

APPROVED MINUTES
Approved on December 8, 2008

KITTERY TOWN COUNCIL

November 24, 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.

4. **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, Fire Chief Dave O'Brien, Police Chief Edward Strong, Anne Whitney, Stephen Estes, Chuck Morgan, Rhonda Pomerleau, Teresa Davis, Officer Robert Creamer, Diamond VanLaningham, Mark LaRue, Christopher Perkins, Recorder Chris Kudym, members of the press and others.

5. **ACCEPTANCE OF MINUTES**

The Minutes of November 10, 2008 were accepted, as presented.

6. ***THE KITTERY TOWN COUNCIL MOVES TO HEAR AN UPDATE AND RECOMMENDATION FROM THE SAFFORD SCHOOL RFP ADVISORY COMMITTEE ON THE SAFFORD SCHOOL RFP SUBMITTAL.***

As the Council's representative on the Advisory Committee, Councilor Grinnell explained that the Safford School Advisory Committee had been set up to look into preserving the Safford School and what the Town was going to do with it and that the Friends of Ft. McClary would like to move the Safford School to a site at Ft. McClary. Town Manager Jon Carter sent a memo dated October 1st for the purpose of updating people as to what had been happening and Councilor Grinnell read excerpts from that memo, which detailed the Advisory Group's recommendations to the Council.

Councilor Grinnell said that the Advisory Group was coming to the Council willing to continue to work with the Friends, if Council agreed, and they would like to get the item on a Town ballot in either June or November. She said the Advisory Group, however, was quite adamant that a list needed to be drawn up of items that needed to be accomplished by a "drop-dead" date provided by the Town Clerk in order to get it on the ballot in June.

Councilor Grinnell indicated she had not spoken to the Friends since they received a copy of the Manager's memo and didn't know how they felt about the Advisory Group not recommending to Council that the School be located on the ocean side of the Park, which was the site the Friends originally recommended.

Responding to a question from Councilor Dow, Councilor Grinnell indicated that, according to the Charter, a Town vote was needed in order for them to lease the building to anyone.

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Vice Chair Spiller wondered if the Advisory Committee had any discussions concerning the Frisbee School as a location for the Safford School Building and was informed that at the time the RFP had been put together, that location had not been available for consideration and no discussion of it had taken place.

Councilor Grinnell stated that if the building were moved to Ft. McClary, it would not be under the auspices of Kittery zoning but rather under State zoning; the Manager noted that the State conformed to zoning under the Comprehensive Plan.

Councilor Shwaery asked who would bear the cost of any possible expanded parking area or some other permanent structure that might need to be put in; would it be the applicant? Councilor Grinnell responded that, as far as she understood, the State would not be contributing anything, the taxpayers would not be contributing anything, and the Friends wanted to lease the building and move it there, as well as bear all the expenses, including maintenance and upkeep.

Councilor Grinnell said that the Advisory Group was asking the Council if they wanted them to keep going forward and did they want them to draw up what the Group thought was a reasonable list of things that the Friends would have to deal with, which they would then bring back to Council before presenting to the Friends.

Chairman Thomson asked Stephen Estes of the Friends of Ft. McClary if there was anything he wanted to add to the discussion before the Council proceeded?

Stephen Estes came forward and noted that the process of deciding what to do about the Safford School had been going on for over four years and problems with the abutters were not being resolved while, in the meantime, the building was falling into significant disrepair. Mr. Estes said his bottom line was to see that the School was restored, preserved and put to use as a Kittery Point Community Center, which it had been for many years.

Mr. Estes said the Friends was the only group to put in a re-use proposal and put together a plan that would include relocating it to a site at Ft. McClary. Their proposed site was where the original “Upper Parish School” sat, creating a real historical connection. The Friends and the Town were not expecting any money from the State; what the State was allowing was use of the land. The building would be renovated and managed by the Friends, through the State, with an agreement with the Town.

Mr. Estes said that per his discussion with Ron Hunt, Southern Regional Director of the Bureau of Parks and Lands, the Bureau was standing by the original agreement they had with the Friends as of the 27th of August and were not entertaining an alternative site at this time, feeling that the proposed site on the ocean side was the best fit for the Ft. McClary State Park. The Bureau and the Friends would certainly work with the Town to be in compliance with State and Town zoning codes and the Comprehensive Plan. What they were proposing was possibly working with the Advisory Group and the Town Manager over the course of this winter and spring to come up with a plan that might be feasible for moving the School to a site at the Fort and then possibly looking at June or – to him, more realistically because of the time necessary for fund raising – November for a warrant article being put on the ballot.

Mr. Estes said they felt like they were in limbo because they couldn’t proceed with any planning or fund raising; no public advertising had been done about the re-use proposal but the bottom line was having the Council do something to preserve that School.

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Chairman Thomson asked if the Friends and the Advisory Committee felt they could work in a cooperative manner over the next six months or so to come up with a proposal since there seemed to be a difference of opinion regarding the site.

Mr. Estes said he really thought it was certainly open for discussion and negotiation; it would mean bringing Ron Hunt from the Bureau down, which could be challenging. He said that the Friends already had established plans of activities and projects beginning Memorial Day weekend and going right through September. That would be a good time for them to make the public aware of the Safford School restoration, re-use and re-location and should generate a lot of interest.

Councilor Grinnell thought a good first step would be for the Advisory Group to meet with the Friends along with the State to see if they could agree on a site.

Councilor Shwaery thought they also needed to agree on use because that would drive the number of parking spaces and Councilor Dow agreed with Councilor Grinnell that they definitely needed to nail down the location.

Chairman Thomson said he thought they would have to have some real conceptual drawings of what it would look like at the chosen site. The Chair said that what he was hearing was that the Council certainly wanted the Advisory Group to continue their work and move forward with the Friends, with the first step being a meeting to decide on the site and perhaps getting an interim report from Councilor Grinnell sometime in late winter, early spring about where they stood, with the hope of having something Council could vote on to be put on the November ballot.

Councilor Grinnell agreed that they had to nail down the location. They also needed for the Council to make it clear what they wanted regarding the use of the building and if they all could agree on that, then the Advisory Group would list the things they wanted the Friends to do so they felt comfortable voting to put it on the ballot. However, she said, the sooner they could do that, the sooner the Advisory Group could make a list and the sooner the Friends could work on it. They needed to do that quickly in order to start fundraising and getting committals from people and Councilor Grinnell said she wanted to give them as much time as possible.

Anne Whitney of Kittery Point, a member of the Advisory Committee, came to the podium and explained that one of the issues was that the old school was located on the ocean side and the State had kind of said that was the site they wanted to use. However, Ms. Whitney said, the other side was a much easier place to develop since extensive site work, including cutting down lots of trees, would be needed on the ocean side. Developing the ocean side would also be extremely expensive. Since the Advisory Group thought locating the site on the pond side was a great solution for the project, they wondered if the Council could give them some clout with the State.

Responding to a comment from Councilor Dennett concerning a possible objection to a curb cut from the DPW Commissioner, Ms. Whitney indicated that what the Advisory Group was proposing was sharing the existing land side entrance to Ft. McClary by the pond.

Councilor Grinnell said that what she had heard was that the Advisory Group thought it was best if the building was located on the pond side and they would like to be able to go to the State with the Council's support.

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Chairman Thomson noted it certainly appeared that, all things being equal, fund raising for this project would be much easier to accomplish if it was located on the pond side. It was going to be expensive to move the building, as well as to restore it, so if they could realize some reductions in the site aspect of it, that would seem to be the logical way to go.

Councilor Shwaery asked if the Mitchell School site was completely off the table and the Manager replied that it was a little bit off the table in the sense that if the School Consolidation Feasibility Study went forward, that area would be needed for parking.

Councilor Shwaery stated that before he gave his seal of approval, he would need to know what the use was going to be before he was okay with moving it anywhere in Ft. McClary.

Town Manager Carter explained that their understanding was that the Friends would use the building as their facility to launch different programs for the Park. The Friends of Maine State Parks was an established program and Kittery was lucky to have a Friends of Ft. McClary that was supportive of programming that went on in the Park. A number of rehabilitation efforts were going on at the Park that the Friends were in charge of; there was a new structure in the Fort that the Friends operated; and they were restoring a cannon in the blockhouse and this facility would be for their use in the development of programs in the Park.

One of the major points was that it would also be a facility where historical documents might be maintained for the Kittery Point area. The other major point was that it could be a community house where meeting space could be made available for cub scouts, boy scouts, etc. It was not a large facility and would not be used as a “community center” where large meetings and gatherings would happen but a historical facility that would be rehabbed mainly for the use of the Friends in the Park to exhibit historical materials.

Mr. Estes distributed a copy of a map to the Council that contained where the old, abandoned road existed and noted that one of the things the Friends were trying to talk the Bureau into doing was expanding parking on the blockhouse side, which was at present totally inadequate. Mr. Estes indicated that Ron Hunt had stated that the site where the old, abandoned road came off Pepperrell Road would have made a better entrance to the Fort. Mr. Estes then briefly summed up the Friends’ objectives for the restoration and re-use of the Safford School.

Councilor Grinnell said she thought they were at an impasse because what she was hearing from Steve was that they really wanted it on the ocean side and the Advisory Group did not want it on the ocean side so that had to be the first thing for them to work out and, at the same time, use, because this was the first she had heard that the State wanted an expansion to the parking lot on the ocean side. She thought they needed to get that cleared up before they did anything else.

Chairman Thomson said that the Advisory Group and the Friends had nine months to try to come up with a plan that the Council could support and that addressed some of the concerns that had been brought up and the Council would certainly be interested in hearing updates as they went along. The Chair also said he would be happy to attend meetings.

Mr. Estes suggested that representatives of the Friends and the Advisory Group could sit down for perhaps a half hour meeting and contact the State to find out their availability and Ms. Whitney noted that she thought a preliminary site design needed to be prepared before they went to the State.

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7. INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD:

Russell White for re-appointment to the Planning Board until 11/30/2011. The term of Megan Kline would expire on 11/30/08 and Ms. Kline has not re-applied.

As Mr. White was not present, this item was postponed.

Councilor Beers indicated that since he was the owner's agent for an application for development about to be filed with the Planning Board, he would abstain from voting on this item.

8. PUBLIC HEARINGS

a. (110208-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF INFORMING THE PUBLIC AND RECEIVING COMMENTS ON THE PHASE II, PROJECT DEVELOPMENT DOCUMENTATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, COMMUNITY PLANNING GRANT PROGRAM, TO BE FUNDED BY THE MAINE OFFICE OF COMMUNITY DEVELOPMENT, TO OBTAIN FUNDS TO ASSIST IN THE COMPLETION OF AN ECONOMIC DEVELOPMENT PLAN. THE AMOUNT REQUESTED FROM CDBG IS \$10,000, TO BE MATCHED IN THE AMOUNT OF \$5,000 PROVIDED BY THE SOUTHERN MAINE REGIONAL PLANNING COMMISSION.*

Chairman Thomson indicated that this grant had been awarded and they were moving ahead in the process, with Kittery acting as the Agent in this particular process by holding a Public Hearing and voting to sign the appropriate documents to continue moving forward.

Town Manager Carter pointed out that Chuck Morgan, the Economic Development Specialist of the Southern Maine Regional Planning Commission, was present and that the SMRPC would be coordinating the project, which was a Regional Economic Development project, on Kittery's behalf.

The Manager said that this was a most opportune time for this type of grant to be offered into the community. When they had applied six or seven months ago, they had no idea that the economic conditions would be what they were at this time and they saw this as a valuable tool to Kittery and the other communities involved in this in strategically thinking through economic development, whether in the collaboration of communities and services or working towards bringing different types of industry into this area. Although this was not a lot of money, the Manager said they saw this as a way of bringing people together to talk about the region's needs and so would urge the Council to allow this to move forward, with the understanding that they would be participating as much as all the other communities were.

Chuck Morgan came to the podium and said that the last time he had been there it was for a Public Hearing that had to be held in order to apply for the grant. The good news was they had been awarded that grant so, technically, Phase II was really the completion of a lot of documents. Since this money came from the Federal Department of Housing and Urban Development, that meant that even with a planning grant, they also had to have an environmental review (which they had completed) and, as a result, it was necessary to hold a Public Hearing to inform on both progress and paperwork. They had completed most of the paperwork so there were just three documents left that needed signatures, which would complete Phase II. All the documents would then go to the State, a contract would be developed and following that, the next step was pulling together the Advisory Team so they could work together and maximize their resources.

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Chairman Thomson opened the Public Hearing and not receiving a response, closed the Public Hearing.

The Chair noted that the first item regarded “Standards of Conduct for Community Development Block Grant Recipients” and indicated that he would entertain a motion that Council endorse the Standards of Conduct laid out for recipients of this grant application.

VICE CHAIR SPILLER MOVED TO ENDORSE THE STANDARDS OF CONDUCT FOR COMMUNITY DEVELOPMENT BLOCK GRANT RECIPIENTS, SECONDED BY COUNCILOR GRINNELL.

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

The Chair noted that the next item was the “Fair Housing Resolution” dealing with the Maine Community Development Block Grant Program and indicated that he would entertain a motion that the Council endorse the Fair Housing Resolution, which was the second piece of this grant proposal.

VICE CHAIR SPILLER MOVED TO ENDORSE THE FAIR HOUSING RESOLUTION, SECONDED BY COUNCILOR GRINNELL.

Council Dennett had an objection to the second paragraph, which he paraphrased as being the resolution, “*that within available resources the Town will assist all persons who feel they have been discriminated against by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development.*” Councilor Dennett noted that while the Manager indicated that Kittery would share in the benefits of this program with the other communities, they were the only ones that were going to get stuck with this burden. As he read this, anyone who felt discriminated against for the reasons set forth could apply to the Town, forcing Kittery to file a complaint with the State or Federal Government. He agreed with the grant itself but could not support this so, rather than create a problem, he would abstain when the roll was called.

A ROLL CALL VOTE WAS TAKEN, AS FOLLOWS: FIVE IN FAVOR; ONE OPPOSED; ONE ABSTENTION. MOTION PASSES 5/1/1, WITH COUNCILOR BEERS OPPOSED AND COUNCILOR DENNETT ABSTAINING.

The Chair noted that the last item was the “Equal Employment Opportunity Policy Statement” and said he would entertain a motion to have the Council endorse this third aspect of the grant proposal.

Councilor Shwaery had an accounting question for Mr. Morgan, noting that on Page 18 a grant of \$6,000 was listed under SMRPC but the Public Hearing was on \$10,000 and \$5,000. Mr. Morgan indicated that the \$5,000 was a typo and SMRPC intended to match the \$6,000.

VICE CHAIR SPILLER MOVED TO ENDORSE THE EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT, SECONDED BY COUNCILOR SHWAERY.

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

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b. (110208-2) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE RENEWAL APPLICATION FROM RAYMOND E. HIGGINS, 109 BARTLETT ROAD, KITTERY POINT, MAINE FOR A JUNKYARD PERMIT FOR RAYMOND E. HIGGINS. 109 BARTLETT ROAD.*

Chairman Thomson stated that notification of this Public Hearing appeared in the local printed media on Friday, November 14, 2008. The Chair then opened the Public Hearing and receiving no response, closed the Public Hearing.

COUNCILOR DOW MOVED TO APPROVE THE RENEWAL APPLICATION FROM RAYMOND E. HIGGINS, 109 BARTLETT ROAD, KITTERY POINT, MAINE FOR A JUNKYARD PERMIT FOR RAYMOND E. HIGGINS. 109 BARTLETT ROAD, SECONDED BY COUNCILOR BEERS.

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

c. (110208-3) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE RENEWAL APPLICATION FROM WEATHERVANE SEAFOODS, 306 US ROUTE 1, KITTERY FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WEATHERVANE SEAFOODS, 306 US ROUTE 1.*

Chairman Thomson stated that notification of this Public Hearing appeared in the local printed media on Friday, November 14, 2008. The Chair then opened the Public Hearing and receiving no response, closed the Public Hearing.

COUNCILOR BEERS MOVED TO APPROVE THE RENEWAL APPLICATION FROM WEATHERVANE SEAFOODS, 306 US ROUTE 1, KITTERY FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WEATHERVANE SEAFOODS, 306 US ROUTE 1, SECONDED BY COUNCILOR GRINNELL.

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

9. DISCUSSION

a. *DISCUSSION BY MEMBERS OF THE PUBLIC (Three minutes per person)*

Fire Chief Dave O'Brien came to the podium to announce a seminar to be held at the Gorges Road Fire Station free of charge on December 10th between 6:00 and 9:00 p.m. on wood fuel and pellet stove installations. The Chief said they were fortunate to have Mark Jones from Chestnut Hill Chimney Services in Farmington, who was a national instructor, teaching this seminar.

Rhonda Pomerleau of 32 Stevenson Road came forward to present a Petition to re-instate the School Resource Officer for the Council's consideration. Ms. Pomerleau said the Petition contained 668 signatures of concerned parents and residents from the Town of Kittery. The School Resource Officer, she said, played a very important role in their schools and community and, given recent criminal acts in their schools and schools throughout the country, serious consideration should be given to restore the School Resource Officer's position. They needed to keep the Kittery Schools from being another statistic in society today for school crimes and they needed the School Resource Officer back in their schools now. Ms. Pomerleau said that this position was necessary because society today demanded a higher sense of safety in their schools, along with the many other benefits that this position provided.

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Our State and country, she said, were in severe financial trouble, causing many budget cuts from many different areas and she and others strongly believed that the Resource Officer positions were needed in their schools and should not have been cut. Ms. Pomerleau said she understood that due to budget cuts in the Police Department, Chief Strong felt it was necessary to cut the School Resource Officer's position; she agreed with Chief Strong in that the funding for this position should be split between the School Department and the Police Department because both benefited from having this position in the schools.

Ms. Pomerleau had two proposals to restore the position. The first was to have the School Department and the Police Department work together to come up with a solution to funding this position. The second was to allow their former SRO, Officer Robert Creamer, to retire from the Police Department and sign a new contract with the Town as a full-time School Resource Officer. Chief Strong recently mentioned that there would be mitigating circumstances to this in that they would have to hire a new patrolman to replace Officer Creamer. That was true, Ms. Pomerleau said, but in hiring a new patrolman, that patrolman would be on a base salary and not have the 26 year base salary of a senior patrol officer; he would also not get longevity pay nor would he have six or seven weeks a year of paid vacations. This, she said, would save the Town and the Police Department money.

In conclusion, Ms. Pomerleau said they would like the Town Council to please consider restoring this position and in doing so, would like them to ask themselves: "what was the cost to keep their children safe?" and "how much was the safety of their children worth?"

Police Chief Edward Strong came forward and said that, given the tight budget year they had and were in right now, the decision was made to eliminate this position because they just didn't have the funding for it. The Chief said he would be proposing his new budget to bring the position back in a different format but he didn't know if that would fly. The Chief said they had implemented an increase in visits by patrol officers; the Lieutenant met with some principals in the school the other day and they were starting a lunch program where officers would be going in and eating lunches with the students. The new Juvenile Officer was on board, up to speed and was having good rapport with the schools so they were trying to do what they could with what they had.

Teresa Davis of Moore Street came to the podium and said her two girls graduated from Traip and, with the bomb scare, etc., they really looked forward to seeing Officer Creamer, who offered them guidance and was there for them. Ms. Davis said she talked with quite a few kids and they totally supported him and she believed they needed him. Seeing someone like that in a school, there's not that much violence. She did understand – they lost KCAP, they lost the DARE Program and now the kids that wanted to be in sports had to pay - so there were a lot of cuts for the kids and they really didn't have a whole lot here in Kittery they can look up to. If they know they can go and see Officer Creamer, he was a guidance counselor to them along with just being a friend.

b. CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS

Chairman Thomson said he would simply state that, without throwing anyone under the bus, it was not the Council's decision to cut this particular position. Last year, the School Department and the Town were assigned a task to reduce and hold spending at a certain level to minimize any tax rate increase. That was the goal of this Council and that goal was achieved but all indications were that FY'10 would be an even more difficult year. However, the Chair said he would also recommend to the public that there was still ample funding for guidance and direction for the children in the public schools of Kittery. Last week he signed the School Warrants – every two weeks bills were compiled and a member of the Council reviewed them – and in that previous two-week period, the School System expended \$3,800 for a psychiatric examiner, \$5,200 for a psychologist and \$2,280 for social

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workers (for just two weeks). Pro rating those expenses over the course of a 36-week school year, you have a considerable amount of money being expended in the area of contracted services to provide such services to our school children. In addition to that, they had two full-time guidance counselors at Traip Academy and guidance counselors on staff in every other building in the School System in Town. So, again, the Chair said he thought there were certainly ample resources still existing through these various means to provide guidance and assistance to children who needed them. The Chair said he would personally prefer to try and look at this from a different point of view and thought it should be the goal of the Kittery School Department and the Town of Kittery not to have a police officer in their schools, that an environment of learning, nurturing and caring should exist so there was no need for a police officer.

Hearing responses of dissatisfaction while preparing to move on to New Business, Chairman Thomson allowed Robert Creamer to come forward to make a statement.

Robert Creamer, 133 Old Post Road, came to the podium saying he was not speaking on behalf of himself because that wasn't the issue, it was about safety and what the School Resource Officer did in school and he didn't think anyone in the room except the kids and parents there understood what the job was of a School Resource Officer.

Officer Creamer explained that a Resource Officer didn't just go in and protect kids from people coming running in with guns. He said he had been there for a year and a half and gave the Council an example of a situation where he was able (because he knew her) to understand and respond to a 14-year old girl who told him she had just taken 20 pills. This was something, he said, that you couldn't do with regular officers coming in arbitrarily and checking the school. The Resource Officer was there four or five days a week, the same amount of time as the kids, and he or she gets to know the kids. Officer Creamer said he knew every one of the kids that was present at the meeting - that was why they were there – everyone of them had had a problem and he had helped them and that was what a Resource Officer was all about.

Responding to the Chair's suggestion that police officers should not be in school, Officer Creamer said, as far as he was concerned, that was not right. They weren't there just for security, they were there to work with the principal, the assistant principal and all the staff and if you talked with any of the staff at Shapleigh or Traip, they would tell you they wanted him back or a Resource Officer, not necessarily him, even though he did have good communication with all the staff and the kids there.

Officer Creamer said that kids came in stealing drugs from their parents, came in doing bomb threats – one kid who did that was doing very well now and his parents were there at the meeting supporting this – and the Council had to think about what a real Resource Officer was; it wasn't someone who just went in there with a gun and tried to make things safe, that was only one of the jobs. The big job was when one these guys that was 14, 15 or 16 years old was having a personal problem, they didn't want to go to the guidance counselor, they wanted to be able to come in and talk to him about what they could do because they were pregnant, or might be pregnant, or someone might have raped them on a date rape type thing, problems which had come in to him while he had been working the last year and a half there. This was what the School Resource Officer was all about. It was also about the fact that a teacher could come to him and give him confidential information that he could work on; it was the ability to have good communication and the ability to be able to work with kids and staff. Sometimes, with some officers, it didn't happen; with him, it did and that was why he would like to go back in.

Officer Creamer said that as far as saving the Town money, if he retired tomorrow, it would save the Town money.

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Diamond Van Laningham came forward and said that, having problems at Traip, she did not think their guidance counselors did enough for them. Officer Creamer had helped her and pretty much kept her going through high school. Many kids, she said, did not graduate from Traip because they didn't think they could. Officer Creamer had helped her through that and she would be graduating this year. Because of Officer Creamer's pushing her, she also had gotten out of Special Education. All the students that were present at the meeting knew that Officer Creamer was there not only as a Resource Officer but was there to help them through whatever problems they might have. Last year, she had a situation where she almost had a Restraining Order put on her. Officer Creamer sat her and the other person down so they could deal with it and, because of his guidance, they were now best friends. She thanked Officer Creamer and really wished he would come back to Traip because he had done a lot for the students there. He was someone they looked forward to seeing everyday and was one of the people that kept all of them going.

Mark LaRue of 1 Idlewood Lane came to the podium and said he was a senior at Traip Academy this year and would be graduating along with Diamond. He said he had also had a few incidents at Traip Academy and hadn't felt safe going to guidance but actually felt more safe going to Officer Creamer to talk to him. He felt more comfortable with Officer Creamer there and thought all the other students felt the same way.

Councilor Grinnell said she remembered when the officer was hired because there was a three-year grant and the question was how would it be paid for after three years. It sounded to her like having an officer was a great asset but she questioned why the Police Department should have to pay for it out of its budget and not have it come out of the School Department's budget.

Ms. Pomerleau responded that both Departments benefited from having the Resource Officer in the school.

Councilor Grinnell suggested that everyone who spoke should stand in front of the School Committee and say to them that they would like to have Officer Creamer stay and would like them to pay for it.

Seeking a point of clarification, Councilor Beers noted that, despite the obvious value and plaudits for Officer Creamer, it was his understanding that a School Resource Officer must be instituted, accepted and approved by the School Committee and that this Council could not take action. Chairman Thomson stated that Councilor Beers' understanding was correct.

Councilor Dow said that there was no question that Officer Creamer or a Resource Officer brought tremendous value and there wasn't anyone on this Council that didn't think that but there comes a time when working on the budget that Department Heads had to make decisions and that's when a community came out and speaks to the cuts that were being made and did exactly what they were doing but in a timeframe when it could be acted upon. What he would like to see is what Councilor Grinnell had suggested, to see this same need brought to the School Board.

Ms. Pomerleau indicated that the Townspeople were not given notice before school began that their Resource Officer was not going to be there. Chairman Thomson disagreed, stating that it was very clear in the budget process in the spring that the position would be eliminated and the community, by voting for and endorsing the School Budget as proposed in June was, in essence, accepting that funding limitation.

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10. UNFINISHED BUSINESS

a. *THE KITTERY TOWN COUNCIL MOVES TO DISCUSS WORKFORCE HOUSING, AS REQUESTED BY COUNCILOR BEERS.*

Chairman Thomson stated that the Council had received an extensive package of material that had been prepared by Councilor Beers back in early October prior to his sitting on the Council. The proposal required input and review from the Planning Board, the Planning staff, the Assessor, the Town Manager and this Council so the Chair suggested they set a workshop date of Monday, January 5, 2009, after everyone had the chance to review it and develop questions.

Town Manager Carter indicated that this issue had been in front of the Council a couple of times and that Councilor Shwaery was an advocate of workforce housing, serving on the Regional Coalition for Workforce Housing. Through his efforts, it became an issue before the Planning Board, which worked on it up to the point in time when they began having a counter-view with the Assessor; they then cancelled any future workshops. The Manager suggested to Council that any workshop they held brought in the Planning Board and the Chair indicated that his plan was to include the Planning Board, the Assessor and the Manager.

Councilor Shwaery asked if they would like him to make an offer to the Director of the Seacoast Workforce Housing Coalition to attend, as well, and the Chair replied that anyone who could offer insight into the subject matter would be more than welcome.

Councilor Grinnell asked Councilor Beers about his role in this and how that would play out. Councilor Beers replied that he was an owner's agent with a development application and, therefore, would recuse himself from voting on the question, remove himself from the seat and sit in the public section of the Chambers. However, for discussion, information and educational purposes in a workshop setting, he could certainly attend and be solicited as a private citizen and as the author of the proposal.

For the record, Councilor Beers noted that the document provided stated that he and the developer were indifferent to the question and he, personally, was ambivalent with respect to the need being workforce housing or age-restricted housing. Any information he presented would be for information, edification, evaluation and determination for the decision makers and he did not intend to influence the question in either direction. He had asked for the issue to be put on the agenda simply because it had been out there for a year and a half and the Planning Board had indicated they would take no further action until they heard from the Council.

Town Manager Carter added that the Planning Board did not want to proceed with the set of proposals that had come before them, which contained specific conditions as to how workforce housing would come forward, without more information and support by Council. Overall, the issue of workforce housing was a much broader issue for the community to grasp than to be curtailed with one direction and that's where the Planning Board wanted to make sure they were on firm footing and had the support of the Council before they went forward.

b. *THE KITTERY TOWN COUNCIL MOVES TO HEAR AN UPDATE FROM THE SHARED SERVICES COMMITTEE.*

Vice Chair Spiller stated that on November 18th, the Shared Services Committee, along with the consultants who did the feasibility report, visited the Mitchell and Shapleigh Schools. At the end

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of their tour, they spent an hour or so discussing some next steps and decided that it would be helpful to have a joint Council/School Committee workshop, which she thought had been scheduled for December 15th. They were anxious to move the process along and the goal of the workshop would be to come up with a time line and some sort of plan. Vice Chair Spiller thanked folks at both Mitchell and Shapleigh for being so gracious.

c. *OTHER*

Councilor Grinnell asked the Manager if he could find out when they would be striping on Haley Road and the Manager said that he would.

Chairman Thomson asked if anyone knew how someone could contact Ms. Theresa Savage who was the Treasurer of the “Yes on 2” green signs that were all over Town with her name on them and the Manager said he would make a couple of calls.

11. NEW BUSINESS

a. (110208-4) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairman Thomson listed the following warrant articles:

Warrant No. 7	School Nutrition Program	\$ 11,209.59
Warrant No. 10	School Accounts Payable	\$ 386,152.24
Warrant No. 42	Town Accounts Payable	\$ 512,668.53

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

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

b. (110208-5) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE AND SIGN THE POLICY ON TREASURER’S DISBURSEMENT WARRANTS FOR MUNICIPAL EMPLOYEE WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2009 AND DESIGNATE THREE COUNCILORS: COUNCILOR GRINNELL, CHAIRMAN THOMSON AND/OR COUNCILOR SHWAERY, WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS. A COPY OF SAID WARRANT WILL BECOME A PART OF THESE MINUTES.*

VICE CHAIR SPILLER MOVES TO APPROVE AND SIGN THE POLICY ON TREASURER’S DISBURSEMENT WARRANTS FOR MUNICIPAL EMPLOYEE WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2009 AND DESIGNATE THREE COUNCILORS: COUNCILOR GRINNELL, CHAIRMAN THOMSON AND/OR COUNCILOR SHWAERY, WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR GRINNELL.

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

c. (110208-6) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE AND SIGN THE POLICY ON TREASURER’S DISBURSEMENT WARRANTS FOR MUNICIPAL EXPENSES TO*

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EXPIRE ON NOVEMBER 30, 2009 AND DESIGNATE THREE COUNCILORS: COUNCILOR BEERS, COUNCILOR DENNETT AND/OR COUNCILOR DOW, WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS. A COPY OF SAID WARRANT WILL BECOME A PART OF THESE MINUTES.

VICE CHAIR SPILLER MOVED TO APPROVE AND SIGN THE POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL EXPENSES TO EXPIRE ON NOVEMBER 30, 2009 AND DESIGNATE THREE COUNCILORS: COUNCILOR BEERS, COUNCILOR DENNETT AND/OR COUNCILOR DOW, WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR SHWAERY.

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

d. (110208-7) THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE SCHOOL DEPARTMENT'S POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL EMPLOYEES WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2009.

VICE CHAIR SPILLER MOVED TO APPROVE THE SCHOOL DEPARTMENT'S POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL EMPLOYEES WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2009, SECONDED BY COUNCILOR BEERS.

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

e. (110208-8) THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE SCHOOL DEPARTMENT'S POLICY ON GENERAL DISBURSEMENT WARRANTS FOR EDUCATIONAL EXPENSES TO EXPIRE ON NOVEMBER 30, 2009 AND DESIGNATE THREE COUNCILORS: VICE CHAIR SPILLER, CHAIRMAN THOMSON AND/OR COUNCILOR DOW, WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS. A COPY OF SAID WARRANT WILL BECOME A PART OF THESE MINUTES.

COUNCILOR SHWAERY MOVED TO APPROVE THE SCHOOL DEPARTMENT'S POLICY ON GENERAL DISBURSEMENT WARRANTS FOR EDUCATIONAL EXPENSES TO EXPIRE ON NOVEMBER 30, 2009 AND DESIGNATE THREE COUNCILORS: VICE CHAIR SPILLER, CHAIRMAN THOMSON AND/OR COUNCILOR DOW, WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR DOW.

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

f. (110208-9) THE KITTERY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 16.28 OF THE LAND USE AND DEVELOPMENT CODE, ARTICLE XII CONSERVATION OF KITTERY WETLANDS.

COUNCILOR DENNETT MOVED TO SCHEDULE DECEMBER 8, 2008 FOR A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 16.28 OF THE

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LAND USE AND DEVELOPMENT CODE, ARTICLE XII CONSERVATION OF KITTERY WETLANDS, SECONDED BY VICE CHAIR SPILLER.

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

g. (110208-10) *THE KITTERY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 16.12 OF THE LAND USE AND DEVELOPMENT CODE, ARTICLE I, IN GENERAL, AND PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAP TO UPDATE AND DEFINE ZONING, AS FOLLOWS: URBAN RESIDENTIAL (UR), LOCAL BUSINESS (LB), LOCAL BUSINESS 1 (LB1) AND KITTERY FORESIDE (KF).*

COUNCILOR BEERS MOVED TO SCHEDULE DECEMBER 8, 2008 FOR A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 16.12 OF THE LAND USE AND DEVELOPMENT CODE, ARTICLE I, IN GENERAL, AND PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAP TO UPDATE AND DEFINE ZONING, AS FOLLOWS: URBAN RESIDENTIAL (UR), LOCAL BUSINESS (LB), LOCAL BUSINESS 1 (LB1) AND KITTERY FORESIDE (KF), SECONDED BY COUNCILOR SHWAERY.

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

h. (110208-11) *THE KITTERY TOWN COUNCIL MOVES TO APPOINT MEMBERS TO THE CIP COMMITTEE.*

Chairman Thomson said the Committee would be made up of a School Committee designee, a Town Councilor and two citizens, in addition to the Town Manager and Business Manager. The School Committee endorsed and submitted Bill Furbish's name and there were three citizens who had made application for the two positions. The Chair said they needed to decide: (1) who the Council representative would be; and (2) the process for interviewing these three citizens. The Chair then asked if there was anyone on the Council who desired to serve on this Committee and Councilor Beers responded to the call.

Councilor Dennett indicated that notwithstanding Council Rules, past practice had been that when a new committee was formed by the Council, the Council endorsed all the nominees to begin with and then the interview procedure would come up as people either had to leave or be added.

Vice Chair Spiller said she thought that in this instance past practice worked well. Her only comment was that it appeared that one of the applicants was an employee of the School Department and she was not sure that it was appropriate to have a School Department employee playing a citizen's role on the Committee, which would leave them with two.

Chairman Thomson noted that he had felt the same way and asked the Manager to contact the third candidate, stating that while they certainly appreciated his application, they felt the fact that he currently was an employee of the School Department excluded him from consideration but if his employment status changed, he would certainly be welcome to put his name back in the pool.

The Chair then suggested they ask the other two gentlemen to come to the meeting on the 8th where they could hold interviews, appoint them and get things rolling. After further discussion, it was decided to simply vote by acclamation to appoint, without interview, those who had applied.

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Christopher Perkins, one of the citizen applicants was present and, addressing him, Chairman Thomson said the Council thanked him for his application and that he would certainly bring an excellent skill set to the process. The Chair asked Mr. Perkins if he had any questions for them.

Mr. Perkins came to the podium and indicated he had heard that one position was for a two-year term, the other was for a three-year term, which the Chair confirmed. Mr. Perkins stated that being a new committee, the first year might be somewhat of a learning curve for everyone so he would express interest in taking the three-year term.

VICE CHAIR SPILLER MOVED THE APPOINTMENTS OF MR. PERKINS AND MR. CLIFFORD TO SERVE AS CITIZEN REPRESENTATIVES (WITH MR. PERKINS SERVING THE INITIAL THREE-YEAR TERM AND MR. CLIFFORD SERVING THE INITIAL TWO-YEAR TERM), COUNCILOR BEERS TO SERVE AS THE TOWN COUNCIL'S REPRESENTATIVE AND SCHOOL COMMITTEE MEMBER FURBISH TO SERVE AS THE SCHOOL COMMITTEE'S REPRESENTATIVE TO THE CIP, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, AS FOLLOWS: SIX IN FAVOR; ZERO OPPOSED; ONE ABSTENTION. MOTION PASSES 6/0/1, WITH COUNCILOR BEERS ABSTAINING.

i. (110208-12) *THE KITTERY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING TO AMEND TITLE 13 PUBLIC SERVICES AND ENACT CHAPTER 13.12 PUBLIC SAFETY IMPACT FEE ORDINANCE.*

Chairman Thomson indicated that a workshop had been held earlier that evening where significant progress had been made.

COUNCILOR SHWAERY MOVED TO SCHEDULE DECEMBER 8, 2008 FOR A PUBLIC HEARING TO AMEND TITLE 13 PUBLIC SERVICES AND ENACT CHAPTER 13.12 PUBLIC SAFETY IMPACT FEE ORDINANCE, SECONDED BY COUNCILOR DOW.

Councilor Dennett indicated that he would not oppose the motion but seriously doubted this would be in a format for action at that time. The Chair said he did not disagree but the thought had been to have the required Public Hearing, proceed with any needed changes and have the final vote on December 22nd.

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

j. *OTHER*

12. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

Chairman Thomson wanted to make the Council and the public aware that the Governor had instituted a spending freeze and made reductions for the balance of this fiscal year in the general fund

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and education aid and Kittery's share of that reduction was approximately \$102,000 that would not be coming in State aide in FY'09 for school subsidy.

The Chair then asked the Manager if Council's consensus regarding direction for FY'10 had been conveyed to the School Superintendent and the Manager replied in the affirmative.

b. *TOWN MANAGER'S REPORT*

Town Manager Carter reported that the Sarah Long Bridge was open, although it experienced a rough opening, being stuck for a couple of days. That Bridge was still in its "shake down" and being watched carefully.

The Manager indicated he had not had any communications from the NHDOT on the Memorial Bridge but he had heard that perhaps something would be scheduled in December to kick that Bridge off. The Manager noted he was still thinking that the Bridges would be part of some stimulus package that might come.

The Manager reported on Jim Nightingale, saying that he was home and had been for some time. He seemed in good spirits, was going to re-hab and was walking around. The Manager spoke with him very briefly and Jim wished to thank the community, especially for all their support in getting better.

Concerning Ft. McClary, the State budget constraints had forced the lay-off of the State Park Manager for Ft. McClary so Council's request for a clean-up of John Paul Jones Park was not going to happen by the State. He had asked the Public Works Department to go down and pick up any debris.

The Manager indicated that Council's guidance regarding the budget had been to work towards a no tax increase budget, keeping in mind that revenues might not be as bad off as they were projecting, or they might be, so they were trying to work towards maintenance of what the tax rate was at present.

Regarding Town Hall energy, the Town Hall was presently connected to natural gas and operating with the large furnace. The co-generational device would be installed prior to Christmas and they hopefully would be on those two heating plants by the first of the year.

The Manager informed Council they had hired a new HVAC company, through a competitive RFP process, that would maintain the building.

They were beginning to make headway with the wind turbine in getting information that and according to the first month of cmp records, 400 KW were produced at the Solid Waste Facility and overall, during the period of time it had been in operation, it generated over 800 KW of electricity. They were working towards getting that information on the website so it would appear as a dashboard display so both the students at the Shapleigh School and those who used the website would have access to that data.

The Manager said he was very pleased to report the hiring of a School Business Manager, Sheri Rockburn, who would be working towards the consolidation of the two finance offices. Ms. Rockburn would start December 3rd and be working three days a week with the objective of that consolidation, as well as being the Business Manager for the School Department and the Fiscal Agent for the Town. She came highly recommended, was a CPA and former NH State Controller.

Councilor Shwaery asked if this position was meant to be temporary and the Manager said it hadn't started out to be but after two rounds of interviews, they decided that maybe for the initial year

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or year and a half they should have a person of this caliber to work with them to really define the position and then, if the market provided good candidates, fill the position with a full-time person at that time.

Councilor Shwaery noted that he would guess that within the next 12 months, an awful lot of people with fiscal management skills would be looking for a job and hopefully they wouldn't overlook the best candidates. The Manager said they would keep an eye on it and that this was a very flexible situation.

The Manager said that MMA had put out a survey regarding what was happening nationally and cutbacks and what might come as a stimulus package in the next couple of months. They were asking for Council's feedback and he would like to e-mail the survey to Councilors for them to complete and return to him for consolidation and he could then get it up to MMA.

The Manager said that the American Lighthouse Association had been awarded the custody of Whaleback Lighthouse and they would be looking to Kittery as some sort of partner in making sure the light was operational and a historical monument to the Harbor.

The Manager pointed out that in the first five weeks of the 4/10 workweek, they had served in the shoulder hours (the hour in the morning and the hour in the evening) 341 customers spread between the Town Clerk and the Land Use Department.

The Manager read a communication he received from the Town Clerk of Cumberland, the incoming President of the Maine Town/City Clerks Association, praising Town Clerk Maryann Place for her dedication and recent service to their Board of Directors and thanking the Town of Kittery for sharing her services with them.

Chairman Thomson added an additional item, noting that they would not meet again before Saturday afternoon, December 6, 3:00 p.m. at Post Office Square where they would meet for the annual Holiday Parade.

c. COMMITTEE REPORTS

13. ADJOURNMENT

COUNCILOR SHWAERY MOVED TO ADJOURN, SECONDED BY VICE CHAIR SPILLER, WITH ALL IN FAVOR.

MEETING ADJOURNED: 9:24 P.M.