive Session**

622 The ability of a Council to conduct executive sessions, closed to the public, is restricted by state

623 law. The Maine Freedom of Access Law, 1 MRS §405, states that “Executive sessions may be
624 called only by a public recorded vote of five of the members present and voting. A motion to go
625 into executive session must indicate the precise nature of the business of the executive session
626 and include a citation of one or more sources of statutory or other authority that permits an
627 executive session for that business.”

628 A motion to go into executive session must indicate whom the Council will admit to, or meet
629 with, in Executive Session. Certain defined circumstances exist wherein a Town Council may
630 meet without the public in attendance. Such circumstances include:

631 a. Real Property: The purchase, sale, exchange or lease of real property.

632 b. Litigation: Pending or a significant exposure to litigation, or the decision to initiate litigation.

633 c. Personnel: An executive session is held to discuss the appointment, employment, evaluation
634 of performance, or dismissal of the Town Manager or other public employees directly hired by
635 the Town Council; to hear complaints against the Town Manager or other public employees
636 directly hired by the Town Council, or an Advisory Board member, unless the subject of the
637 hearing requests a public hearing.

638 d. Labor: Labor contracts, proposals, and meetings between a public agency and its negotiators.
639 The parties must be named before the body or agency may go into executive session.
640 Negotiations between the representatives of a public employer and public employees may be
641 open to the public if both parties agree to conduct negotiations in open sessions

642 e. Property Tax Abatements. Under 36 MRS §841, municipalities may abate (forgive) a
643 property tax for “error or mistake” including illegality or irregularity, or for reason of “infirmity or
644 poverty”.

645 f. General Assistance Hearing 22 MRS §4306.

646 It is critical to stress that there must be no violation of closed session confidential information.
647 Members of the Council, employees of the Town, or anyone else present must not disclose to
648 any person, including affected/opposing parties, the press, or anyone else, the content or
649 substance of any discussion, which takes place in a closed session without Council direction
650 and concurrence.

651 Typically, executive sessions are scheduled at the conclusion of the public portions of the
652 meeting. This is done so public portions of the meeting are not interrupted by closed sessions.
653 In addition, such sessions may require the attendance of special legal counsel and consultants.
654 In an attempt to manage the costs of these professionals, it is beneficial to conduct closed
655 sessions at a time certain.

656 **D. General Procedures**

657 **1. Robert’s Rules of Order Adopted**

658 The Town Council has adopted a modified version of Roberts Rules of Order. While utilizing all
659 of Roberts Rules by reference, this adoption of modified rules was undertaken to simplify
660 procedures. Roberts Rules was developed for large-scale legislative bodies. A scaled-down
661 and modified version is more appropriate for a Council having seven members. The full
662 resolution detailing these modified rules as periodically amended appears in Appendix B.

663 **2. Parliamentary Procedure Policy**

664 It is the policy of the Council not to become involved in the entanglements over a parliamentary

665 procedure. Consistent with the Town Charter, and any applicable Town ordinance, statute, or
666 other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing
667 not otherwise provided for herein may be determined by the Chairperson, subject to appeal to
668 the full Council.

669 **3. Presiding Officer**

670 The Chairperson is the Presiding Officer at Council meetings. In the absence or incapacity of
671 the Chairperson, the Vice Chairperson serves as presiding officer. The Chairperson has
672 authority to preserve order at all Council meetings, to remove any person from any meeting of
673 the Council for disorderly conduct pursuant to Appendix A, to enforce the rules of the Council.
674 The Chairperson is the facilitator of Council meeting. In the role as facilitator, the Chairperson
675 will assist the Council to focus on their agenda, discussions and deliberations.

676 **4. Quorum**

677 Four of the Councilors constitute a quorum for the transaction of business.

678 **5. Discussion Rules**

679 Proper decorum befitting the gravity of their solemn duties, is expected of all Councilors during
680 the conduct of meetings.

681 Councilors wishing to speak shall respectfully address the Chairperson, and confine their
682 comments to the question under debate, or the issue the Councilor wants to raise.

683 No member may be interrupted by another, but for a point of order or to correct a mistake, and
684 only upon recognition by the Chairperson.

685 **6. Comments for the Record**

686 If a Council Member desires for a comment to be included in the minutes, it is the Councilor's
687 responsibility to indicate that the statement is "for the record" before making the comments.

688 **7. Discussion Limit**

689 A Council member should not speak more than once on a particular subject until every other
690 Council member has had the opportunity to speak. Councilors are encouraged to discuss items
691 during the decision-making process and may ask the Town Manager, through the Chairperson,
692 to respond when appropriate. The Chairperson should allow other members to speak first and
693 then offer views and summarize.

694 The Chairperson may recognize the Town Manager or town staff, consultants, or others with
695 pertinent knowledge of the subject matter to answer questions or provide information for the
696 Council consideration of the matter.

697 **8. Recusal or Abstention from Voting**

698 A conflict of interest, bias, or other reason for abstention or recusal, must be declared whenever
699 appropriate and in compliance with state law and Town Code Title 15. The affected Council
700 member may not participate in the discussion or vote on the item. Councilors recusing
701 themselves must move to the public area of Chambers. If a Council member abstains because
702 of a legal conflict, the member must briefly state on the record the nature of the conflict. The
703 clerk will register an "Abstained" vote in the minutes.

704 **9. Conducting business at a late hour**

705 After 10:00pm, a vote of four or more members of the Council is required to conclude a matter
706 at hand or begin consideration of a new item of business.

707 **10. Other Protocol**

708 Other guidelines have also been adopted to ensure meetings of the Council emphasize the
709 importance of the business being conducted in a professional manner. Public decorum is
710 addressed in Appendix A. Councilors and staff shall:

- 711 a. Work to preserve appropriate order and decorum during all meetings,
- 712 b. Discourage side conversations, disruptions, interruptions or delaying efforts,
- 713 c. Councilors should inform the Chairperson when departing from a meeting,
- 714 d. Limit disruptive behavior.

715 **11. Meeting Break Limit**

716 The Council has authorized the Chairperson to resume the meeting if a quorum exists and other
717 members have not returned from break within the allotted time.

718 **12. Speaker Time Limit**

719 While the Town Council encourages and embraces the need for, and right of, public
720 participation, it acknowledges that public comments must, at times, be limited. Speakers shall
721 limit their comments to three (3) minutes. The Town Council authorizes the Chairperson, as
722 presiding officer, to poll the audience for an indication of the number of people wishing to speak,
723 and impose alternate time limits per speaker when necessary due to the volume of business.
724 After the time limit, Council may ask questions of the speaker for clarification, if needed.
725 Speakers will be thanked for their participation.

726 **13. Enforcement of Order**

727 Any Council member may request the presiding officer to enforce the rules of protocol. Upon a
728 point of order, the presiding officer shall rule accordingly.

729 **14. Values of Respect**

730 The Council has also recognized the importance of approaching the public's business in an
731 environment of personal respect and courtesy that places emphasis on the consideration of
732 policy and avoids personalization of comments. Councilor members, staff, and members of the
733 public participating in Council meetings are bound by the following guidelines:

- 734 a. Discussion should focus on the specific matter before the Council,
- 735 b. Personal criticism is inappropriate,
- 736 c. Proper decorum should be displayed as others express their views, and
- 737 d. All participants will be treated equally.

738 **15. Voting Procedures**

739 When present, all Councilors are to vote, unless they exercise their right of abstention. Voting is
740 to be open, random roll call with the Chairperson voting last, and the Aye or Nay vote of each
741 Councilor be recorded in the minutes, except for procedural or routine administrative matters
742 which may be voice votes. No ordinance, resolution or motion may be passed or become
743 effective without an affirmative vote. Councilors may declare consensus at the discretion of the
744 Chairperson, if there are no negative votes or objections. Upon the request of any Council
745 member, a roll call vote will be taken and recorded.

746 **16. Motions in Writing**

747 Motions must be reduced to writing if the Chairperson so directs.

748 **17. Reconsideration of the Vote**

749 When a vote is concluded, it is in order for any member who voted on the prevailing side to

750 move a reconsideration thereof at the same or next regular meeting.

751 **18. Suspension of the Rules**

752 The rules may not be dispensed with, or suspended, unless five members of the Council
753 consent thereto. No rules may be adopted, amended, or deleted without notice in writing being
754 given at the preceding regular meeting.

755 **19. Non Exclusive Rules**

756 The rules set forth are not exclusive and do not limit the inherent power and general legal
757 authority of the Council, or of its presiding officer, to govern the conduct of Council meetings as
758 may be considered appropriate from time to time or in particular circumstances for purposes of
759 orderly and effective conduct of the affairs of the Town.

760 **20. Rules / Policy Copies**

761 The Town Clerk shall maintain copies of Council rules and policies and provide same to the Rice
762 Public Library.

763 **CHAPTER 10 - OPEN MEETING LAW**

764 Operations and procedures of the Town and Council incorporate requirements of the state's
765 Right to Know law. Because this law is such an important part of local government operations,
766 some specific requirements of the law are highlighted below for your information and future
767 reference.

768 **A. Applicability**

769 The entire Town organization conducts its business in compliance with the Freedom of Access
770 Law. The intent of the Law is to ensure that deliberation and actions of local public agencies
771 are conducted in open and summarized in this chapter.

772 The Law applies to Council and all commissions, boards, and committees that advise Council.
773 Staff cannot promote actions that would violate the Law.

774 **B. Meetings**

775 All meetings are open and public. A Town Council meeting takes place whenever a quorum (4
776 or more members) is present and information about the business of the body is received;
777 discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under
778 the Act unless Town business is discussed in public meetings.

779 **C. Correspondence**

780 All writings distributed for discussion or considerations at a public meeting are public records
781 unless exempted by state law.

782 **CHAPTER 11 - PROCEDURAL ADMINISTRATION**

783 **A. Review of Town Council Rules**

784 The Council will review and revise the Town Council Rules as needed.

785 **B. Adherence to Rules**

786 During Town Council discussions, deliberations and proceedings, the Chairperson is
787 responsible to ensure that the Town Council, staff and members of the public adhere to the
788 Council's adopted rules and procedures.

789 **C. Town Manager as Rule Advisor**

790 The Town Manager assists the Chairperson as a resource to confer with and an advisor for
791 interpreting the Council's adopted Rules.

792 **D. Adherence to Administrative Procedure and Process Procedures**

793 The Council has delegated the Chairperson responsible to discuss, on behalf of the full Council,
794 any perceived or inappropriate administrative action with a Council member. The Chairperson
795 will discuss with the Council member the action and suggest a more appropriate process or
796 procedure to follow. After this discussion, if further inappropriate action continues, the
797 Chairperson will report the concern to the full Council.

798 **CHAPTER 12 - ADDITIONAL TRAINING & RESOURCE MATERIALS**

799 **A. Maine Municipal Association (MMA)**

800 The MMA is an association of municipalities in Maine, of which the Town of Kittery is a member.
801 It provides many levels of service including the production of educational conferences for local
802 officials, publication of various newsletters and a monthly magazine The Maine Townsman. As
803 well, MMA's member services legal staff is available to respond to questions with regard to
804 policy and legal questions.

805 The MMA also has lobbyists on staff that represents the interest of cities before the state
806 legislature and federal government. Committees having local officials as members are also
807 organized around the interests of Town departments (e.g. Town Council, Town Manager, Town
808 Clerk, Fire, Police, Community Services, Community Development) to address issues as they
809 arise.

810 The MMA has an internet web site at www.memun.org. MMA annually holds an Elected
811 Officials seminar. New Councilors are encouraged to attend.

812 **B. International Town Management Association (ICMA)**

813 ICMA is a professional association of local government chief executives, of which the Town
814 Manager is a member. The association has an extensive list of publications to assist local
815 officials. The Association's Elected Officials Handbook series can be of great value to
816 Councilors. Publications have also been developed on every basic Town service.

817 **C. Resource Materials**

818 The reference material listed below is available upon request to the Town Manager's Office:

- 819 1. Roberts Rules of Order
- 820 3. A Guide to the Freedom of Access Law a/k/a "Right to Know Law"
- 821 4. Enacted Council and Town Manager Goals
- 822 5. Travel and Training Policy
- 823 6. Other Reference Material on File:
- 824 b. Town of Kittery Municipal Code
- 825 c. Maine Revised Statutes
- 826 d. Current Operating and Capital Budget

- 827 e. Annual Audit
- 828 f. York County Budget

829 **APPENDIX A – DECORUM OF THE PUBLIC**

830 Council meetings are to be conducted with the gravitas deserving of conducting the Town's
831 Business.

832 Any persons wishing to speak during the Public Comments portion of the meeting or on a Public
833 Hearing item must first be recognized by the Chair.

834 Any person wishing to address the Council during Public Comments will be given an opportunity
835 to do so in accordance with the following procedures limited to 3 minutes per person.

836 1. The Public Comment section of the agenda is reserved for members of the public who wish
837 to address the Council on any matters listed on the agenda or on other matters they wish to
838 bring to the Council's attention.

839 2. Any person wishing to have an item listed on the agenda under Public Comment shall submit
840 the matter to be discussed in writing to the Town Clerk by 4:00 p.m. on the Tuesday preceding
841 the Thursday that the agenda is to be posted.

842 3. Persons wishing to address the Council during Public Comment will signify their desire by
843 raising their hand and, when recognized by the Chairperson, request permission to address the
844 Council, giving their name and address, then designating the subject matter on which they
845 desire to address the Council.

846 4. Members of the public, addressing the Council during the Public Comment section of the
847 agenda must limit their statements to the Council, to no more than three minutes per person
848 unless the Chairperson finds it necessary to allow more time.

849 5. Persons wishing to address the Council on an item which appears on the agenda after Public
850 Comment must wait until the Chairperson announces the consideration of such item, at which
851 time, after being recognized, they may address the Council on that particular item.

852 However, once the Council has begun its deliberation on the item, no person is permitted to
853 address the Council unless the Chairperson, having determined that the Council's deliberations
854 appear finished, and that the item under consideration is of great concern to members of the
855 public gathered, permits persons in the audience to address the Council before closing the
856 Comment and calling for Council vote.

857 6. Response to Public Comments.

858 In order to assure that the Council is speaking as one voice when responding to public
859 comments all general responses shall be made by the Council Chairperson.

860 The Chairperson is responsible for any subsequent follow-up response to the speakers. In the
861 event a member of the public addresses an issue to a particular Councilor, the Chairperson will
862 invite such Councilor to respond directly, if that Councilor so desires.

863 Members of the audience may not engage in boisterous conduct, including the utterance of
864 loud, threatening, belligerent, obscene, or abusive, language, whistling, stamping of feet or
865 other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the Town
866 Council meeting unfeasible.

867 A portion or all of the public may be removed if disruption makes conducting the meeting
868 "unfeasible"; the press may remain unless they participate in the disruption.

869 Each person addressing the Council shall do so in an orderly manner and must not make
870 repetitious, slanderous, libelous, insulting, prohibited speech, fighting words, or irrelevant,
871 remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise
872 impedes the orderly conduct of the Council meetings.

873 Accordingly, if unbidden public discussion of charges or complaints against a person or persons
874 appointed by the Town Council could be reasonably expected to cause damage to an
875 individual's reputation or the individual's right to privacy would be violated, such matters may not
876 be addressed during Public Comments.

877 A member of the audience engaging such behavior or speech will be instructed by the Chair of
878 this requirement and ordered to cease and desist. Anyone repeatedly or continuously engaging
879 in any such conduct, at the discretion of the Chair or a majority of the Council, is subject to
880 ejection from that meeting.

881 **APPENDIX B – ROBERT’S RULES SUMMARY & MOTIONS TABLE**

882 **Robert's Rules of Order - Summary Version**
883 **For Fair and Orderly Meetings & Conventions**

884 **The Rules**

- 885 • **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if
886 necessary!
- 887 • **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or
888 raise a point of order.
- 889 • **Point of Information:** Generally applies to information desired from the speaker: "I should
890 like to ask the (speaker) a question."
- 891 • **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda
892 requires Suspending the Rules).
- 893 • **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised
894 immediately after the error is made.
- 895 • **Main Motion:** Brings new business (the next item on the agenda) before the assembly.
- 896 • **Divide the Question:** Divides a motion into two or more separate motions (must be able to
897 stand on their own).
- 898 • **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and
899 amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper
900 is then open to amendment, and paragraphs may be further amended. Any Preamble cannot
901 be considered until debate on the body of the paper has ceased.
- 902 • **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or
903 resolutions.
- 904 • **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an
905 amendment without obtaining the floor.
- 906 • **Commit /Refer/Recommit to Committee:** State the committee to receive the question or
907 resolution; if no committee exists include size of committee desired and method of selecting the
908 members (election or appointment).
- 909 • **Extend Debate:** Applies only to the immediately pending question; extends until a certain
910 time or for a certain period of time.
- 911 • **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time.
- 912 • **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed.
- 913 • **Object to Consideration:** Objection must be stated before discussion or another motion is
914 stated.
- 915 • **Lay on the Table:** Temporarily suspends further consideration/action on pending question;
916 may be made after motion to close debate has carried or is pending.
- 917 • **Take from the Table:** Resumes consideration of item previously "laid on the table" - state
918 the motion to take from the table.

- 919 • **Reconsider:** Can be made only by one on the prevailing side.
- 920 • **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion
921 to reconsider can be made this session.
- 922 • **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if
923 preferred.
- 924 • **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" -
925 informal debate as if in committee; this committee may limit number or length of speeches or
926 close debate by other means by a 2/3 vote. All votes, however, are formal.
- 927 • **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before
928 other business is resumed; NOT debatable if relates to decorum, violation of rules or order of
929 business.
- 930 • **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution);
931 the object of the suspension must be specified.
- 932 © 1997 Beverly Kennedy

Robert's Rules of Order Motions Chart

Based on *Robert's Rules of Order Newly Revised (10th Edition)*

Part 1, Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Part 2, Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT? 2ND?	DEBATE? AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Varies	Majority
§25	Suspend rules	I move to suspend the rules	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	2/3
§27	Divide motion	I move to divide the question	No	No	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	None
§33	Request for information	Point of information	Yes	No	None

Part 3, Motions That Bring a Question Again Before the Assembly.

No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT? 2ND?	DEBATE? AMEND?	VOTE?
§34	Take matter from table	I move to take from the table ...	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Varies	Majority