



TOWN OF KITTERY

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

October 11, 2017

Council Chambers

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

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. 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.

(100117-1) The Kittery Town Council moves to hear an update from the Economic Development Committee.

10. PUBLIC HEARINGS

a. (100117-2) The Kittery Town Council moves to hold a public hearing on an application from Boston Pie, Inc., 12 Tarbox Lane, North Reading, MA for a Victualer's License for Dominos, 450 U.S. Route 1.

b. (100117-3) The Kittery Town Council moves to hold a public hearing to adopt Title 15 Code of Ethics of the Kittery Town Code.

c. (100117-4) The Kittery Town Council moves to hold a public hearing on proposed amendments to Title 10 Vehicles and Traffic and Title 12, Chapter 12.4 Seapoint and Crescent Beaches of the Kittery Town Code.

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.

b. (090217-5) The Kittery Town Council moves to approve the disbursement warrants.

c. (100117-6) The Kittery Town Council moves to authorize the Traip Athletic Boosters to hang a banner across Rogers Road in front of the Kittery Community Center from October 28th to November 12th to promote their craft fair.

d. (100117-7) The Kittery Town Council moves to approve a renewal application from Kittery Foreside LLC, 60 Wallingford Square for a Malt, Vinous and Spirituous Liquor License for Anneke Jans, 60 Wallingford Square.

e. (100117-8) The Kittery Town Council moves to approve a renewal application from Rolling in the Mud LLC, 460 US Route 1, Kittery, ME for a Malt, Vinous and Spirituous Liquor License for When Pigs Fly Pizzeria, 460 US Route 1.

f. (101017-9) The Kittery Town Council moves to reconsider its vote on September 25, 2017, to adopt amendments to Council Rules and Procedures.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

16. EXECUTIVE SESSION

(100117-10) The Kittery Town Council moves to go into executive session in accordance with 1 M.R.S., §405 (6) (A) to conduct the Town Manager's annual evaluation.

17. ADJOURNMENT

Posted: October 5, 2017



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
October 11, 2017

1. **Town Website Upgrade** – We are pleased to announce the Town website conversion is complete. We are working now to promote the E-Alert feature. This feature automatically generates an email to subscribers when content is changed or added. We will continue to work on updating and improving the content and organization as we go. A website feedback survey is available by clicking on Online Services or following the link in the News Announcement at www.kitteryme.gov.
2. **Town Hall Now Accepts Credit Cards** – We now accept credit and debit cards at Town Hall. Fort Foster will also be able to accept credit and debit cards when it reopens in the spring. This completes phase two of our payment modernization effort. The final phase is to allow for payment of parking violations online. Our goal is to implement the final phase by the end of the fiscal year.
3. **Fort Foster Passes** –Fort Foster passes for the next season will be available for purchase in December as usual.
4. **National Guard Use of Fort Foster** – DPW Commissioner David Rich and I met with Captain Doane and his team from the National Guard to discuss their use of Fort Foster. The National Guard will be in Kittery in June to perform work on the Wood Island Life Saving Station, and are seeking an area to house troops while working on the project. I expressed a willingness to consider Fort Foster, if we can identify a location and layout that would not impede visitors use and enjoyment of the park. Having the National Guard at Fort Foster highlights the military history of the site, creates a learning opportunity for the visitors, and supports their planned volunteer efforts at Wood Island.

We reviewed various areas in Fort Foster to identify locations that would meet both the Guard's and our criteria. We have narrowed down the potential location to the area near the new maintenance shed, behind the restrooms. The restrooms would still be fully accessible to the public. We will know more in the coming weeks if the site is workable for their needs and our requirements.

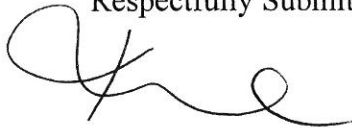
5. **Comprehensive Plan Adoption**– Working with CPUC Chair Russell White and CPUC Council representative Judy Spiller, we have developed a schedule for review of the Draft 2015-2025 Comprehensive Plan and placement on the November 2018 ballot for adoption. Please see enclosed for details.

6. **Seeking Candidates for Boards, Commissions and Committees** – A large number of our appointed boards, commissions, and committees have empty or near empty candidate pools. We will be promoting these volunteer opportunities over the coming month to increase interest in local service, and replenish the candidate lists. Please join me in encouraging residents to get involved and apply to serve on a board, commission or committee in town. Those interested in learning more should contact Town Clerk Maryann Place.

Upcoming Dates:

- Library Working Group Information Session – October 16, 6PM, Traip Academy
- Foreside Study Public Meeting – October 25, 6PM, Town Hall
- Absentee Ballots Available Until November 2, Town Hall
- Trick or Treat – October 30
- First Tax Bill is Due – October 31
- **Election – November 7, 8AM to 8PM, Kittery Community Center**

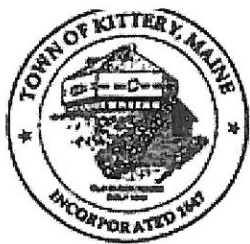
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendra', with a large loop at the end.

Kendra Amaral
Town Manager

DRAFT Review and Adoption Schedule
2015 - 2025 Comprehensive Plan

DATE	ACTION	NOTES
Ongoing	Update Executive Summary and Action Plan	Update documents with comments and input received from the Planning Board in July.
December 2017	Issue Updated Executive Summary and Action Plan	Provide as an "FYI" to Council in packets.
January 2018	CPUC and Town Council Workshop	CPUC to lead a workshop with Council and to gather input on the Comp Plan Exec Summary & Action Plan content.
March 2018	CPUC 30-Day Public Hearing Notice Issued (required by MRS)	
April 2018	CPUC Public Hearing and Final Edits	
April 2018	Submit revised plan to state for review	State review to ensure no significant changes were made. If they deem changes are significant, a second consistency review may be required.
July 2018	Council Schedule Public Hearing on Ballot Measure	
August 2018	Council Hearing on Ballot Measure	
November 2018	Comprehensive Plan Vote to Adopt	



TOWN OF KITTERY

ECONOMIC DEVELOPMENT COMMITTEE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1307 Fax: (207) 439-6806

October 11, 2017

Kittery Town Council
200 Rogers Road
Kittery, Maine 03904

Attn: Gary Beers, Chairman

Re: **Economic Development Committee 3rd Quarter Report to Council**

Dear Councilors:

The Kittery Economic Development Committee (EDC) presents this report of our activities for 2017. There have been eight meetings of the EDC during 2017. We invited business owners, developers, and other interested parties to our meetings to help us understand the issues they face to gain insight into current market conditions, and to identify opportunities to advocate for economic development being proposed in town. Some of the businesses we have met with include: Mike Brigham of Lorax Sustainable Development, LLC; Agilitas Capital, LLC Regarding the Inn in the Kittery Foreside; Gerry Mylroie, Dan Corcoran – Jackson Hardware, Dr. Kevin Webb – Kittery Eye, small working group for the Route 1 by-pass. We have provided our visitors with background information and insight into the local approval process. When presented with plans or draft ordinances, we have offered comments. EDC members have attended Kittery board meetings and workshops, as well as meetings with business owners and real estate professionals to advance the goals of economic development.

We have established priorities for the unique commercial areas. Through consultation with the Town Manager and Town Planner we seek to address the most pressing Kittery economic issues. We prioritized our efforts as follows:

- Business Park
- Foreside
- Kittery Outlet Malls
- Route 1 North
- Route 1 Bypass

The attached *Kittery EDC – Dashboard* defines activity to date. The intent is to summarize current economic development considerations within the commercial areas of Kittery. The Dashboard provides bullet-point summaries of activity in the prior 12 months and lists Action Items for the EDC and others. The *Kittery EDC Dashboard* will continue to be updated.

The economic opportunities identified in *Kittery EDC Dashboard*, have a limited window of time. The EDC will continue to bring forward our ideas, concerns and recommendations, in collaboration with the Town Manager, Town Planner, and all Boards that work to the benefit of the Town.

October 11, 2017

The Economic Development Committee thanks the Town Council for this opportunity to update you on our work to-date in 2017. We will provide this update to the Town on a quarterly basis.

Sincerely,

George Dow, Chair

Kittery Economic Development Committee

Enclosure: *Kittery EDC Dashboard*

KITTERY EDC - DASHBOARD

10/11/2017

Introduction

The Economic Development Committee (EDC) is an advisory body providing input, guidance, and information to the Planning Board, Town Council, and Town administration on the opportunities, challenges, and impacts of economic development within Kittery. The EDC charge includes providing quarterly updates to the Town Council on committee activities. The “KITTERY EDC – DASHBOARD” summarizes EDC activities as well as recent and on-going activities within various commercial areas of Kittery.

Business Park

- Zoned: Business Park (B-PK); approximately 100 acres of undeveloped land
- B-PK forms majority of TIF #3; other zones in TIF #3 are R-S, and C-2
- Sewer extended in 2015 along easterly side of the Business Park.
- Zone needs at least water and three-phase power to support larger development opportunities originally envisioned for the zone.

Activity during last 12 months:

- Landowner Bill Cullen shared development concepts with EDC, Town Council, and Planning Board and sought TIF funding for extension of water, power, and a roadway to/through his parcels.
- EDC reviewed LUDC amendments for Business Park proposed by Mr. Cullen with Planning Board
- SMPDC Study initiated “Kittery Business Park Use Analysis” to identify what the full development opportunities of the zone are, what constraints exist that impede development opportunities, and evaluate the prospect of Town supported utility and roadway investments to the zone, including ideal locations/routing for such utilities and roadways. Completed “Kittery Business Park Use Analysis” is posted on Town website.
- Town officials met with three major landowners in the zone, obtained wetlands mapping, and reviewed and transmitted comments on a draft of the SMPDC study report.
- Payment on sewer bond began in 2017

Action Items:

- EDC to work with Town on developing possible LUDC amendments for B-PK Zone.

Foreside

- Zoning: MU-KF
- Vibrant mixed residential / commercial area; PNSY Gate #1; parking concerns; Rice Public Library upgrade under consideration

Activity during past 12 months:

- Kittery Foreside Land Use, Parking and Traffic Circulation Study initiated (TY Lin)
 - Kickoff 2/8/17; Public Forum 6/15/17
- Town of Kittery's Library Working Group held public workshops in April and May
- MaineDOT and KACTS development of sidewalk and street improvement project for Walker and Wentworth Streets, preliminary design still in progress.
- LUDC amendment proposed to allow Boutique Hotels – PB held a public hearing on 9/28/17
- EDC provided letter of general support for proposed amendments to LUDC

Action Items:

- Foreside Land Use, Parking and Transportation Study: Working group has met four times, two public meetings, and third public meeting scheduled for 10/25/17 at Town Hall to review draft recommendations; estimated completion December of this year.
- PB – review of proposed LUDC amendments
- Construction of Town/MDOT sidewalk project; next phase of design in fall of 2017
- November 2017 non-binding referendum regarding Rice Public Library
- Town determining how best to accomplish zoning review on this zone with other priorities still in play.
- EDC continued attendance at business owner meetings

Kittery Outlet Malls

- Zoning: C-1; TIF #2 (various parcels)
- Major discount shopping mall destination
- Nationwide fate mall business model could affect Kittery

Activities during past 12 month

- Marissa Day's project initiated; see:
<http://www.seacoastonline.com/news/20170305/kittery-outlets-of-future>
- A project working group has been established and is meeting monthly

Action Items:

- EDC collaboration with Ms. Day on next steps of project.

Route 1 - North

- Zoning: Mixed Use M-U; TIF #1 (various parcels)
- Sewer and water available to town line

Activity in past 12 months

- Landmark Hill Square: proposed mixed use redevelopment at 518 US Route 1
- Proposed LUDC amendments for M-U zone were reviewed by Planning Board
- Mixed Use Zone Amendment enacted by Town Council
- Planning Board reviewed Landmark Square project
- Relocation of Dominos Pizza to Lewis Road intersection

Action Items:

- PB reviewed and approved of Landmark Hill Square Site and Subdivision Plan
- Town Council adopted amendments to LUDC 7/24/2017

Route 1 Bypass

- Zoning: B-L and C-3; Kittery portion of 4.3 mile bypass of US Rt. 1
- KACTS/Kittery Route 1 Bypass Study by Sebeg Technics

Activity during past 12 months:

- Sarah Long Bridge construction continues toward Fall 2017 opening to traffic
- Maine DOT development of landscape plan for bridge approach and small pocket park at bridge-edge. Public presentation of design presented in June.
- Periodic meetings of Rt 1 Bypass business owner and real estate firms and EDC members
- Town met with landowners interested in seeing zoning review and changes for Bypass to enhance development.

Action Items:

- Plan for business opportunities and impacts resulting from Sarah Long Bridge changes

Other

- ❖ EDC set up a booth at the June 17, 2017 *Kittery Block Party*
- ❖ Comprehensive Plan Update implementation; EDC to monitor progress and offer comment as appropriate
- ❖ Pepperrell wharf area redevelopment – this is area is Part of TIF #2
- ❖ Kittery Marijuana Working Group presented information to the Town Council and sought direction.
- ❖ EDC participation in KOSAC.



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

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

PLEASE PRINT THIS APPLICATION AND FILL IT OUT - DO NOT FILL IT OUT ON THE COMPUTER
Thank you.

Applicant's name: Boston Pie Inc
(please print)

Address: 12 Tarbox Lane, N. Reading, MA 01864
(please print)

Applicant's mailing address if different from above: 100 Conifer Hill Dr, #402, Danvers, MA 01923

Applicant's Date of Birth: 9/18/61 Applicant's Home Telephone Number: 617-908-4413

Name of Business: Dominos
(please print)

Business Address: 450 US Route 1, Kittery, ME 03904
(please print)

Business Telephone Number: 207-439-1300

SIGNATURE OF APPLICANT: David Jenks DATE: 9/21/17

APPLICANT'S NAME: David Jenks
(please print)

LICENSE FEE: \$ 50.00

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

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



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: October 11, 2017
From: Kendra Amaral, Town Manager
Subject: Code of Ethics – Proposed Title 15
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”. Title 15 will also define a 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.

Town Councilor means a member of the Kittery Town Council.

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

15.3 STANDARDS of CONDUCT

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

15.3.1. Statutory Standards.

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

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

15.3.2. Contracts, Purchases, and Employment.

15.3.2.1. Prohibition - Purchasing.

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

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

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

15.3.2.2. Council – Boards Prohibition – Hiring.

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

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

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

15.3.2.3. Employee Prohibition – Hiring.

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

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

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

15.3.3. Disclosure of Confidential Information.

15.3.3.1. Prohibition.

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

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

15.3.3.2. Executive Session Information.

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

15.3.4. Gifts and Favors Prohibition.

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

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

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

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

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

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

15.3.5. Representing Third Party Interest before Town Agencies.

15.3.5.1. Employees.

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

15.3.5.2. Councilors.

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

15.3.5.3. Board Members.

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

15.3.6. Conflicts/Bias/Influence.

15.3.6.1. Conflict of Interest.

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

15.3.6.2. Bias.

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

15.3.6.3. Improper Influence or Official Oppression.

No Councilor or Board member may:

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

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

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

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

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

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

15.3.6.4. Disclosure, Recusal or Abstention.

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

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

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

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

15.3.6.5. Challenge of a Board Member.

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

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

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

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

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

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

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

15.3.6.6. Rule of Necessity.

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

15.4 COMPLAINTS PROCESS**15.4.1. Submission of Complaints**

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

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

15.4.2. Review of Complaints Against Councilors or Board Members

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

- (a) If the complaint is not found to be based in fact no further action will be taken;
- (b) If the complaint is found to be based in fact and related to this Code, the Town Manager shall report the complaint to the Council; or
- (c) If the complaint is found to be based in fact and not related to this Code, the Town Manager will refer the complaint to the proper authorities and report such action to the Council.

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

15.5 VIOLATION and PENALTIES**15.5.1. Determination of Violation.**

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

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

15.5.2. Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

_____ {NAME}, as seconded by Councilor _____ {NAME} and
passed by a vote of _____.

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

Attest: {NAME}, _____ Town Clerk

PROPOSED TITLE 15 ORDINANCE

Is it ethical to have two competing ethics policies in effect at the same time?, i.e. Charter Sec. 12.02 and proposed Title 15.

For example:

Charter 12.02 includes school committee members as referenced in 12.02 (8) but Proposed Title 15 excludes the school committee in the definition of Board Member.

Charter 12.02 (6) prohibits an official's use of public resources for private or personal gain. Such use, at rates and/or terms as may be established, would be allowed under 15.3.4.

Charter 12.02 (7), inter alia, prohibits gifts of any kind. Gifts valued at \$25.00, or less, would be allowed under 15.3.4 (1).

Under Proposed 15.5.2, a councilor could be subject to forfeiture of office per Charter (2.12.2), sic! However, Charter 2.12 (2) specifies only four (4) reasons for forfeiture~~none~~, of which, ~~in~~ in my opinion would apply to Proposed Title 15.

See also Charter Sec. 12.01, Financial Conflict of Interest, for more possible conflicts.

Encs (3)

Frank Dennett
2 October 2017

Editorial changes to proposed Title 15, Code of Ethics,
as will be presented by Councilor Dennett. Line number
references are the lines in Ordinance Draft dated 9/25/2017.

LINE

- 44 Change lead-in language from "Town Employee" to "~~T~~own
Employee/Employee"
REASON: Text cites both "employee" and "Town Employee" but
only "Town Employee" is defined.
- 102 Change "the immediate family" to "their immediate family".
Reason: To mirror other text, e.g. lines 83,84, 94 and 123.
- 228 Change "is not found to be" to "is found not to be"
Reason: To correct grammatical error.
- 242 Change "constitutes" to "constitute"
Reason: To correct grammatical error.
- 243 Change "Charter(2.12.2)" to "Charter 2.12.(2)"
Reason: To correct Charter citation.

Textual changes to proposed Title 15, Code of Ethics,
as will be presented by Councilor Dennett. Line number
references are the lines in Ordinance Draft dated 9/25/2017.

LINE

35-37 Definition of Municipal official.

Town employees are included in this definition which is
incorrect - a municipal official is not necessarily an
employee; neither are all employees municipal officials.

AMEND to the following:

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.~~ who must comply with Charter Sec. 12.04 Oath
of office.

Sec. 2.12. Vacancies; forfeiture of office; filling of vacancies.

- (1) Vacancies. A vacancy in a council office shall occur by one or more of the following means:
 - (a) Nonacceptance;
 - (b) Resignation;
 - (c) Death;
 - (d) Failure to qualify for the office within 10 days after written demand by the municipal officers;
 - (e) Failure of the municipality to elect a person to office;
 - (f) Forfeiture of office;
 - (g) Recall and removal; or
 - (h) Any other manner authorized by law or this charter.
- (2) Forfeiture of office. A councilor shall forfeit office if the councilor:
 - (a) Lacks any qualification for the office prescribed by this charter or by law,
 - (b) Violates any express prohibition of this charter,
 - (c) Is convicted of a crime involving moral turpitude, or
 - (d) Fails to attend 3 consecutive regular meetings of the council without being excused by the council.
- (3) Filling of vacancies. If for any reason a vacancy shall exist in the membership of the town council more than 6 months prior to the next regular municipal election, the vacancy shall be filled by a special election for the unexpired portion of the term. In the event such vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy may be filled for the unexpired portion of the term by a special election to be called by the municipal officers. Any such special elections shall be conducted in accordance with the provisions of Article X. (Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02)

Sec. 2.13. Action requiring an ordinance.

- (b) Sec. 4.07 applies to school committee members;
(c) Sec. 2.07 applies to council appointees.
(Added by vote of the people 6-11-02)

(7) Rights retained.

An official who is excused from an issue due to the provisions of this section retains the right to such participation as is afforded members of the public. (Added by vote of the people 6-11-02)

Sec. 12.02. Code of ethics and prohibited conduct.

- (1) Equal opportunity. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, gender, age, nationality, handicap, sexual orientation, political or religious opinions or affiliations. (Amended by vote of the people 6-11-02)
- (2) Impartiality. No person shall wilfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations. (Amended by vote of the people 6-11-02)
- (3) Wrongful monetary consideration. No person who seeks appointment or promotion with respect to any town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with any test, appointment, proposed appointment, promotion or proposed promotion. (Amended by vote of the people 6-11-02)
- (4) Political solicitation. No town official shall directly or indirectly, orally, by letter or otherwise solicit or assist in soliciting from any person in the employ of the town any assessment, subscription or contribution for any political party or political purpose whatever. (Amended by vote of the people 6-11-02)
- (5) Withholding information. With the exception of information which is confidential by statute, no town official shall withhold information of any nature relevant to a matter before any board. (Added by vote of the people 6-11-02)
- (6) Use of public resources. No town official shall use public resources that are not available to the general public for private or personal gain, e.g. town staff time, equipment, supplies or facilities. (Added by vote of the people 6-11-02)
- (7) Gifts and favors. No town official shall, by virtue of public office or position, take advantage of services or opportunities for personal gain that are not available to the public in general. Examples of services or opportunities for personal gain are gifts of any kind, favors, promises of future gifts or gain. (Added by vote of the people 6-11-02)
- (8) Penalties. Any person who violates any of the provisions of section 12.02 shall forfeit office or position and shall be ineligible for a period of 5 years thereafter to hold any town office or position.
The procedures for determination of violation are governed by:
Sec. 2.09 applies to town council members;
Sec. 4.07 applies to school committee members;
Sec 2.07 applies to council appointees;
Sec. 3.04 applies to appointees of the town manager.
(Amended by vote of the people 6-11-02)

Sec. 12.04. Oath of office.

Every official of the town shall, before entering upon the duties of the office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Kittery, and will faithfully discharge the duties of the office of _____"

(Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02)

Sec. 12.05. Time of meetings.

No town board, including but not limited to the town council, school committee, planning board and board of appeals, may conduct business after 10:00 PM. This deadline may be extended to not later than 11:00 PM by a majority vote of the members present unless a greater number is required by rule, ordinance or this charter.

(Added by vote of the people 6-11-02; amended by vote of the people 11-3-09)



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

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

REPORT TO TOWN COUNCIL

Meeting Date: October 11, 2017
From: Kendra Amaral, Town Manager
Subject: Vehicles and Traffic – Title 10 Amendments
Councilor Sponsor: Chairperson Gary Beers

Attached is a revised version of the proposed amendments reflecting comments offered by Councilors and members of the public in advance of the public hearing; the revisions are highlighted in yellow.

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

Title 10 VEHICLES AND TRAFFIC**Chapter 10.1 RULES OF THE ROAD****10.1.1 Obedience to Signs.**

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

10.1.2 Schedule of Traffic Control Beacons—Obedience Required—Penalty.**10.1.2.1 Schedule.**

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

1. Drawbridges:

Route 1 Memorial Bridge

Route 1 By-Pass Sarah Long Bridge

2. At the junctions of:

Route 1 and Government Street

Route 1 and Walker Street

Route 1 and Wilson Road

Route 1 Maine Outlet Mall, and Kittery Outlet Center,

Route 1, Tidewater Mall, and Tanger II Mall

Route 1 and Haley Road

Government, Walker and Wentworth Streets

Route 1 By-Pass and Gorges Road

Route 236 and Martin and Stevenson Roads

3. Fire station emergency beacons at or near:

Lewis Square Kittery Point fire station

Walker Street ~~fire~~rescue station

10.1.2.2 Obedience Required.

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

10.1.2.3 Penalty.

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

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~~ 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 buses and heavy trucks having a gross weight in excess of ten thousand (10,000) pounds is prohibited ~~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 are prohibited 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

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

10.1.10 Traffic Intersection Directional Signs.

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

Chapter 10.2 ONE-WAY STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS DESIGNATED

10.2.1 One-way Streets at all Times.

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

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

Hunter Street, in a northerly direction;

Jones Avenue, beginning one hundred and five (105) feet from its intersection with Walker Street, in a southerly direction ~~from bank exit one hundred five (105) feet to~~ **Government Street;**

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

Newmarch Street, in a southerly direction;

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

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

10.2.1.2 One-way Streets at Designated Times.

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

Lemont Lane in a westerly direction from the intersection of Philbrick Road to Woodlawn Avenue;

Cross Street in a westerly direction from the intersection of Philbrick Road to Woodlawn Avenue; and

Wainwright Avenue in a westerly direction from the intersection of Wyman Avenue to Woodlawn Avenue.

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

10.2.2 Stop Intersections Designated.**10.2.2.1 On Public Ways.**

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

On Adams Drive at U.S. Route 1;
On Adams Road at rear entrance to Information Center;
On Armour Drive at Martin Road;
On Badgers Island at U.S. Route 1;
On Barbers Creek Road at Crockett Neck Road;
On Bartlett Road at Haley Road;
On Bayview Lane at South Eliot Road;
On Bellamy Lane at Pepperrell Road;
On Bicknell Street at Philbrick Avenue;
On Bicknell Street at Woodlawn Avenue;
On Bond Road at Crockett Neck Road;
On Boush Street at Manson Avenue;
On Bowen Road at Whipple Road;
On Bowen Road and Old Ferry Lane
On Bridge Street at Old Post Road;
On Bridge Street at U.S. Route 1 By-Pass;
On Busdick Drive at Shapleigh Road;
On Captain's Way at Pocahontas Road;
On Central Street at Wentworth Street;
On Chauncey Creek Road at Tenney Hill Road;
On Cole Street at Manson Avenue (four-way stop);
On Cole Street at Philbrick Avenue;
On Cole Street at Woodlawn Avenue;
On Coleman Avenue at Pepperrell Road;
On Colonial Road at Goodsoe Road;

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

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

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

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

359 At Shapleigh School front drive-thru to parking lot;
 360 At Shapleigh School rear parking lot to Manson Road;
 361 Road at Shapleigh School front exits to Stevenson Road — two signs;
 362 On South Eliot Road at Dennett Road — two signs;
 363 On Spinney Cove Drive at South Eliot Road;
 364 On Spinney Way at Dennett Road;
 365 On Spinney Way at Old Dennett Road;
 366 On Sterling Road at U.S. Route 1;
 367 On Stevenson Road at Manson Road;
 368 ~~On Stevenson Road at Route 236;~~
 369 On Stimson Street at Government Street;
 370 On Stimson Street at Water Street;
 371 On Sunset Drive at Dennett Road;
 372 On Tilton Avenue at Whipple Road;
 373 On Traip Avenue at Wentworth Street;
 374 On Trefethen Avenue at Whipple Road;
 375 On U.S. Route 1 at Route 236;
 376 On Valles Road at New Dennett Road;
 377 On Valles Road at Ranger Drive;
 378 On Valles Road at U.S. Route 1 By-pass (near Northeast Hydraulics);
 379 On Wainwright Avenue at Woodlawn Avenue;
 380 On Water Street at Rice Avenue;
 381 On Water Street at U.S. Route 1;
 382 On Watts Street at Philbrick Avenue;
 383 On Wheelhouse Way at Captain's Way;
 384 On Wheelhouse Way at Pocahontas Road;
 385 On Whipple Road at Shapleigh Road;
 386 On Whipple Road at Wentworth Street;
 387 On Whipporwill Lane at Haley Road;
 388 On Williams Avenue at Whipple Road;
 389 On Wilner Street at Philbrick Avenue;
 390 On Woodlawn Avenue at Manson Avenue;
 391 On Woodlawn Avenue at Whipple Road;
 392 On Wyman Avenue at Philbrick Avenue.

393

394 **10.2.2.2 On Private Ways.**

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

397

398 At Dansk Square exit to U.S. Route 1;
 399 On Elizabeth Lane at High Pasture Road ~~(private way)~~;
 400 At Foxwell Apartments (21 Manson Avenue) at Manson Avenue;
 401 At Guilford Boat Sales (65 U.S. Route 1 By-pass South) at U.S. Route 1 By-pass;
 402 On High Pasture Road at Bartlett Road ~~(private way)~~;
 403 On High Pasture Road at Miller Road ~~(private way)~~;

At Homestead Nursing Home exit to U.S. Route 1;
 At Circle K – Irving Oil (103 U.S. Route 1 By-pass South) at Ranger Drive;
 At Kittery Outlet Center to U.S. Route 1 exit;
 At Kittery Place Mall North to Kittery Outlet Center;
 At Kittery Place to U.S. Route 1 exit;
 On Ledgewood Drive at U.S. Route 1;
 At Maine Outlet Mall North rear;
 At Maine Outlet Mall North parking lot to North access road;
 At Maine Outlet Mall North to U.S. Route 1;
 At Maine Outlet Mall South parking lot to North access road;
 At Maine Outlet Mall SE parking lot to South access road;
 At Maine Outlet Mall SW parking lot to South access road;
 At Maine Outlet Mall South to U.S. Route 1 exit;
 At Pine Knoll Trailer Park at Spinney Way;
 At Tanger I Outlet Center parking lot to access road;
 At Tanger I Outlet Center thru-way to Dansk Square;
 At Tidewater Mall North to U.S. Route 1;
 At Tidewater Mall South rear to South access road;
 At Tidewater Mall SE parking lot to South access road;
 At Tidewater Mall SW parking lot to South access road;
 At Tidewater Mall from rear overflow parking lot to South access road;
 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, except as may be permitted in Section 10.3.1.4:

Within ten (10) feet of any hydrant;

Within ten (10) feet of any corner;

Within ten (10) feet of pavement on Route 1, both sides, from Spruce Creek to the Kittery-York Town line;

~~From the right-of-way to Frisbee's Wharf to the land of A. Blake~~ Bellamy Lane, both sides, from Pepperrell Road in a southerly direction for one hundred and sixty (160) feet;

The cul-de-sac at the end of Dion Avenue;

Adams Drive, no parking on westerly side from the intersection of Route 1 in a southerly direction to its end and on the easterly side from the intersection with Route 1 to the driveway of 7 Adams Drive;

Bowen Road, northwest side from Route 103 to land of Milton Hall, for a distance of seven hundred seventy-eight (778) feet; to its intersection with Old Ferry Lane.

Bowen Road, southeast side, from its intersection with the intersection of Route 103 Old Ferry Lane, land of James O. McNally, easterly to the intersection of Old Ferry Lane, a distance of one hundred sixty-five (165) feet; to its southern terminus.

Bridge Street, northerly side, excepting that the first three hundred (300) feet from Old Post Road—the first one hundred fifty (150) feet, no time limit; the second one hundred fifty (150) feet, one-hour time limit;

Bridge Street, southerly side;

Chauncey Creek Road on the north side, beginning four hundred and thirty three (433) feet from the intersection of Gerrish Island Lane at CMP Pole #30 and continuing in a easterly westerly direction for a distance of eight hundred and twelve (812) feet; ~~direction to CMP Pole #36;~~

Chauncey Creek Road on the north side, beginning at the intersection of Tenney Hill Road, and ~~CMP Pole #16~~, continuing in an easterly direction three hundred sixty-two (362) feet;

Chauncey Creek Road on the south side, beginning at the intersection of Pepperrell Road and Tenney Hill Road, and continuing in an easterly direction for one thousand nine hundred and twenty (1920) feet ~~to CMP Pole #33~~, excepting any parking off the public way;

Commercial Street, on the west side, beginning at the intersection of Government Street and continuing southerly to the intersection of Water Street;

Fernald Road, north and south side, beginning at the intersection of Route 236 in a westerly direction for six hundred and ninety (690) feet ~~to CMP Pole #22~~;

Fort Foster, paved road, both sides, from gate house to pier, a distance of two thousand five hundred (2,500) feet;

Government Street, south side, from U.S. ~~Highway No.~~ Route 1 State Road to Hunter Avenue.

Hunter Avenue beginning at Water Street and continuing northerly to the intersection of Government Street;

Jones Avenue, both sides, from Government Street to Walker Street;

Love Lane, east side, beginning at its point of intersection with Government Street, north one hundred fifty (150) feet;

Love Lane, east side, between its point of intersection with Government Street to the end of the property of the Wentworth-Dennett School;

Manson Road, from the intersection with Stevenson Road in a northerly direction five hundred (500) feet, and in a southerly direction for three hundred (300) feet;

Old Post Road, on the northerly side, from Bridge Street to Cook Street;

Old Post Road, on the southerly side, from Bridge Street to Cook Street, with the exception of two hundred (200) feet from Bridge Street, which is to be one-hour automobile only parking;

Oxpoint Drive, both sides, from the intersection of Adams Drive in an easterly direction to the driveway of 2 Oxpoint Drive;

Pleasant Street, on the west side, beginning at the intersection of Water Street and continuing northerly to the intersection of Government Street;

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

Rogers Road on both sides, beginning at its point of intersection with Shapleigh Road (Route 236) to the point where Rogers Road intersects with Wentworth Street (Route 103);

~~Old Post Road on both sides, from Dennett Road to Route 103, east side, from the north side of the property of Edward Thomson, south to where Route 103 intersects with Paul Street;~~

Seapoint Road, north side, from the ~~intersection of Thaxter Road and Seapoint Road, a distance of six hundred ninety-eight (698) feet in an easterly direction to~~ New England Telephone pole number 4 in a westerly direction for two thousand two hundred and ninety eight (2,298) feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Manson Avenue from Rogers Road to Boush Street;

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

Philbrick Road from Whipple Road to Cross Street;

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

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

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

~~Wentworth Street, west side, from Wallingford Square Walker Street to the railroad crossing parcel 9-38, and east side from south end of Traip Avenue to the railroad crossing parcel 9-25;~~

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

10.3.1.4 Four Hour Maximum Parking.

Allowed between signs in the following locations during school hours and public events:

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

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

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

10.3.1.5 Time Period Restrictions.

A. It is unlawful to leave a motor vehicle parked, standing, or unattended on any public way in the Town:

1. November 1st to April 4th 15th, inclusive:

a. Between the hours of 12:00 midnight and 6:00 a.m.,

b. More than four hours between 6:00 a.m. and 12:00 midnight;

2. April ~~2nd~~ 16th to October 31st, inclusive:

a. More than four hours between 6:00 a.m. and 6:00 p.m., Monday through Friday.

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

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 following locations:~~

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

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

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

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

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

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

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

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

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

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

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

G. Seapoint and Crescent Beach

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

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.

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

3. Parking must be off the paved road surface.

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

~~[DELETE SEAPOINT PARKING REGULATIONS FROM TITLE 12]~~

10.3.2 Parking Within Lines.

Failure to park within prescribed lines as laid out on any street is a violation of the parking rules.

10.3.3 Parking on Sidewalks.

Parking vehicles of any kind on sidewalks anywhere in Town is prohibited.

10.3.4 Blocking Driveways.

It is unlawful for any person to park, leave standing or unattended any vehicle on the public ways of the Town, in such manner so as to block any driveway, public or private, as to prevent egress or entrance to such driveway.

10.3.5 Handicapped Reservation – 33 Government Street

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

10.3.6 Parking in Handicapped Spaces.

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

10.3.7 Parking in Fire Lanes.

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

10.3.8 General Penalties.

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

1. Overtime parking	\$15.00 <u>\$35.00</u>
2. Parked on crosswalk	\$15.00 <u>\$50.00</u>
3. Parked less than (10) feet from corner	\$15.00 <u>\$50.00</u>
4. Parked on sidewalk	\$15.00 <u>\$50.00</u>
5. Parked within (10) feet of hydrant	\$15.00 <u>\$50.00</u>
6. Blocking driveway	\$15.00 <u>\$35.00</u>
7. Violation of all-night parking	\$15.00 <u>\$25.00</u>
8. Parked interfering with snow removal	\$15.00 <u>\$25.00</u>

9 7. Violation of parking ban	\$15.00 <u>\$35.00</u>
10. Violation of (4) hour parking	\$15.00 \$25.00
11 8. Other <u>Title 10 Violations</u> restricted areas	\$15.00 <u>\$35.00</u>
12 9. Parking in a Fire lane Lane	\$25.00 <u>\$100.00</u>
13 10. Handicapped parking violation	\$25.00 <u>\$250.00</u>
14 11. Failure to display dump sticker or permit at Seapoint Beach	<u>\$50.00</u>

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

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

10.3.9 Parking on Bellamy Lane—Penalty for Violations.

10.3.9.1 Prohibition.

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

10.3.9.2 Penalty.

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

10.3.10 Parking on Frisbee's Wharf—Penalty for Violations.

10.3.10.1 Prohibition.

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

10.3.10.2 Parking Reservation.

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

10.3.10.3 Time Period Restriction.

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

10.3.10.4 Open Parking Spaces

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

10.3.10.5 Penalty.

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

10.3.11 Towing.

10.3.11.1 Authority.

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 M.R.S. §1111, and any person who is arrested and has a vehicle on a public way at the time of arrest, or any vehicle that is subject to impoundment by the police department, may be towed by the police department at the expense of the owner as provided herein.

10.3.11.2 Tower Requirements.

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

10.3.11.3 Tow Charges.

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

- A. A flat rate as set out in Appendix A for any towing between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday;
- B. A flat rate as set out in Appendix A at all other times;
- C. An additional charge as set out in Appendix A if a "dolly" has to be used;
- D. A maximum charge as set out in Appendix A for any dry run where a vehicle is not towed;

- E. Motorcycle—extra charge as set out in Appendix A;
- F. No fee may be charged to the owner of the vehicle for the first twenty-four (24) hours of storage unless the vehicle has been towed due to snow removal;
- G. An additional charge as set out in Appendix A for any unusual circumstances.

Chapter 10.4 BICYCLES, SKATEBOARDS, SCOOTERS AND ROLLER SKATES

10.4.1 Definitions.

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

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

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

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

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

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

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

10.4.2 Regulation of Bicycles.

It is a violation of this chapter for any person to ride or operate a bicycle on any sidewalk within the Town except any person ten (10) years of age or younger riding or operating a bicycle having wheels twenty (20) inches in diameter or smaller.

10.4.3 Regulations of Skateboards, Scooters, and Roller Skates.

10.4.3.1 Violation.

It is a violation of this chapter for any person to ride or operate a skateboard, roller skate or scooter on any sidewalk, public parking lot or closed street, as listed in this section, within the Town.

10.4.3.2 Closed Streets Enumerated.

Closed streets, as stated above, are identified as follows:

A. Major Highways and Roads.

1. Interstate 95, including all entrance and exit ramps,
2. Route 1 Bypass, including all entrance and exit ramps,
3. Route 1, from the New Hampshire state line to the York Town line,
4. Route 236, from the Eliot Town line to Route 103, including Rogers and Shapleigh Roads,
5. Route 103, from the Eliot Town line to the York Town line, including Eliot Road, Dennett Road, Old Post Road, Cook Street, Government Street, Walker Street, Wentworth Street, Whipple Road, Pepperrell Road, Tenny Hill Road and Brave Boat Harbor Road,
6. Route 101, from Route 1 to the Eliot Town line;

B. Secondary Streets and Ways.

1. Cutts Road,
2. Betty Welch Road,
3. Remicks Lane,
4. Picott Road,
5. (New) Dennett Road,
6. Old Post Road,
7. Bridge Street,
8. Government Street,
9. Wallingford Square, including entrance plaza to the Navy Yard,
10. Love Lane, from Route 1 to Rogers ~~Lane~~ Road,
11. Litchfield Road, from Route 1 to Interstate 95;

C. Village Area.

1. Manson Avenue,
2. MacDougal Street,
3. Moore Street,
4. Philbrick Road,
5. Philbrick Avenue,
6. Woodlawn Avenue,
7. Friend Street,
8. Wainwright Avenue,
9. Wyman Avenue;

D. Kittery Point Area.

1. Old Ferry ~~Road~~ Lane,
2. Bowen Road,
3. Crockett Neck Road,

4. Bellamy Lane, including Town wharf,
5. ~~Sith's Lane, also known as Pepperrell Lane, Pepperrell Terrace,~~
6. Mitchell School Lane, from Route 103 to Mitchell School grounds,
7. Rosellen Drive,
8. Haley Road,
9. Lewis Road,
10. Foyes Lane,
11. Chauncey Creek Road,
12. Seapoint Road,
13. Gerrish Island Lane,
14. Cutts Island Lane;

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

~~10.4.3.3 Riding on Open Streets.~~

~~Riding on or operating a skateboard, scooter or roller-skating on any open street within the Town is governed by rules established and published by the Chief of Police.~~

10.4.3.43 Assumption of Responsibility for Personal Injury and/or Property Damage.

The designation of any street within the Town as an open street per se does not necessarily mean a "safe street." Skateboarding, scootering and roller-skating are, at best, dangerous and hazardous sports; therefore, skateboarders, scooter and roller skaters assume all responsibility for personal injury and/or property damage.

10.4.3.54. Discretion of Chief to Close Streets.

The Chief of Police may, at the chief's discretion, temporarily close any open street for a period of up to thirty (30) consecutive days.

10.4.4 Impoundment.

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

10.4.5 Regulation of Motorized ~~Scooters~~ Bicycles or Motorized Skateboards.

It is unlawful for any individual to operate a motorized ~~scooter~~ bicycle or motorized skateboard on any public way or sidewalk within the Town. Anyone found operating in violation of this section commits a traffic infraction covered by penalty in Section ~~10.20.010~~ 10.5.1.

Chapter 10.5 TRAFFIC PENALTIES

1004 **10.5.1 General Penalty for Traffic Infractions.**

1005 Violations of this title are considered traffic infractions as defined by state statute and must
1006 (except for parking violations) be punished by a fine of not less than twenty-five dollars (\$25.00)
1007 nor more than two hundred fifty dollars (\$250.00). Fines for all parking violations are determined
1008 as otherwise provided in this title. All fines collected hereunder accrue to the benefit of the
1009 Town.

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**

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

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

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

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

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

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

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

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

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

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

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

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

passed by a vote of _____.

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

Attest: {NAME}, _____ Town Clerk

Maryann Place

From: Kimberly Tyndall <kimbrowntyndall@gmail.com>
Sent: Wednesday, September 20, 2017 12:05 PM
To: Maryann Place
Subject: Banner for Traip craft fair.

My name is Kimberly Brown-Tyndall. I am writing to you on behalf of the Traip Athletic Boosters. I am requesting permission to have a banner flown in front of the Kittery Community Center. The banner is to promote the Traip Athletic booster craft fair. The craft fair is on November 11th. As in past years we would like to have the banner flown for two weeks (October 28th to November 12th)

Thank you
Kimberly Brown-Tyndall
9 Melanies Ct
Kittery, ME 03904

207 408 5764

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:

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

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 10-28-17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>KITTERY FORESIDE LLC</u>		Business Name (D/B/A) <u>ANNEKE JANS</u>	
APPLICANT(S) –(Sole Proprietor) DOB:		Physical Location:	
DOB:		City/Town	State Zip Code
<u>60 WAWINGFORD SQUARE</u>			
Address		Mailing Address	
<u>KITTERY ME 03904</u>		<u>60 WAWINGFORD SQUARE</u>	
City/Town	State Zip Code	City/Town	State Zip Code
<u>207-439-0001</u>		<u>KITTERY ME 03904</u>	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>27-3499377</u>		<u>207-439-0001</u>	
Federal I.D. #		Seller Certificate #: or Sales Tax #:	
<u>JASONCANTY@COMCAST.NET</u>		<u>1147456</u>	
Email Address: Please Print		Website:	
		<u>ANNEKEJANS.NET</u>	

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

Requested inspection date: _____ Business hours: SUN - THURS 5-9 FRI + SAT 5-10

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: —
2. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 350 K LIQUOR \$ 300 K
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
4. Do you 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: JASON CANNY
7. Business records are located at: _____
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
JASON ADAM CANNY	6/6/70	LOWELL, MA

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

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: _____ 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: GOLDEN GOOSE PROPERTIES, 21 Madbury Road, Durham NH 03824
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) 90 SEAT BISTRO
PINNED SEVEN NIGHTS, BAR, KITCHEN + 2 BATHROOMS
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? 1/4 MILE
- 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: BUSINESS LOAN - OPTIMA BANK + TRUST



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 ☐ No ☐

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: KITTERY FURSIDE LLC
- Doing Business As, if any: ANNETTE JANS
- Date of filing with Secretary of State: OCT 2010 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 %
JASON ADAM CANBY	2 YORK WOODS RD 49 LOVE LANE KITTERY, ME 03904	6-6-70	MANAGING MEMBER	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:

 9-25-11
Signature of Duly Authorized Person Date

JASON CANRY
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:

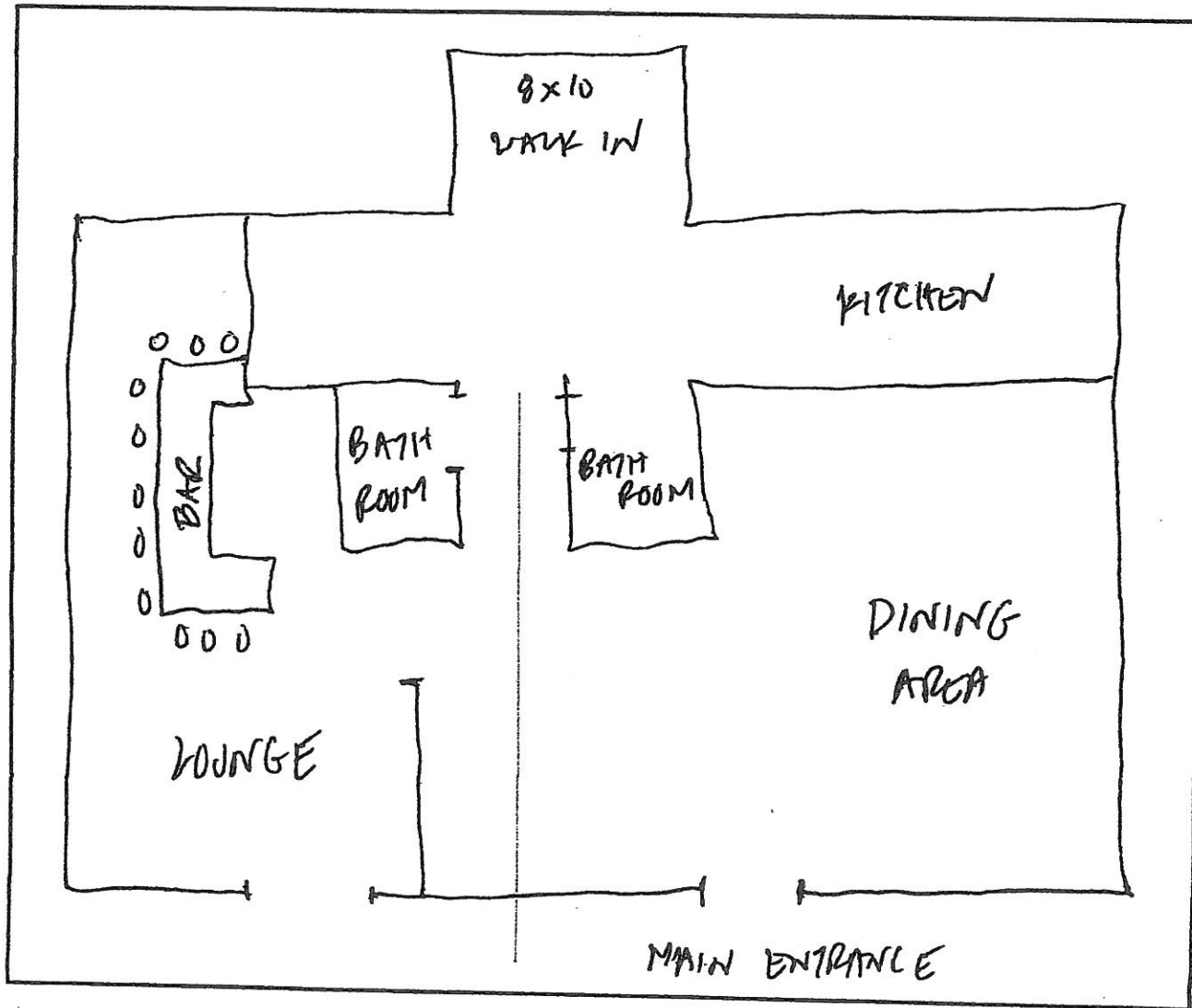


Bureau of Alcoholic Beverages
Division of Liquor Licensing & Enforcement
164 State House Station
Augusta, ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 387-3424

SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas 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, decks and all areas that you are requesting approval from the Division for liquor consumption.



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 25, 20 17
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

JASON CANTY
Print Name

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-

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 12-12-17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" 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: Rolling in the mud llc			Business Name (D/B/A) When Pigs Fly Pizzeria		
APPLICANT(S) –(Sole Proprietor)			DOB:		
Address 460 US Route 1			Physical Location: 460 US Route 1		
City/Town Kittery			State ME		Zip Code 03904
Mailing Address 40 Brickyard ct					
City/Town Kittery			State ME		Zip Code 03909
Telephone Number 207-438-7036		Fax Number 207-363-2511		Business Telephone Number 207-363-0612	
				Fax Number 207-363-2511	
Federal I.D. # 27-3936816			Seller Certificate #: or Sales Tax #: 1148785		
Email Address: Please Print info@sendbread.com			Website: www.whenpigsflypizzeria.com		

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

Requested inspection date: 11-15-17 Business hours: 11:30- 9pm daily

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: n/a
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 2,837,555 LIQUOR \$ 723,143
- 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: Elizabeth Woodcock
7. Business records are located at: 460 US Route 1 Kittery, ME
8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Elizabeth Anne Woodcock	12/8/86	Portsmouth, NH
Corey Decato	2/24/92	Enfield, NH
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Ogunquit ME & Portsmouth NH		
Portsmouth, NH		

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: Andrew Siegel Date of Conviction: 5/80
 Offense: OUI Location: Portsmouth, NH
 Disposition: Fine & Suspension (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**) Same as last year
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? 2.4 miles
 Which of the above is nearest? School
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: _____



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 ☐ No ☐

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: Rolling in the mud llc
2. Doing Business As, if any: When Pigs Fly Pizzeria
3. Date of filing with Secretary of State: 10-21-10 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 %
Ronald Siegel	25 Harbor Hill Road York , ME	9/9/58	President	50
Andrew Siegel	4 Snap Hook Drive York, ME	3/3/62	Vice President	50

(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: **Andrew Siegel**

Date of Conviction: **5/80**

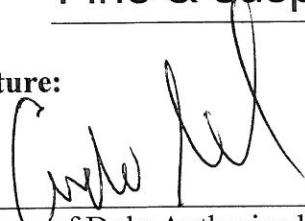
Offense: **OUI**

Location of Conviction: **Portsmouth, NH**

Disposition: _____

Fine & suspension

Signature:



9/10/17

Signature of Duly Authorized Person

Date

Andrew Siegel

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: York, ME on September 10, 2017
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Andrew Siegel

Print Name

Signature of Applicant or Corporate Officer(s)

Ronald Siegel

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.



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TOWN COUNCIL
RULES AND PROCEDURES MANUAL
ADOPTED:

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CHAPTER 1 - PURPOSE

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

A. Council Values

The following values should be maintained by the Council:

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

B. Orientation of New Members

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

C. Councilor Awareness

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

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

CHAPTER 2 - DEFINITIONS

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

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

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

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

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

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

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

CHAPTER 3 - OVERVIEW OF BASIC TOWN DOCUMENTS

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

A. Kittery Town Charter

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

B. Kittery Town Code

The Town Code contains local laws and regulations adopted by ordinances. It describes the organization of the municipal officers and officials and responsibilities as well as the appointment of certain Town staff positions and advisory commissions. It includes the local 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)

Title 8 – Health & Safety

Title 16 – Land Use & Development

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.

CHAPTER 4 - COUNCIL GENERAL POWERS AND RESPONSIBILITIES

A. Town Council Generally

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

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

B. Powers

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

C. Policy

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

D. Ethical Behavior

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

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

E. Other Service

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

Councilors are assigned as liaison to the following established committees:

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.

D. Mail, Deliveries

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

CHAPTER 6 - COMMUNICATIONS

A. Overview

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

B. Correspondence from Councilors

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

1. Personal Communications

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

2. Council Positions

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

3. Speaking for "the Town"

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

4. Press Conference

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

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

C. Liaison Role

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

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

CHAPTER 7 - INTERACTION WITH TOWN STAFF/OFFICIALS

A. Overview

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

B. Council- Manager Form of Government

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

C. Town Manager

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

D. Council-Manager Relationship

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

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

E. Manager Evaluation

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

F. Council Informed

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

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

G. Council/Town Attorney Relationship

The Town Attorney is the chief legal advisor for the Town. The Town Attorney serves at the will of the Town Manager. The Council has the right to employ or retain special attorneys, if it deems it to be in the best interests of the Town. No member of the Council may request a legal opinion relative to Town business from the Town's appointed attorneys without prior assent of the Council. All such requests must be made through the Town Manager.

H. Interference with Administration

Except for the purposes of inquiries, the Council or any of its members may deal with Town officials and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager. Neither the Council nor any of its members may give orders to any such official or employees either publicly or privately.

I. Ordinance Power

The Council by ordinance, may create, change, and abolish offices, departments and agencies, other than the offices, departments and agencies established by the Charter. The Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by the Charter or by statute, but may neither discontinue nor assign to any other office, department or agency any function or duty assigned by the Charter to a particular office, department or agency.

Individual members of the Town Council should not attempt to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities. If a Council 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.

1. Ambulance and rescue records, including medical records, 1 MRS §402(3)(H).
2. Concealed weapons applications, 25 MRS §2006.
3. Criminal history and records information, 16 MRS §611 et seq. This law covers only certain records held by municipal police departments; you must read the definition section carefully to identify what is and is not confidential.
4. General assistance, 22 MRS §4306.
5. Identities of minors participating in municipal recreation programs, 1 MRS §402(3)(K).
6. Income tax information, 26 U.S.C. §6103 et seq. MMA Legal Services routinely advises that tax-related information is not public under most circumstances. This includes FICA withholding and other deductions or withholdings.
7. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter, 1 MRS §402 (3) (I).
8. Nutrient Management Plan, 7 MRS §4202(1) submitted by a person who owns or operates a farm.
9. Personnel records, 30-A MRS §2702. This includes records pertaining to an identifiable employee and containing the following: medical information (physical and mental problems); performance evaluations and personal references: credit information, information about the personal history, general conduct or character of members of an employee's immediate family; complaints, charges and accusations of misconduct and replies to same, and other information which may result in disciplinary action. Resumes, applications, references and other information submitted by a person seeking municipal employment, are confidential. Except for letters and notes of reference expressly submitted in confidence, the application, resume, and letters and notes of reference of a successful applicant become public records after that applicant is hired. (Unlisted telephone numbers remain protected.)
10. Poverty abatement applications, 36 MRS §841.
11. Protection from abuse, 19-A MRS §4008. This law authorizes the court to order the omission or deletion from publicly available records of the address of the plaintiff or minor child; when a municipal official receives a copy of such an order, the confidentiality of that address must be maintained.
12. Voter address, 21-A MRS §22(3). Where a voter submits to the registrar a signed statement that the voter has good reason to fear for the safety of the voter or the voter's family if the voter's address were public, the registrar shall treat that voter's address only as confidential, and not as a public record.

Moreover, because statutes regarding confidentiality are enacted almost annually, a thorough search of Maine statutes should be undertaken before making a request for records.

C. Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Councilors which cannot be fulfilled based on these guidelines should be scheduled for a 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.

5. Placing Items on Agenda

Town Council: Any Council member may request an item to be considered on a future agenda. Such request must be submitted to the Town Clerk no later than 4:00pm on the Tuesday preceding a Regular Meeting.

Members of the public: A member of the public may request an item/and or petition to be placed on a future agenda through communication with Councilors. The Chairperson will review and act upon the request. Some requests may not require Council action.

6. Items not on the Agenda

Items not on the agenda may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda; and, (2) there is a need to take immediate action at this meeting of the Town Council.

7. Deadlines

The agenda closes at 4:00pm on the Tuesday before a Monday meeting. All agenda item reports, commentaries, and supporting documentation for Council meetings and workshops must be turned in by 4:00pm the Tuesday before the scheduled meeting, so that the agenda and packets can be prepared and ready for distribution by noon on the Thursday prior to the meeting.

8. Council Action

The Town Council shall act only by ordinance, order, resolve, and by consensus. Actions of the Council are recorded in the minutes of the Council meeting.

9. Effective Date Of Council Actions

All actions of the Council, except ordinances, take effect immediately upon passage. The effective date of ordinances is governed by Section 2.14, Paragraph 3 of the Town Charter. Emergency Ordinances take effect immediately, when adopted in accordance with Town Charter Section 2.15.

10. Duties Of The Chairperson

The Chairperson shall assume the chair at the time appointed for the meeting; call the members to order; provide for introductory and pledge of allegiance; cause the roll to be called; and, a quorum being present, proceed to conduct the business of the Council according to the published agenda.

The Chairperson shall preserve decorum and order; speak to points of order in preference to other members; and, decide all questions of order subject to an appeal to the Council by motion regularly made and seconded, and no other business is in order until the question on appeal be decided.

The Chairperson shall declare all votes, but if any member doubts a vote, the Chairperson shall cause a return of the members voting in the affirmative and in the negative without debate.

All persons wishing to speak, whether they are Council members or members of the general public must first be recognized by the Chairperson.

The Chairperson enjoys the same rights and privileges as other members of the Council, including the introduction and seconding of motions and participation in debate.

11. Vice Chairperson

The position of Vice Chairperson serves in the temporary absence or disability of the Chairperson.

12. Voting

Voting is by a randomly sequenced roll call with the Chairperson voting last. Councilors shall indicate their vote by an Aye or Nay, or by abstention, when polled. No Councilor may be excluded from participation in debate on any question except as required by Town Charter, state statute, or Town Code (currently Section 12.01, 30-A MRS §2605, or Title 15, respectively). Councilors have the right to change their vote up to the time the vote is announced by the Chairperson.

The vote must be recorded in the minutes of the meeting to indicate each Councilor's vote, or abstention.

B. Televised Meetings

As part of its franchise agreement with the Town of Kittery, the licensed cable provider provides the Town with a channel (22) on the local cable television system as a means for providing municipal information to the citizens of Kittery, broadcast live. The Town also provides live-streaming video for global internet access.

The Town Hall Chambers is equipped with a public address system. The system provides microphones at the dais, and a lectern. There are several issues related to the sound system which are important to keep in mind.

1. Open Microphones

Use caution when discussing matters near a microphone before the meeting starts. During the cable television setup process, microphones are on and televising background sounds even before the meeting starts.

2. Public Comment – Lectern

Have all speakers come forward to the lectern. Do not allow people to speak from the audience, as those viewing on television cannot hear them. See Appendix A – Decorum of the Public.

C. Agenda / Order of Business

1. Agenda

In order that advance notice of the matters to be discussed at Council meetings is afforded interested parties, all meetings of the Council will be conducted according to the agenda.

An agenda will be prepared for each regular meeting and posted by the Thursday preceding said meeting.

When practicable, an agenda will be prepared at least twelve hours in advance of a special meeting; delivered to all Council members and posted as normal meetings are posted.

All Town Manager's memoranda of interest to the Council members will be issued to them at least seventy-two hours before a regular meeting.

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

law. The Maine Freedom of Access Law, 1 MRS §405, states that “Executive sessions may be called only by a public recorded vote of five of the members present and voting. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business.”

A motion to go into executive session must indicate whom the Council will admit to, or meet with, in Executive Session. Certain defined circumstances exist wherein a Town Council may meet without the public in attendance. Such circumstances include:

- a. Real Property: The purchase, sale, exchange or lease of real property.
- b. Litigation: Pending or a significant exposure to litigation, or the decision to initiate litigation.
- c. Personnel: An executive session is held to discuss the appointment, employment, evaluation of performance, or dismissal of the Town Manager or other public employees directly hired by the Town Council; to hear complaints against the Town Manager or other public employees directly hired by the Town Council, or an Advisory Board member, unless the subject of the hearing requests a public hearing.
- d. Labor: Labor contracts, proposals, and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions
- e. Property Tax Abatements. Under 36 MRS §841, municipalities may abate (forgive) a property tax for “error or mistake” including illegality or irregularity, or for reason of “infirmity or poverty”.
- f. General Assistance Hearing 22 MRS §4306.

It is critical to stress that there must be no violation of closed session confidential information. Members of the Council, employees of the Town, or anyone else present must not disclose to any person, including affected/opposing parties, the press, or anyone else, the content or substance of any discussion, which takes place in a closed session without Council direction and concurrence.

Typically, executive sessions are scheduled at the conclusion of the public portions of the meeting. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain.

D. General Procedures

1. Robert’s Rules of Order Adopted

The Town Council has adopted a modified version of Roberts Rules of Order. While utilizing all of Roberts Rules by reference, this adoption of modified rules was undertaken to simplify procedures. Roberts Rules was developed for large-scale legislative bodies. A scaled-down and modified version is more appropriate for a Council having seven members. The full resolution detailing these modified rules as periodically amended appears in Appendix B.

2. Parliamentary Procedure Policy

It is the policy of the Council not to become involved in the entanglements over a parliamentary

procedure. Consistent with the Town Charter, and any applicable Town ordinance, statute, or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chairperson, subject to appeal to the full Council.

3. Presiding Officer

The Chairperson is the Presiding Officer at Council meetings. In the absence or incapacity of the Chairperson, the Vice Chairperson serves as presiding officer. The Chairperson has authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct pursuant to Appendix A, to enforce the rules of the Council. The Chairperson is the facilitator of Council meeting. In the role as facilitator, the Chairperson will assist the Council to focus on their agenda, discussions and deliberations.

4. Quorum

Four of the Councilors constitute a quorum for the transaction of business.

5. Discussion Rules

Proper decorum befitting the gravity of their solemn duties, is expected of all Councilors during the conduct of meetings.

Councilors wishing to speak shall respectfully address the Chairperson, and confine their comments to the question under debate, or the issue the Councilor wants to raise.

No member may be interrupted by another, but for a point of order or to correct a mistake, and only upon recognition by the Chairperson.

6. Comments for the Record

If a Council Member desires for a comment to be included in the minutes, it is the Councilor's responsibility to indicate that the statement is "for the record" before making the comments.

7. Discussion Limit

A Council member should not speak more than once on a particular subject until every other Council member has had the opportunity to speak. Councilors are encouraged to discuss items during the decision-making process and may ask the Town Manager, through the Chairperson, to respond when appropriate. The Chairperson should allow other members to speak first and then offer views and summarize.

The Chairperson may recognize the Town Manager or town staff, consultants, or others with pertinent knowledge of the subject matter to answer questions or provide information for the Council consideration of the matter.

8. Recusal or Abstention from Voting

A conflict of interest, bias, or other reason for abstention or recusal, must be declared whenever appropriate and in compliance with state law and Town Code Title 15. The affected Council member may not participate in the discussion or vote on the item. Councilors recusing themselves must move to the public area of Chambers ~~remove themselves from their regular seat as a member of the body~~. If a Council member abstains because of a legal conflict, the member must briefly state on the record the nature of the conflict. The clerk will register an "Abstained" vote in the minutes.

9. Conducting business at a late hour

After 10:00pm, a vote of four or more members of the Council is required to conclude a matter at hand or begin consideration of a new item of business.

10. Other Protocol

Other guidelines have also been adopted to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Public decorum is addressed in Appendix A. Councilors and staff shall:

- a. Work to preserve appropriate order and decorum during all meetings,
- b. Discourage side conversations, disruptions, interruptions or delaying efforts,
- c. Councilors should inform the Chairperson when departing from a meeting,
- d. Limit disruptive behavior.

11. Meeting Break Limit

The Council has authorized the Chairperson to resume the meeting if a quorum exists and other members have not returned from break within the allotted time.

12. Speaker Time Limit

While the Town Council encourages and embraces the need for, and right of, public participation, it acknowledges that public comments must, at times, be limited. Speakers shall limit their comments to three (3) minutes. The Town Council authorizes the Chairperson, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and impose alternate time limits per speaker when necessary due to the volume of business. After the time limit, Council may ask questions of the speaker for clarification, if needed. Speakers will be thanked for their participation.

13. Enforcement of Order

Any Council member may request the presiding officer to enforce the rules of protocol. Upon a point of order, the presiding officer shall rule accordingly.

14. Values of Respect

The Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy that places emphasis on the consideration of policy and avoids personalization of comments. Councilor members, staff, and members of the public participating in Council meetings are bound by the following guidelines:

- a. Discussion should focus on the specific matter before the Council,
- b. Personal criticism is inappropriate,
- c. Proper decorum should be displayed as others express their views, and
- d. All participants will be treated equally.

15. Voting Procedures

When present, all Councilors are to vote, unless they exercise their right of abstention. Voting is to be open, random roll call with the Chairperson voting last, and the Aye or Nay vote of each Councilor be recorded in the minutes, except for procedural or routine administrative matters which may be voice votes. No ordinance, resolution or motion may be passed or become effective without an affirmative vote of four or more members. Councilors may declare consensus at the discretion of the Chairperson, if there are no negative votes or objections. Upon the request of any Council member, a roll call vote will be taken and recorded.

16. Motions in Writing

Motions must be reduced to writing if the Chairperson so directs.

17. Reconsideration of the Vote

When a vote is concluded, it is in order for any member who voted on the prevailing side to

move a reconsideration thereof at the same or next regular meeting.

18. Suspension of the Rules

The rules may not be dispensed with, or suspended, unless five members of the Council consent thereto. No rules may be adopted, amended, or deleted without notice in writing being given at the preceding regular meeting.

19. Non Exclusive Rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the Town.

20. Rules / Policy Copies

The Town Clerk shall maintain copies of Council rules and policies and provide same to the Rice Public Library.

CHAPTER 10 - OPEN MEETING LAW

Operations and procedures of the Town and Council incorporate requirements of the state's Right to Know law. Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below for your information and future reference.

A. Applicability

The entire Town organization conducts its business in compliance with the Freedom of Access Law. The intent of the Law is to ensure that deliberation and actions of local public agencies are conducted in open and summarized in this chapter.

The Law applies to Council and all commissions, boards, and committees that advise Council. Staff cannot promote actions that would violate the Law.

B. Meetings

All meetings are open and public. A Town Council meeting takes place whenever a quorum (4 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless Town business is discussed in public meetings.

C. Correspondence

All writings distributed for discussion or considerations at a public meeting are public records unless exempted by state law.

CHAPTER 11 - PROCEDURAL ADMINISTRATION

A. Review of Town Council Rules

The Council will review and revise the Town Council Rules as needed.

B. Adherence to Rules

During Town Council discussions, deliberations and proceedings, the Chairperson is responsible to ensure that the Town Council, staff and members of the public adhere to the Council's adopted rules and procedures.

C. Town Manager as Rule Advisor

The Town Manager assists the Chairperson as a resource to confer with and an advisor for interpreting the Council's adopted Rules.

D. Adherence to Administrative Procedure and Process Procedures

The Council has delegated the Chairperson responsible to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council member. The Chairperson will discuss with the Council member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Chairperson will report the concern to the full Council.

CHAPTER 12 - ADDITIONAL TRAINING & RESOURCE MATERIALS

A. Maine Municipal Association (MMA)

The MMA is an association of municipalities in Maine, of which the Town of Kittery is a member. It provides many levels of service including the production of educational conferences for local officials, publication of various newsletters and a monthly magazine The Maine Townsman. As well, MMA's member services legal staff is available to respond to questions with regard to policy and legal questions.

The MMA also has lobbyists on staff that represents the interest of cities before the state legislature and federal government. Committees having local officials as members are also organized around the interests of Town departments (e.g. Town Council, Town Manager, Town Clerk, Fire, Police, Community Services, Community Development) to address issues as they arise.

The MMA has an internet web site at www.memun.org. MMA annually holds an Elected Officials seminar. New Councilors are encouraged to attend.

B. International Town Management Association (ICMA)

ICMA is a professional association of local government chief executives, of which the Town Manager is a member. The association has an extensive list of publications to assist local officials. The Association's Elected Officials Handbook series can be of great value to Councilors. Publications have also been developed on every basic Town service.

C. Resource Materials

The reference material listed below is available upon request to the Town Manager's Office:

1. Roberts Rules of Order
3. A Guide to the Freedom of Access Law a/k/a "Right to Know Law"
4. Enacted Council and Town Manager Goals
5. Travel and Training Policy
6. Other Reference Material on File:
 - b. Town of Kittery Municipal Code
 - c. Maine Revised Statutes
 - d. Current Operating and Capital Budget

- 828 e. Annual Audit
- 829 f. York County Budget

APPENDIX A – DECORUM OF THE PUBLIC

Council meetings are to be conducted with the gravitas deserving of conducting the Town's Business.

Any persons wishing to speak during the Public Comments portion of the meeting or on a Public Hearing item must first be recognized by the Chair.

Any person wishing to address the Council during Public Comments will be given an opportunity to do so in accordance with the following procedures limited to 3 minutes per person.

1. The Public Comment section of the agenda is reserved for members of the public who wish to address the Council on any matters listed on the agenda or on other matters they wish to bring to the Council's attention.

2. Any person wishing to have an item listed on the agenda under Public Comment shall submit the matter to be discussed in writing to the Town Clerk by 4:00 p.m. on the Tuesday preceding the Thursday that the agenda is to be posted.

3. Persons wishing to address the Council during Public Comment will signify their desire by raising their hand and, when recognized by the Chairperson, request permission to address the Council, giving their name and address, then designating the subject matter on which they desire to address the Council.

4. Members of the public, addressing the Council during the Public Comment section of the agenda must limit their statements to the Council, to no more than three minutes per person unless the Chairperson finds it necessary to allow more time.

5. Persons wishing to address the Council on an item which appears on the agenda after Public Comment must wait until the Chairperson announces the consideration of such item, at which time, after being recognized, they may address the Council on that particular item.

However, once the Council has begun its deliberation on the item, no person is permitted to address the Council unless the Chairperson, having determined that the Council's deliberations appear finished, and that the item under consideration is of great concern to members of the public gathered, permits persons in the audience to address the Council before closing the Comment and calling for Council vote.

6. Response to Public Comments.

In order to assure that the Council is speaking as one voice when responding to public comments all general responses shall be made by the Council Chairperson.

The Chairperson is responsible for any subsequent follow-up response to the speakers. In the event a member of the public addresses an issue to a particular Councilor, the Chairperson will invite such Councilor to respond directly, if that Councilor so desires.

Members of the audience may not engage in boisterous conduct, including the utterance of loud, threatening, belligerent, obscene, or abusive, language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the Town Council meeting unfeasible.

A portion or all of the public may be removed if disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

870 Each person addressing the Council shall do so in an orderly manner and must not make
871 repetitious, slanderous, libelous, insulting, prohibited speech, fighting words, or irrelevant,
872 remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise
873 impedes the orderly conduct of the Council meetings.

874 Accordingly, if unbidden public discussion of charges or complaints against a person or persons
875 appointed by the Town Council could be reasonably expected to cause damage to an
876 individual's reputation or the individual's right to privacy would be violated, such matters may not
877 be addressed during Public Comments.

878 A member of the audience engaging such behavior or speech will be instructed by the Chair of
879 this requirement and ordered to cease and desist. Anyone repeatedly or continuously engaging
880 in any such conduct, at the discretion of the Chair or a majority of the Council, is subject to
881 ejection from that meeting.

APPENDIX B – ROBERT’S RULES SUMMARY & MOTIONS TABLE

Robert's Rules of Order - Summary Version For Fair and Orderly Meetings & Conventions

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order.
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules).
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made.
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly.
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own).
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble cannot be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions.
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor.
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time.
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time.
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed.
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated.
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending.
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table.

- 920 • **Reconsider:** Can be made only by one on the prevailing side.
- 921 • **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion
922 to reconsider can be made this session.
- 923 • **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if
924 preferred.
- 925 • **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" -
926 informal debate as if in committee; this committee may limit number or length of speeches or
927 close debate by other means by a 2/3 vote. All votes, however, are formal.
- 928 • **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before
929 other business is resumed; NOT debatable if relates to decorum, violation of rules or order of
930 business.
- 931 • **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution);
932 the object of the suspension must be specified.
- 933 © 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	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	None
§33	Request for information	Point of information	Yes	No	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	Yes	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	Majority