

APPROVED MINUTES
Approved on November 24, 2008

KITTERY TOWN COUNCIL

November 10, 2008

Council Chamber

1. **CALL TO ORDER**

Chairman Jeffrey Thomson called the meeting to order at 7:00 p.m.

2. **INTRODUCTORY**

Chairman Thomson read the Introductory.

3. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance.

On behalf of the Council and the community, Chairman Thomson expressed gratitude to Councilor Brake, who was leaving after his term of office, thanking him very much for his three years of service.

4. **OATH OF OFFICE TO NEWLY ELECTED OFFICIALS**

Town Clerk Maryann Place administered the Oath of Office to Judith Spiller, who had been re-elected and to the newly elected Gary Beers.

5. **ROLL CALL**

Answering the roll were Councilors Gary Beers, Frank Dennett, George Dow, Ann Grinnell, Glenn Shwaery, Vice Chair Spiller and Chairman Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, out-going Councilor Jeffery Brake, Police Chief Edward Strong, Members of the Kittery Police Department, including Lt. Russell French and Officer John Brosnihan, Capt. Woodcock, Fire Chief Dave O'Brien, Recorder Chris Kudym, members of the press and others.

6. **THE KITTERY TOWN COUNCIL MOVES TO ELECT A CHAIRPERSON FOR THE ENSUING YEAR.**

Town Manager Carter was asked to take nominations for Chairperson for the ensuing year.

COUNCILOR GRINNELL NOMINATED JEFFREY THOMSON TO SERVE AS CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR BEERS.

A ROLL CALL VOTE WAS TAKEN, AS FOLLOWS: SIX IN FAVOR; ONE OPPOSED. MOTION PASSES 6/1, WITH COUNCILOR DOW OPPOSED.

7. **THE KITTERY TOWN COUNCIL MOVES TO ELECT A VICE CHAIRPERSON FOR THE ENSUING YEAR.**

COUNCILOR GRINNELL NOMINATED JUDITH SPILLER TO SERVE AS VICE CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR BEERS.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

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On behalf of Vice Chair Spiller and himself, Chairman Thomson thanked the Council for their confidence for another year. Having just completed a pretty difficult year and expecting the upcoming year to be a challenging one, the Chair said he was confident that working together with the Manager, his Department Heads and the School Department, they would be successful in achieving their goals while recognizing the difficulties many of their citizens were facing.

8. ACCEPTANCE OF MINUTES

The Minutes of October 27, 2008 were accepted, as amended, with Councilor Beers abstaining.

9. INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD: None

Chairman Thomson asked for and received Council's consensus to vary from the agenda in order that a presentation might be made.

Addressing Police Chief Strong, Town Manager Carter said that while the Chief was away, they had put together, with the help of Lt. French and the entire Police Department staff, a 30-year recognition of his service to the Town. The Manager asked Chief Strong to come forward and presented him with a plaque commemorating 30 years of meritorious service and outstanding contributions to the profession of law enforcement to the Town of Kittery.

The Manager read a note sent to Chief Strong from Bob Schwartz, Executive Director of the Maine Chiefs of Police Association, on behalf of himself and Mark Leonard, President of that Association, congratulating him on his many years of service and thanking him for his diligent assistance to the Association.

A letter from the Chief's ex-partner in Washington D.C., of whom Town Manager Carter had only recently become aware, was also presented to the Chief.

Lt. Russell French came forward, along with Officer John Brosnihan, who presented the Chief with a Letter of Recognition and which he read aloud. Lt. French then thanked the Chief for his 30 years of service and his leadership. Being a "one of a kind" chief, Lt. French said they had created a commemorative "one of a kind" badge that they would like him to have and hoped he would wear it.

Capt. Woodcock came to the podium to thank Chief Strong for all the outstanding years he had been there, all the great events they had been involved with together, the continued support and camaraderie, as well as the outstanding force that he represented and the great working relationship they had.

Police Chief Strong said thank you.

Chairman Thomson congratulated the Chief on his years of service, noting that he was on the Council 30 years ago when the Chief had been hired as a patrolman and was Chairman of the Council the year he had been appointed Chief. On behalf of the community, the Chair especially thanked him for his professionalism, the way he asked his Department to conduct themselves in the community and the way he conducted himself as Chief. The Chair also noted that in the 16 years prior to Chief Strong's becoming the Chief, the Town had had seven Police Chiefs.

Chief Strong said the only thing he would say was, he thanked the people for letting him serve.

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10. PUBLIC HEARINGS

a. (110108-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE RENEWAL APPLICATION OF CAP'N SIMEON'S GALLEY, INC., 90 PEPPERRELL ROAD, KITTERY POINT, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CAP'N SIMEON'S GALLEY, 90 PEPPERRELL ROAD.*

Chairman Thomson indicated that publication of this Hearing had appeared in the local printed media on Monday, November 3rd and opened the Public Hearing. Not hearing a response, the Chair then closed the Public Hearing.

VICE CHAIR SPILLER MOVED TO APPROVE THE RENEWAL APPLICATION OF CAP'N SIMEON'S GALLEY, INC., 90 PEPPERRELL ROAD, KITTERY POINT, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR CAP'N SIMEON'S GALLEY, 90 PEPPERRELL ROAD, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (110108-2) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE RENEWAL APPLICATION OF CAP'N SIMEON'S GALLEY, INC., 90 PEPPERRELL ROAD, KITTERY POINT, FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR CAP'N SIMEON'S GALLEY, 90 PEPPERRELL ROAD.*

Chairman Thomson indicated that publication of this Hearing had appeared in the local printed media on Monday, November 3rd and opened the Public Hearing. Not hearing a response, the Chair then closed the Public Hearing.

COUNCILOR GRINNELL MOVED TO APPROVE THE RENEWAL APPLICATION OF CAP'N SIMEON'S GALLEY, INC., 90 PEPPERRELL ROAD, KITTERY POINT, FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR CAP'N SIMEON'S GALLEY, 90 PEPPERRELL ROAD, SECONDED BY VICE CHAIR SPILLER.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

11. DISCUSSION

- a. *DISCUSSION BY MEMBERS OF THE PUBLIC (Three minutes person)*
- b. *CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS*

12. UNFINISHED BUSINESS

In regard to the Emergency Benefit Volunteer Program, Councilor Shwaery questioned how money would be transferred from one account to another in the case of paying rent and the Manager explained that a check would be cut to the landlord.

Councilor Grinnell asked about the Safford School and the group from the Friends of Fort McClary and the Manager said they had been working with them to find a date and time for the maximum number of people to be able to attend, which turned out to be the 24th. Councilor Grinnell said she would just like to remind that group that the Council was not holding up the process but were waiting for them.

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Vice Chair Spiller said she was baffled by the Comcast letter. Town Manager Carter said that he guessed the term “back to the future” was fair to say. He had been talking to the Cable Regulatory Committee Chair Leon and Pat Scully, their consultant, and they also were baffled. Basically, they were trying to preserve the formal process under cable TV protocol to start re-negotiating a franchise agreement, which was up in 2011. For six years, the Town had been re-negotiating an agreement that had been passed on to several cable companies and which had landed in the hands of Comcast. The Manager said it was a shame that Comcast had put them through those six years, allowing them to think they were negotiating in a spirit of good faith. The Manager thought Comcast would drag out these negotiations until a model franchise agreement was put together in the State of Maine for Kittery to use. The Vice Chair said she was glad she wasn’t the only one baffled but she was disappointed.

Vice Chair Spiller thanked the Town Clerk and her staff for how they handled the election, as well as the staff of the Shapleigh School.

The Vice Chair indicated that the Shared Services Committee had had a life expectancy of six months and since they had reached that point, they needed to either extend that life expectancy or let it set with the sun. Her suggestion was to continue it and if they did continue it, they needed to replace Councilor Brake.

Councilor Grinnell noted that it would also be up to the School Board if they wanted to continue it.

Chairman Thomson said that unless he heard an objection, he would ask the Manager to convey to Supt. Littlefield that it was the desire of the Council for the Shared Services Committee to continue for the indefinite future until either body decided it no longer needed to exist.

Councilor Grinnell recommended that Councilor Beers become part of that Committee, replacing Councilor Brake, and Councilor Dow said he would like to continue on the Committee. With Council’s approval, Councilor Beers said he would be more than happy to fulfill that role.

13. NEW BUSINESS

a. (110108-3) *THE KITTERY TOWN COUNCIL MOVES TO ADOPT ITS RULES FOR THE ENSURING YEAR.*

COUNCILOR DENNETT MOVED TO ADOPT THE COUNCIL RULES, AS AMENDED OCTOBER 28, 2002, FOR THE ENSUING COUNCIL YEAR, INCLUDING THE COUNCIL SELECTION PROCEDURES, AS AMENDED SEPTEMBER 25, 2006, SECONDED BY VICE CHAIR SPILLER.

Councilor Beers wondered which of the nine versions of Roberts Rules of Order in circulation the document referred to and also indicated that he would prefer, as the School Committee had done, to use language that was gender neutral. The Chair noted that since some “tweaking” had to be done on the selection procedures, perhaps they could adopt the rules as presented and then have changes taken care of later so that, in the meantime, they would have the needed structure for on-going business. Councilor Beers said he would be satisfied with that, as did Councilor Dennett.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (110108-4) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairman Thomson listed the following warrant articles.

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Warrant No. 9	School Accounts Payable	\$ 284,850.45
Warrant No. 38	Town Accounts Payable	\$ 284,850.45 *

VICE CHAIR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR DOW.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

*Since the Town Accounts Payable had not as yet been reviewed, this amount reflected the portion of Town Warrant No. 38 that covered the School Accounts Payable and which was approved by Council.

c. (110108-5) *THE KITTELY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING TO RECEIVE COMMENTS ON ACCEPTING THE CDBG FUNDING FOR THE ECONOMIC DEVELOPMENT PLANNING GRANT, AS REQUIRED UNDER THE CDBG PHASE II GRANT ADMINISTRATION PROCEDURES.*

COUNCILOR GRINNELL MOVED TO SCHEDULE THE DATE OF NOVEMBER 24, 2008 FOR A PUBLIC HEARING TO RECEIVE COMMENTS ON ACCEPTING THE CDBG FUNDING FOR THE ECONOMIC DEVELOPMENT PLANNING GRANT, AS REQUIRED UNDER THE CDBG PHASE II GRANT ADMINISTRATION PROCEDURES, SECONDED BY COUNCILOR SHWAERY.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. *OTHER*

Councilor Beers complimented the Town Clerk and her staff for their outstanding performance at Tuesday’s elections.

Chairman Thomson said that a directional sign off Exit 1 had been demolished and the Manager said he would check with the DOT on that.

The Chair wondered if, for the aid and comfort of the citizens attending their holiday parade on December 6th, the folks responsible for cleaning John Paul Jones Park could give it a little rake and “look over” prior to the parade. Councilor Shwaery suggested they add that people should be picking up after their dogs.

Councilor Grinnell asked about the dates for their next workshops and when this Council would meet to discuss next year’s budget before giving guidance. The Chair indicated that the 17th had originally been set for getting with the School Committee but, apparently, the School Committee had been reluctant to meet at that time so the 17th could be used for just the Council to meet.

14. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

b. *TOWN MANAGER’S REPORT*

Approved on 11/24/08

Town Manager Carter requested and received Council's approval for the day after Thanksgiving, a half-day on December 24th and the day after Christmas to be treated as an employee personal leave day.

Regarding the Memorial Bridge, the Manager said the MDOT Commissioner informed him the NHDOT had said the bids came in \$15 Million higher than budgeted. This Bridge is the highest "Red Listed" Bridge in New Hampshire but not in Maine and because of the cost, the State of Maine felt it could not move forward with the rehabilitation. The DOT Commissioner said he would instruct his staff to meet with the groups they had worked with over the past couple of years and start the whole process all over again, looking to put out a bid within twelve months. Since most of the funds for this project were Federal, New Hampshire will need to use them within 2009 or else lose that funding to another project. The Manager said that in Maine's case, because the Memorial Bridge was not the highest priority, he thought the money would be shifted rather quickly to a more important stretch of road on 295. This whole matter was something they needed to keep an eye on and he was not sure how active the MDOT would be in this project.

Chairman Thomson indicated that the Manager would make the best "watch dog" on the project for the Town.

The Town Manager noted they were still expecting that the Sarah Long Bridge would be re-opened on the 14th. That Bridge had a maintenance repair capital project of \$38 Million projected for 2012. It was the annual operational costs of both Bridges, \$800,000.00 a year for each, that the States of Maine and New Hampshire wanted to see limited.

The MDOT would be holding a planning process meeting for the replacement of the Dennett Road overpass on November 19th in the Council Chamber.

The Route 1 South Bypass project was winding down for this season.

The Manager said they had some fairly exciting news that they were in line for a grant from the N.H. Estuaries Project Program that the Spruce Creek folks put together and the Fire Chief got preliminary word that his grant application looked promising for a major piece of equipment.

Chairman Thomson commented that it seemed like great progress had been made on State Road and the Manager indicated that their strategy had changed when the contractor go in.

c. COMMITTEE REPORTS

15. ADJOURNMENT

COUNCILOR GRINNELL MOVED TO ADJOURN, SECONDED BY COUNCILOR SHWAERY, WITH ALL IN FAVOR.

MEETING ADJOURNED: 8:12 P.M.