

**SAMPLE BALLOT  
MUNICIPAL AND REFERENDUM ELECTION  
KITTERY, MAINE  
NOVEMBER 7, 2017**

**Instructions to Voters**

- ◆ To vote for the candidate of your choice, fill in the oval to the left, like this: ●.
- ◆ To vote for a write-in candidate, fill in the oval to the left of the write-in space and write in the person's name.
- ◆ To have your vote count, do not erase or cross out your choice.
- ◆ If you make a mistake, ask for a new ballot.

**TOWN COUNCIL**

(vote for no more than two)  
(3 year terms)

☐ **BROCK, MATTHEW (MATT)**  
50 Goodwin Road, Kittery Point

☐ **ESTES, DENNIS S.**  
5 Goodwin Road, Kittery Point

☐ **LEMONT, KENNETH**  
154 Whipple Road, Kittery

☐ **SPILLER, JUDITH A.**  
3 Rosellen Drive, Kittery Point

☐

.....Write-in

☐

.....Write-in

**SCHOOL COMMITTEE**

(vote for no more than two)  
(3 year terms)

☐ **CHALUPA, NICHOLAS M.**  
5 Folcitt Road, Kittery Point

☐ **HOFFMAN, DANIELLE F.**  
7 Otis Avenue, Kittery

☐ **SAYER, SUZANNE**  
1 Prince Avenue

☐

.....Write-in

☐

.....Write-in

**REFERENDUM QUESTIONS**

**QUESTION #1:**

Shall the Town of Kittery approve the Charter Amendment summarized below?

Key: Strike out text is text to be deleted, Underline text is 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.

☐ Yes

☐ No

**QUESTION #2:**

Shall the Town of Kittery approve the Charter Amendment reprinted below?

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

**§Sec. 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.

☐ Yes

☐ No

**Continue Voting On Back**

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**QUESTION #3:**

Shall the Town of Kittery approve the Charter Amendment reprinted below?

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

**~~§Sec.~~ 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**

**~~§Sec.~~ 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 and 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).

☐ Yes

☐ No

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**QUESTION #4:**

Shall the Town of Kittery approve the Charter Amendment reprinted below?

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

**§Sec. 6.11. Administration of budget.**

21 (2) Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in  
22 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 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.

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42 ☐ Yes

43 ☐ No

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**CONTINUE VOTING ON BACK**



**QUESTION #5:**

Shall the Town of Kittery approve the Charter Amendment reprinted below?

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

**Article IX. Port Authority and Harbor**

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

**Editors 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 hereinafore 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 harbormaster 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.

☐ Yes

☐ No

**You Have Completed Voting**