

**APPROVED MINUTES**  
**Approved on July 28, 2008**

**KITTERY TOWN COUNCIL**

**July 14, 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 Jeffery Brake, Frank Dennett, Ann Grinnell, George Dow, Glenn Shwaery, Vice Chair Spiller and Chairman Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, DPW Rick Rossiter, School Committee Chair Jeffrey Pelletier, Charlie Case, Meredith Sudborough, Sarah Brown, Recorder Chris Kudym, members of the press and others.

5. ACCEPTANCE OF MINUTES

The Minutes of June 30, 2008 were accepted, as read.

Chairman Thomson indicated that, with the consent of Council and the indulgence of the Energy Advisory Committee, School Committee Chairman Pelletier would make a short presentation concerning Frisbee School and the future physical structure of the Kittery schools.

School Committee Chairman Jeffrey Pelletier came to the podium to talk about the School Committee's special meeting last week where they voted to change the configuration of the Kittery School District, essentially eliminating the need for Frisbee School as a school building. Their intention was to work with the Council towards a bond for construction projects, one at the Mitchell School for a third grade and another at the Shapleigh School to house a fourth and fifth grade. Chairman Pelletier indicated that moving this way would eliminate 25% of their over-head costs.

From this study, the Chair said they had learned three important things: (1) there was great community support for retaining Frisbee School as part of Kittery's municipal assets; (2) they would be maximizing the utilization of their current school buildings (with little room for growth in the future, which was an issue they needed to talk about); and (3) there was a great community desire for cooperation between the School Committee and Council to work together in maximizing and utilizing their municipal assets. Chairman Pelletier said he was pleased and proud to come before the Council to offer them that cooperation and collaboration in going forward.

Councilor Dow offered kudos to the School Committee and said he was comfortable with their decision and thought the impact on families would be a positive one.

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Vice Chair Spiller asked if there was a sense of a timetable and Chairman Pelletier replied that there had been initial discussion about a November election bond issue but he thought it was more important that they take the time to work together to iron things out properly. Project-wise, the architects told them it would take about two years.

Noting that the School Committee's vote was not unanimous, Councilor Shwaery asked for the "Minority Report." Chairman Pelletier indicated that the vote had been four to three but that did not mean the Committee wouldn't be unanimous in moving forward. Some folks had been concerned about the process and thought they were not considering the whole community. However, the majority viewpoint of the Board was that this was only the first step. They were now willing to come before the Council and the community to talk about what the impact of their decision would be and understood that there might be changes they needed to make. At this point, they could involve the community in working toward a plan that would work for everyone.

Councilor Grinnell stated that she knew it was a tough decision for the School Committee to make and asked Chairman Pelletier if they were committed to the architectural firm they had been using? Chairman Pelletier indicated that in a fair and open process they had to put the project out to bid but that firm would be recognized as a leading candidate. Councilor Grinnell then asked if the School Committee had discussed putting a rec. center at Frisbee? Chairman Pelletier said that the issue had been discussed, however, he was trying to look at it from a strictly educational point of view. At the end of the day, he said, this made the most sense not only for education, not only for financial purposes, but for the community because it allowed them potentially to use that building as a rec. center should that be the will of the public and of the Council. What was really important, the Chair said, was that the School Committee didn't place any strings on the decision they had made, much as they had looked to Council to allow them to do the education part and the Council had been very supportive. Now the School Committee was ready to come and work with the Council so they could do their thing, which was the bond part, and talk about the over-all community piece. Councilor Grinnell thanked Chairman Pelletier for his excellent explanation.

Council Chairman Thomson thanked Chairman Pelletier and assured the public that he believed the majority sentiment of the Council was to retain the Frisbee property for municipal use. He said that discussions had been held with the Rec. Center Committee and the Library was also looking to do something else with the site, as well as there being the possibility of placing the Adult Ed program there. The Chair said he hoped they could schedule some informal sessions as they moved toward the fall for the purpose of public input. Also, Bond Counsel had assured the Town Manager that the 2004 Bond Approval Vote for the Community Center construction was not site specific so the amount of money that had been approved could be used without the need for an additional vote. Chairman Thomson said he thought they had a wonderful opportunity to hold on to a Town asset and use it in a manner that would be very beneficial for all aspects of the community.

Councilor Shwaery cautioned that the first step that was necessary was for the Council to be in agreement with the School Committee.

6. *THE KITTERY TOWN COUNCIL MOVES TO HEAR AN UPDATE FROM THE KITTERY ENERGY ADVISORY COMMITTEE (KEAC) AND TO DISCUSS AND GIVE GUIDANCE TO THE PROPOSED KEAC WORK PROJECTS AND PROGRAMS.*

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Charlie Case stepped up to the podium, representing the Kittery Energy Advisory Committee. Mr. Case noted that Council had set up their Committee in February with a goal to reduce energy consumption and develop more sustainable energy practices in Kittery. This was their first opportunity to update the Council on the Committee's progress and they were excited to be there. Rather than working independently, he said, they were working together as partners with Town Departments and the schools, as well as networking with other Town Associations, such as the Spruce Creek and the KEYS organization. Most all of the surrounding towns had similar committees and there was a Greater Portland group comprised of 21 cities and towns that all got together to share information.

Mr. Case indicated he found that area homeowners were fearful about being able to pay for their heating oil. That was an area, he said, that Council might want to address as a Town and their Committee could get involved in seeing how to help homeowners. Through meeting with Department Managers, Mr. Case said he also found that the efforts made by the Town were impressive, he thought they would make a difference and there was lots more to come. The biggest challenge they faced now was the Town's energy budget for '08-'09, which did not reflect the large increases in the cost of heating oil or other energy. Their initial focus was to save on energy usage and cost and he noted that support from the voters for capital expenses would be critical.

Mr. Case referred Council's attention to the overview they had provided, pointing out that they had made up four sub-committees: the Reducing Energy Use and Costs Sub-Committee; the Policy Changes and Ordinances Sub-Committee; the Education Sub-Committee; and the Consumers Sub-Committee. They met periodically with the Executive Committee, which was comprised of Glenn Shwaery, Cameron Wake, Sarah Brown, Bob Shepherd and Ken Lemont, as well as Jon Carter; they also interfaced with Larry Littlefield. Innovations and Transportation Sub-Committees would also be put into action at the right time.

Continuing through the overview, Mr. Case indicated that half of the Town's energy usage was in the schools and he had been really pleased to hear that the schools would be reducing their energy usage by going from four buildings to three because it would make a significant difference. Since the schools, sewer and street & traffic lights comprised 80% of their energy usage, the Committee was looking at them pretty hard. Mr. Case noted that LED street lights were expensive to put in but took 1/25<sup>th</sup> the amount of power for the same amount of light.

In great detail, Mr. Case guided the Council through the rest of the overview, specifically touching on energy usage by specific municipal buildings and initiatives that were presently in process, as well as ones that were under study for the future.

One of the last items Mr. Case touched upon was the recycling of yogurt containers by collecting them at the Solid Waste Transfer Station.

Town Manager Carter added an update on the wind turbine, stating that it was under construction and the tower with turbine should be up by mid-August.

**VICE CHAIR SPILLER MOVED THAT AN APPROPRIATE RECEPTACLE BE PLACED AT THE SOLID WASTE FACILITY TO COLLECT 6 OZ. AND 32 OZ. YOGURT CONTAINERS FOR RECYCLING USES, SECONDED BY COUNCILOR SHWAERY.**

Meredith Sudborough came forward and explained that only the 6 oz. and 32 oz. yogurt containers could be used by the company that took them for nursery plantings. Ms. Sudborough said

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this initiative came from Cool Kittery, which would be picking them up and delivering them to the company, and any proceeds they received were going to the elementary school PTA.

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

Councilor Grinnell asked Mr. Case about heating co-ops. Two had been started; one with five participating members and the other was the bio-heat co-op.

Sarah Brown came forward and thanked the Committee, explaining that several of them had started with Cool Kittery. She said she had been on a lot of committees and this one blew her away with the incredible amount of work they had done. They had at least 30 people who volunteered for various things but she wanted to give a special thanks to Charlie Case and his wife, Sherry.

Regarding the bio-heat co-op and the regular co-op, she wanted to make clear to people that with the bio-heat co-op, among the main components they wanted was finding a company they could work with and having a rolling enrollment because it will take time to educate people. Ms. Brown said that it was Cool Kittery that had organized this co-op; they had been sending out e-mails and the Portsmouth Herald had been helpful in getting the word out.

Chairman Thomson spoke on behalf of the Council, saying they certainly appreciated the Committee's efforts and applauded them. The Chair also noted that he subscribed to the theory that you had to spend money to save money so if there were proposals the Committee felt were worthy to pursue that involved some possible expenditure of funds, there were ways that could be addressed so they should not hesitate to come back with any specific projects they felt that Council could implement during the coming months.

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

8. PUBLIC HEARING

a. (070108-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$3,000 FROM THE TOWN'S GRANT MATCHING FUND TO MATCH THE DEPARTMENT OF CONSERVATION'S 2008 PROJECT CANOPY ASSISTANCE GRANT FOR THE PURCHASE OF TREE PLANTING.*

Chairman Thomson stated that notification of this Public Hearing had been published in the local printed media on July 3<sup>rd</sup>.

DPW Commissioner Rick Rossiter came to the podium. He firstly indicated that the Town's traffic signal lights were all LEDs and used the example of the lights at the intersection of Wilson Road and Route 1 where they used to pay about \$160 a month and now paid \$27 to \$30 a month.

In regard to the canopy grants, Mr. Rossiter said they had applied for two of them and received one, which was a straightforward planting. They had chosen five locations: Haley Field, the Town Farm, the Route 236 median, the traffic circle and the solid waste facility. The project maximum they could receive from the State was \$8,000 and they had to match it 50/50, which could be with either work-in-kind, in materials and also maintenance for one year. Mr. Rossiter said he had been working with the Sheriff's Dept., which had inmate crews that could do the planting and the Town could

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charge that off as their work-in-kind contribution. The total project, if all went well, would cost \$18,520.

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

**VICE CHAIR SPILLER MOVED TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$3,000 FROM THE TOWN'S GRANT MATCHING FUND TO MATCH THE DEPARTMENT OF CONSERVATION'S 2008 PROJECT CANOPY ASSISTANCE GRANT FOR THE PURCHASE OF TREE PLANTING, SECONDED BY COUNCILOR SPILLER.**

Councilor Dennett asked Mr. Rossiter about the timetable for selling the wood at the dump and Mr. Rossiter said he thought it had already been advertised but he would check on it and would be selling the wood sometime in August. Councilor Dennett then raised a concern about any liability concerning the labor crew from the York County Sheriff's Office and strongly suggested this be checked out. Town Manager Carter assured Councilor Dennett he would do that.

Councilor Shwaery questioned how the inmates would be reimbursed and it was explained that no Town money would change hands for that since it came under the category of work-in-kind.

**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)*
- b. *CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS*

10. UNFINISHED BUSINESS

Councilor Grinnell had three items. The first was directed toward the editorial the Portsmouth Herald wrote concerning Seapoint Beach. She found it to be excellent and said it was good to get support from the newspaper for this ordinance. Secondly, regarding Seapoint Beach, the dog waste container project was in process. The last thing was a concern about the intersection of Haley Road and Route 1. She had driven up Route 1 on Sunday and taken a right on Haley Road where there was a small island and a small opening going into Yummies. Right at the end of that opening, there was a two-story tour bus sitting there in the road blocking traffic with people going in and out of the bus. Councilor Grinnell said she had called the police, asking them to go and look at it. She thought if they wanted to bring a tour bus, they should go park it.

Councilor Dow said he had received e-mails about the sidewalk discussion and wondered if that issue would be brought up again. The Town Manager replied that Council had had a workshop and given tentative authorization to go forward. They were moving slowly because the funding for local roads was in doubt until they knew how they were going to fund the Route 1 South project. He said they had gotten letters out and Mr. Rossiter was following up on those letters. They had also actually marked where easements needed to occur. The Manager said that they had heard from some residents raising the possibility of looking at a four-foot rather than a five-foot width and had also checked with the handicapped accessibility people, who would be sending them some information, as

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well as recommendations. They were actually not moving that aggressively on the sidewalks because of other projects going on. The Manager noted that Mr. Rossiter was also calculating all drainage issues.

Discussion followed concerning this issue.

#### 11. NEW BUSINESS

##### a. (070108-2) *THE KITTELY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairman Thomson listed the following warrant article:

Warrant No. 4	Town Accounts Payable	\$851,601.28
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**COUNCILOR GRINNELL MOVED TO APPROVE THE DISBURSEMENT WARRANT, SECONDED BY COUNCILOR DOW.**

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

##### b. (070108-3) *THE KITTELY TOWN COUNCIL MOVES TO APPOINT A REPRESENTATIVE TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW DEBORAH DRISCOLL FOR HER APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER UNTIL 12/1/2011 (REPLACING FRANK CLARK WHO DID NOT RE-APPLY).*

**COUNCILOR SHWAERY MOVED TO APPOINT COUNCILOR BRAKE TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW DEBORAH DRISCOLL FOR HER APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER UNTIL 12/1/2011, SECONDED BY COUNCILOR DOW.**

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

##### c. (070108-4) *THE KITTELY TOWN COUNCIL MOVES TO APPROVE THE TOWN MANAGER'S ATTENDANCE AT THE NEW ENGLAND MANAGEMENT INSTITUTE AUGUST 19-22, 2008.*

Town Manager Carter explained that this meeting included his counter-parts throughout the State of Maine and New England and provided the opportunity to be educated and to network on the issues facing the State and the Nation and what other towns were doing to face such issues. This year, one whole day would be related to energy issues. It also provided the opportunity to bring Chad Burbank, their summer intern from UMO, up there.

**COUNCILOR GRINNELL MOVED TO APPROVE THE TOWN MANAGER'S ATTENDANCE AT THE NEW ENGLAND MANAGEMENT INSTITUTE AUGUST 19-22, 2008, SECONDED BY VICE CHAIR SPILLER.**

Councilor Dennett questioned how the Manager's expenses would be paid and the Chair noted that there was money budgeted for this type of expense. Councilor Dennett then asked about the expenses that would cover the intern's participation and the Manager explained that, as an intern, he

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was with them at no pay and one of the things the Town did was to bring him to the Institute at the end of the year where his UMO professor and a program of interns were also there.

Chad Burbank came to the podium and said he would like to thank all of the Councilors, as well as Mr. Carter, for giving him the opportunity to participate in the Town this summer and he would be extremely honored and pleased to have the opportunity to attend this event with Mr. Carter. There were a few special events planned for the interns that were hosted by professors from the University of Maine and he would also have the opportunity to hopefully receive a potential scholarship when he attended so, before they voted, he wanted to thank them again for letting him participate this summer.

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

d. (070108-5) *THE KITTEERY TOWN COUNCIL MOVES TO REVIEW A REGIONAL ECONOMIC DEVELOPMENT CDBG \$10,000 GRANT APPLICATION TO THE STATE PLANNING OFFICE THAT KITTEERY WOULD SPONSOR ON BEHALF OF THE AREA TOWNS AND TO SCHEDULE A PUBLIC HEARING ON THE GRANT APPLICATION, AS REQUIRED BY THE STATE PROGRAM.*

Town Manager Carter explained that what they were being asked to do was something similar to the BRAC grant they received. He had been asked if this was another South Berwick situation and said that this was vastly different from the South Berwick experience. By the end of the year, he said, Southern Maine Regional Planning would receive the designation of the Economic Development Administration's York County District. This was a Federal designation allowing them entry into the Economic Development's grant programs and incentives for businesses and towns to help with economic development in the area. This was a planning grant to develop ideas and brainstorm about what could happen by working together.

Discussion ensued.

**COUNCILOR DENNETT MOVED TO SCHEDULE THE DATE OF JULY 28, 2008 FOR A PUBLIC HEARING ON THE GRANT APPLICATION, SECONDED BY COUNCILOR SHWAERY.**

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

e. *OTHER*

Councilor Shwaery had a question on a future tentative agenda item; that item would not occur.

## 12. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

b. *TOWN MANAGER'S REPORT*

Town Manager Carter indicated that they had a tremendous picnic for the U.S.S. Greenville. Chairman Thomson and Councilor Brake participated and they had many, many volunteers from different civic organizations and others and they served about 170 people. It was a beautiful day in the park and the crew and officers were very appreciative.

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Concerning the Route 1 project, supposedly Friday of this week a decision would be made on the grant application, which was their primary source of covering the \$400,000 overage on the project, and he was being assured that the project was going to move forward.

Regarding the training for the Freedom of Information Act for elected officials, Councilor Dennett had been certified in this and the other members of the Council also needed to be certified.

The Planning Board was hard at work trying to complete a number of zoning ordinances and issues and they were hoping to have some joint workshops with the Council during their Planning Board meetings on July 24<sup>th</sup> on subjects such as work force housing. Also on July 24<sup>th</sup>, they had worked extremely hard on amending the wetlands ordinance with the Conservation Commission and they were hoping they could present it to Council in a workshop format that evening. Later in August, they would like to talk about updating the Official Zoning Map and they were working on a fences and retaining wall ordinance.

Lastly, there was some buzz going around in Elliot and South Berwick about the State PUC CMP transmission line that would be utilizing the existing corridor, where there was already a high voltage line coming through, with a brand new parallel 350 KV line. Certainly, those two towns were impacted by that line coming through. However, it was using the existing corridor, would expand that corridor on both sides and would mean dealing with both those Planning Boards. The Manager said they hadn't gotten a real good feel about how Kittery would be impacted so he had been talking with Augusta and asked for an aerial photograph including some landmarks. The Manager said that he would be happy to answer any questions at a future date.

*c. COMMITTEE REPORTS*

13. ADJOURNMENT

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

***MEETING ADJOURNED AT 9:02 P.M.***