

APPROVED MINUTES
Approved on August 11, 2008

KITTERY TOWN COUNCIL

July 28, 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 and Chairman Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, School Supt. Larry Littlefield, School Committee Chair Jeffrey Pelletier, Members of the School Committee, Chuck Morgan, Recorder Chris Kudym, members of the press and others.

The Chair noted that Vice Chair Spiller was hopefully enjoying a well-deserved break.

5. **ACCEPTANCE OF MINUTES**

The Minutes of July 14, 2008 were accepted, as amended.

6. **THE KITTERY TOWN COUNCIL WILL HAVE A DISCUSSION WITH THE SCHOOL COMMITTEE CONCERNING THE PROPOSED THREE-SCHOOL SOLUTION AND RE-USE OF FRISBEE SCHOOL.**

Chairman Thomson explained that this discussion was kind of an informational session and invited School Superintendent Larry Littlefield, School Committee Chairman Jeffrey Pelletier and attending members of the School Committee to join Council at chairs that had been set up for them in front of the camera for the benefit of the viewing public. The Chair indicated that School Chair Pelletier had attended Council's last regular meeting of July 14th and had provided them with information regarding recent School Committee action. He was returning with most of his Board Members, as well as Supt. Littlefield to perhaps discuss any further decisions they had made.

School Committee Chairman Pelletier stated that when he was there the last time, they had briefly discussed action the School Committee took configuring the Kittery School System from the current four buildings to three. The configuration would result in having Mitchell School K-3, Shapleigh becoming 4-8 and Traip Academy remaining 9-12. Doing so would eliminate the need for Frisbee School at the end of the project that included building additions to the Mitchell and Shapleigh Schools. The School Committee had voted and decided that this was the right configuration for Kittery at this time. Chairman Pelletier summarized his previous discussions at the Council's last meeting regarding the School Committee's deliberations, highlighting the following: (1) that public sentiment had been expressed in favor of retaining the Frisbee building for a municipal purpose; (2) that this configuration would be fully utilizing all three of their school buildings; and (3) looking at

Approved on 8/11/08

future growth, it might make sense to talk about acquiring land. These were items the School Committee thought were important to bring to the table for discussion.

Chairman Pelletier said that the other reason they thought it was necessary and profitable for them to talk with Council was to address how to move forward with what they would like to do in a way that would be helpful and seamless with whatever Council intended to do with Frisbee School. They had had architects and engineers look at the building so they had information to pass along but thought it would be of great benefit to coordinate their efforts at this point and to “partner” on this. Through their process, Chairman Pelletier noted that one of the last things they had heard strongly from the community was the sense that they really wanted the Council and the School Committee to work together towards whatever plan they saw as being the best one for Kittery.

Council Chairman Thomson asked if the School Committee had gotten together after their decision and laid out any type of scenario for looking at proposals regarding construction work they felt needed to be done, working within a timeframe for a public bond issue vote, were there any State requirements to be addressed and if there was a way to “piggyback” on their RFP for a design/build proposal?

School Chair Pelletier replied that the State would be involved with the project in that they had to approve it but he doubted they would receive State money and the next logical steps were (1) to acquire an architectural firm and (2) to talk about a bond.

Councilor Shwaery asked what exactly the State would need to approve and Supt. Littlefield explained that since it would probably be a locally funded project and not State subsidized, the Bureau of General Services (BGS) would review and comment on it. Councilor Shwaery then said that at a previous School Board meeting he had spoken about having a window of opportunity for getting something on the November ballot and because of the Presidential election, they would have a majority of Townspeople speaking to the project and the bond, which would really be beneficial to the Town, however, his latest information indicated that would probably not happen.

School Chair Pelletier said that November appeared to be a very aggressive timeframe and thought achieving that kind of a timeframe would rob them of rich discussion between the Council, the Committee and the community on how to make this one big, successful project. From a voter’s perspective, it would be great to have it in November because the more, the better, but to meet that kind of deadline would require them to do less than full justice to the process so he thought it was prudent to look for another opportunity. Councilor Shwaery asked if the idea was to target June and Chairman Pelletier, noting a concern regarding the costs of a special election, said that his own personal opinion was that when they were ready, then they could talk about the right timeframe.

Councilor Grinnell asked Chairman Pelletier to more fully explain the first thing needed to be done before the bond with the organization that had done their study. Chairman Pelletier explained that they had to hire an architectural firm to design the project, which had largely been done through the Feasibility Study, to draw up the plans and to lead the work. Councilor Grinnell asked if that could be done before the vote and Chairman Pelletier said they could certainly use funds from either their operating budget or dedicated accounts to do that but he would look for guidance from the Town Manager and the Council.

Approved on 8/11/08

Council Chairman Thomson noted that there would have to be hard copy plans for people to look at before voting on a bond and Councilor Grinnell asked if the School Board and Town Council wanted to put in a design plan for Frisbee School at the same time? Chairman Thomson said that went back to what the State had to do with its review but he thought that any vote on a school construction project could not be linked together with another project; you might be able to vote on them at the same time but they would have to be two separate questions.

Councilor Grinnell noted that the best-case scenario was to have two questions on the same ballot at the same time using the same architect, same builder. School Chair Pelletier said that having one dialogue about two subjects, with two votes at the end of the day got back to what the School Board had heard: people wanted to hear a comprehensive plan and an interactive dialogue about what the “big plan” was.

School Committee Member Kimberly Bedard indicated that time-wise the projects were different since firstly both the Mitchell and Shapleigh Schools had to be fixed, students had to be transferred out of Frisbee. Then to do the massive changes needed at Frisbee would be almost a year after that but some of the key preliminary architectural information that will be helpful at Frisbee had already been done.

School Chair Pelletier said that there would be some period of time between the school project and the potential municipal project at Frisbee though there was a potential construction plan where a part of Frisbee could become available for construction before everyone was out of the building. However, certainly both projects were not going to start on the same day at the same time.

Ms. Bedard expressed concerns regarding available funds from other areas, especially given the oil situation, and thought it was important to get certain things on the November ballot. School Chair Pelletier said once they put the project out for bids, they would have a firm number to look at and decide what they could or could not do. She did not know what the Town had done but because the Schools had locked into a floating rate for oil, Ms. Bedard thought they would be buried next year with energy costs.

Town Manager Carter stated that this week they would be putting out bids for a dual burner program. They also had a Warrant Article with \$100,000 that perhaps would be used to help both the School and Town make changes to retrofit the building to be able to burn natural gas or propane. The Manager also indicated that they had been working with the School Administration and Facilities.

On Council’s end, Chairman Thomson indicated they had begun initial discussion with the Rec Center Building folks regarding the possibility of the Frisbee site becoming available, asking if they wished to explore that. The Chair said that Town Manager Carter was waiting to hear from Bond Counsel regarding the use of bond monies that were approved in ’04 for a community center. The Rec Center Building folks met and decided they were very willing to pursue the Frisbee site. In addition, the Chair stated that last week he and the Manager had met with representatives of the Rice Library, who were very interested in the possibility of exploring use of part of the Frisbee site. The Chair indicated some thought had also been given to offering Adult Ed. there. Chairman Thomson thought the Council hesitated to try and have a community input type of meeting in July and August but thought perhaps early in September, on an “off” Monday, they could bill it as an evening that people could come to talk about possible uses that perhaps no one else had even thought of regarding Frisbee.

Approved on 8/11/08

Councilor Shwaery commented that he would really caution them from trying to tackle these things simultaneously and link them in any way. Since they were probably talking about two and a half years before construction was completed, needs for the use of Frisbee School certainly could change so he would prefer to address these sequentially. The other thing, he said, was man-hours in Town with people working on two different situations simultaneously in the same year on the same ballot. Councilor Shwaery then asked if Adult Ed. was part of Traip in the three-school plan and School Chair Pelletier said he believed it was part of Traip but it didn't take up much room.

School Supt. Littlefield noted that some accommodations would have to be made for Adult Ed. when it came to computers, science labs or using equipment. At that point, it was possible for Adult Ed. to be located at Frisbee but then "re-satellited" out to other places.

At Ms. Bedard's request, Supt. Littlefield then explained that it was the School Committee that could decide whether or not to close a school for any one of three reasons. Once that occurred, citizens had an opportunity, by Statute, to weigh in on that vote by undertaking a petition drive that included 10% of those who voted in the last gubernatorial election and present those signatures to the School Committee within 30 days. It would then go to a vote of the Town to either sustain or override the Board's decision. Since the School Committee's meetings were not televised and school closures didn't happen very often in the State, Ms. Bedard thought that information was important for the public to know.

School Chair Pelletier wondered if they should get a consensus from Council as to what they thought about the School Committee taking the next step and putting out a bid for the architectural firm. Council Chair Thomson thought the ball was really in the School Committee's court regarding Frisbee and he somewhat agreed with Councilor Shwaery that it might be better not to muddy the waters too much. The only issue might be if there was a consensus to try and move for a November vote, an idea he didn't like, nor was he keen on a special election; he thought next June made a lot of sense. School Chair Pelletier indicated they were just trying to be prudent and get a sense of being on the same page.

Councilor Grinnell noted her confusion about hearing that it would be hard for the School Committee to find the money to move forward. She also noted that she heard Councilor Shwaery say (and Chairman Thomson agree) that he wanted to do this sequentially, not together. However, she was talking about having one plan, not doing them together but having one plan and, at the moment, she was not comfortable having a plan just for the schools.

Regarding Councilor Grinnell's first question, School Chair Pelletier said there was a difference between putting it out to bid in order to choose an architect and actually giving them the money to start the work so the first step would be to hire a firm that would be able to tell them how much it was going to cost.

Noting that at this point hiring a firm was not in their budget, Ms. Bedard said they would use operating money, which they would have to get back in November through a referendum.

School Chair Pelletier said that this was a point they had not yet discussed as a Committee and, for him, he just wanted clarification that it was okay to go out and start the bidding process.

Approved on 8/11/08

Councilor Dow stated he thought there was an expectation within the community that the School Board had made the decision and so they should move forward with due diligence. Ms. Bedard indicated that they were ready to move forward and this meeting with Council was to make sure they were on the same page.

Councilor Shwaery said he needed to argue again for the sequential, noting that, historically, the Town had trouble passing “big ticket” items. He said that if he had any reservation regarding this study, it was, frankly, sticker shock when he saw the least amount they were going to spend.

Ms. Bedard noted that in 25 years this community had never said no to a school building renovation and they had always done it on the first time. Education was priority one in Kittery and she was very proud of that.

Supt. Littlefield suggested that if they proceeded sequentially, what if they inserted language into their RFP that as this proceeded and the school project was completed, there would be some expectation that the same firm would continue.

Town Manager Carter said that one of the big debates the Community Center Committee had, and one which he thought the Council needed to have, was that they had invested so many dollars into design from one architectural firm that that firm should be on the table to be considered.

Council Chair Thomson said he sensed the desire for the School Committee to move forward and proceed to their next step and see where it led them. He thought what the Council was saying was they would kind of dabble in their own thing and proceed forthwith.

Councilor Grinnell thought that was too vague and was uncomfortable with the money and the referendum issue. Chairman Thomson said no one had indicated that would happen and School Chair Pelletier said they were not moving ahead with the first step with any assumptions on the Council’s part.

Chairman Thomson thanked the School Committee for meeting with them.

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

8. PUBLIC HEARING

a. (070208-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE RENEWAL APPLICATION FROM DANIEL C. RAYNARD, 10 BEECHSTONE, APT. 5, PORTSMOUTH, NEW HAMPSHIRE, FOR A MALT AND VINOUS LIQUOR LICENSE FOR TASTY THAI, 182 STATE ROAD.*

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

COUNCILOR DOW MOVED TO APPROVE THE RENEWAL APPLICATION FROM DANIEL C. RAYNARD, 10 BEECHSTONE, APT. 5, PORTSMOUTH, NEW

Approved on 8/11/08

HAMPSHIRE, FOR A MALT AND VINOUS LIQUOR LICENSE FOR TASTY THAI, 182 STATE ROAD, SECONDED BY COUNCILOR GRINNELL.

Councilor Shwaery noted that items 9 and 16 were incomplete and asked who determined the expiration dates on these types of licenses. Town Clerk Maryann Place indicated that the State determined those dates and indicated that the aforesaid items would be completed.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.

b. (070208-2) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE APPLICATION OF RARK CORPORATION, 1 RHODES CIRCLE, BRENTWOOD, NEW HAMPSHIRE, FOR A VICTUALERS LICENSE FOR MOBIL ON THE RUN, 286 ROUTE 1.*

Chairman Thomson stated that notification of this Public Hearing appeared in the local printed media and opened the Public Hearing. Receiving no response, the Chair then closed the Public Hearing.

COUNCILOR BRAKE MOVED TO APPROVE THE APPLICATION OF RARK CORPORATION, 1 RHODES CIRCLE, BRENTWOOD, NEW HAMPSHIRE, FOR A VICTUALERS LICENSE FOR MOBIL ON THE RUN, 286 ROUTE 1, SECONDED BY COUNCILOR SHWAERY.

Councilor Brake stated he had heard from some people about items being sold as recyclable, which were not. He had spoken with Town Clerk Place and notified the State. The owner came to the podium and said the problem was being taken care of.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.

c. (070208-3) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO APPROPRIATE A SUM TO BE DETERMINED, BUT NOT TO EXCEED \$50,000, FROM UNENCUMBERED SURPLUS FOR THE PURPOSE OF BALANCING OUT ACCOUNTS FOR FY2007-08, IN ACCORDANCE WITH SEC. 6.09(1) OF THE KITTERY TOWN CHARTER.*

Town Manager Carter indicated that this item had been scheduled as a Public Hearing but there had been no requests for the funds.

Chairman Thomson stated that since no funds had been requested, no action was required.

d. (070208-4) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING, IN ACCORDANCE WITH SEC. 6.09(4) OF THE KITTERY TOWN CHARTER, ON MONDAY, TO TRANSFER APPROPRIATIONS BETWEEN ACCOUNTS AND CARRY FORWARD REQUESTS.*

Chairman Thomson indicated that that this was a Charter requirement that Council would vote on in two parts.

Part 1: Council authorizes the Manager to move the following sums:

- \$ 3,661.00 from Printing to Elections;
- \$ 2,107.37 from Fuel to Solid Waste;
- \$ 5,115.00 from Street Lights to Hydrants;

Approved on 8/11/08

\$42,167.00 from Police Overtime to Regular Wage; and
\$12,753.30 from Insurance to Police.
\$66,679.77.

Part 2: Council authorizes the Manager to transfer the sum of \$691,250.00 from Capital Projects and Carry Forwards into FY'09.

Chairman Thomson opened the Public Hearing and receiving no response, closed the Public Hearing.

COUNCILOR SHWAERY MOVED TO AUTHORIZE THE TRANSFER OF \$66,679.77 BETWEEN ACCOUNTS, AS SHOWN ON PART 1 OF A MEMORANDUM DATED JULY 22, 2008, SECONDED BY COUNCILOR GRINNELL.

Responding to a query from Councilor Shwaery, Town Clerk Place explained that special elections, the school validation budget for June and referendum question for the Charter, were what ran them over, along with the cost of mailing for the Town Meeting.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.

COUNCILOR GRINNELL MOVED TO AUTHORIZE CARRYING FORWARD THE SUM OF \$691,250.00 TO FY-09, SECONDED BY COUNCILOR BRAKE.

Councilor Shwaery said he thought a lot of these items were warrant articles that had passed and he had a problem with some of them, specifically \$100,000 for Woodlawn Avenue. Town Manager Carter noted that money had not been placed in the reserve anticipating a discussion concerning its return to General Surplus. Councilor Shwaery then asked about MacKenzie Lane and the Manager said that and Stevenson & Martin were still very much up in the air. At Councilor Shwaery's request, the Manager gave a general overview of the Town Hall's Phase 2 energy upgrades.

COUNCILOR SHWAERY MADE A MOTION TO AMEND THE TOTAL SUM TO BE CARRIED FORWARD TO FY-09 TO \$591,250.00, REFLECTING A RETURN OF \$100,000.00 FROM ACCOUNT 1740-8520 TO UNENCUMBERED SURPLUS, SECONDED BY COUNCILOR DOW.

A ROLL CALL VOTE WAS TAKEN ON THE AMENDED MOTION, WITH ALL IN FAVOR. MOTION PASSES 6/0.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION, AS AMENDED, WITH ALL IN FAVOR. MOTION PASSES 6/0.

e. (070208-5) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF INFORMING THE PUBLIC AND RECEIVING COMMENTS ON THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT, COMMUNITY PLANNING GRANT PROGRAM, APPLICATION TO THE MAINE OFFICE OF COMMUNITY DEVELOPMENT TO OBTAIN FUNDS FOR AN ECONOMIC DEVELOPMENT STUDY.*

Approved on 8/11/08

Chuck Morgan of the Southern Maine Regional Planning Commission (SMRPC) came to the podium and explained to the Council that the Community Development Block Grant (CDBG) Program required a Public Hearing prior to the submission of an application. This program, he said, only came up twice a year, once in August and once in April. Previously this year, there had been some effort to look at regional economic development issues which had resulted in the development of a piece of legislation to develop a regional industrial park; that legislation was killed. Mr. Morgan stated that what came out of several Public Hearings regarding that legislation was that people said they had reservations about the organization and the structure but that the concept of communities working together for economic development issues and goals was something to be explored.

Mr. Morgan said that with an August 1st deadline, their Executive Director, Paul Shumaker, had suggested the possibility of seeking some CDBG planning funds with two specific goals: (1) to look at one (or perhaps two) simple and achievable idea(s) or project(s) that could be the focus of this economic development study; and (2) that if they were to look at a specific project (which could be anything from looking at an incubator to workforce housing or renewable energy plan) then, if some sort of organization was identified to work on and implement that, it could be something that already existed and could be set up through an inter-local agreement, through an MOU, or through the SMRPC (which was multi-municipal).

Mr. Morgan indicated that they had developed and drafted an application to be submitted on Friday and several of the communities that had been initially involved had expressed their support. He also noted that the SMRPC and the Town of Kittery had work on several different CDBG-related projects. As Council knew, he said, a community planning grant could not go to an entity other than a municipality because it started out as Federal funds and then got block granted to the State, which then made the funds available through a competitive application process. With having an application deadline, Mr. Morgan said they were looking at this as a source of funds to further some of what they felt was support for looking at some potentially regional economic development issues.

Chairman Thomson asked Mr. Morgan to confirm that the required Public Hearing had to take place in only one of the municipalities. Mr. Morgan replied that even though the application was multi-municipal, there was one “lead” municipality in which the Public Hearing needed to take place and which, in this case, was the Town Kittery.

Councilor Shwaery had a question concerning budget funds and noted that his only comment was to applaud everyone involved in putting the text together.

Chairman Thomson indicated that notification of this Public Hearing appeared in the local printed media and opened the Public Hearing. Not receiving a response, the Chair then closed the Public Hearing.

Town Manager Carter noted that officials from Eliot were present and the Chair asked if there was anything they wanted to add to what Mr. Morgan said? The two Eliot Selectmen said that their Board had expressed interest but had not yet taken a vote to express support. They had interest in the process and as this developed; they would review it and go from there.

Councilor Shwaery asked what action Council was taking on this and the Manager replied that Council was voting to support the submission of this application.

Approved on 8/11/08

Town Manager Carter said he wanted to make sure everyone knew that this was totally different than the last experience they went through where he and Councilor Shwaery had attended the economic development program hosted by South Berwick. This was vastly different; it was a planning grant not to do legislation but to come up with one or two major, identifiable projects to work on, such as bio-tech, having revolving loan funds, and how to best utilize Regional Planning's upcoming designation of an economic development district with the EDA so they could filter in projects that would be accepted and funded.

COUNCILOR GRINNELL MOVED TO SUBMIT THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE MAINE OFFICE OF COMMUNITY DEVELOPMENT ON BEHALF OF THE COMMUNITIES OF KITTERY, SOUTH BERWICK, YORK, NORTH BERWICK, ELIOT AND WELLS, SECONDED BY COUNCILOR DOW.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.

Referring to their previous discussions concerning schools and facilities, Mr. Morgan told Council that SMRPC had grants that he would be speaking with Town Manager Carter about. He said that municipal owned property, such as schools, was an eligible activity for assessment and potential clean-up money for environmental issues. They also had money from the revolving loan fund to help with some of the clean up that could be used by any municipally owned property.

Mr. Morgan also noted that it was usually more desirable if the buildings use was being changed from one use to another, such as from a school to a recreational facility or if a private developer wanted to re-develop into housing units.

Chairman Thomson thanked Mr. Morgan for the information.

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 said she did not know if their meeting with the School Board this evening had been advertised but it had concerned a major issue in Town and there wasn't one member of the public present to listen to their discussion and she found that shocking. If the public wanted to know what was going on, they had to come down and participate and she hoped they would.

11. NEW BUSINESS

- a. (070208-6) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairman Thomson listed the following warrant article:

Warrant No. 8	Town Accounts Payable	\$507,455.58
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Approved on 8/11/08

CHAIRMAN THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANT, SECONDED BY COUNCILOR SHWAERY.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.

b. (070208-7) *THE KITTEERY TOWN COUNCIL MOVES TO APPOINT KENNETH LINSOTT TO THE PERSONNEL BOARD AS A FULL MEMBER UNTIL 6/13/11 (REPLACING MICHAEL LAMARCA WHOSE TERM EXPIRED JUNE 13, 2008).*

COUNCILOR SHWAERY MOVED TO APPOINT KENNETH LINSOTT TO THE PERSONNEL BOARD AS A FULL MEMBER UNTIL 6/13/11, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.

c. (070208-8) *THE KITTEERY TOWN COUNCIL MOVES TO VOTE FOR THE SLATE OF OFFICERS PROPOSED ON THE MAINE MUNICIPAL ASSOCIATION'S BALLOT FOR VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBERS.*

CHAIRMAN THOMSON MOVED TO ENDORSE THE SLATE OF OFFICERS PROPOSED ON THE MAINE MUNICIPAL ASSOCIATION'S BALLOT FOR VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBERS, SECONDED BY COUNCILOR GRINNELL.

Councilor Dennett indicated that he would vote no on this item because he thought this was a bad way to do business.

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

d. *OTHER*

Councilor Brake told members of Council he had received a letter from Annie Lee Young, a student at UNH, thanking them for raising the money for the scholarship she received last year.

On behalf of Vice Chair Spiller, Councilor Grinnell said that the Vice Chair went to the website for the class on Freedom of Information, found it to be quite an easy process and didn't feel hiring the Town Attorney to administer it was warranted.

Councilor Dow indicated that a question had been raised to him dealing with cable: if Comcast was unable to deliver service to a Kittery resident and they were located near Time/Warner, could they go with that other provider? The Town Manager replied that he thought between York and themselves, as the franchise, they could ask those carriers to mitigate that and allow Time/Warner to go in.

Councilor Dow also wanted to thank Councilor Brake for all his efforts with the recycling scholarship. There had been a great turn out this year, with a lot of kids putting in for the scholarships and it was nice to be a part of that.

Approved on 8/11/08

12. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*b. *TOWN MANAGER'S REPORT*

Town Manager Carter reported that Kittery had been awarded the MDOT Challenge Grant last week, which set forth the cost of the over run, which was about \$450,000, so as far as he understood it, the Challenge Grant would take the place of any local monies they would have had to dedicate from their local roads assistance funds.

The Manager said they were in constant contact with MDOT, asking the Project Manager, Ernie Martin, about when the pre-construction meetings and notifications would start and Mr. Martin was indicating that the time tables for those meetings had not been set but they were developing and would be given to them shortly. The project was moving forward, it was funded and unless the State was not telling him something, the Manager said they should see something occur later this summer.

Town Manager Carter said they had communication from the Commander of the U.S.S. Greenville on behalf of his vessel, saying thank you for the tremendous picnic. The Commander also spoke about Team Green.

The Manager said they had been invited to view the tall ships coming in to Portsmouth.

The Fuel and More program was campaigning to raise funds and they had received \$3,360 so far in donations bringing their balance to \$3,806.13. Their goal was \$50,000 so they were appreciative of this sum and to those who had donated but needed quite a bit more to service the same number of people; because of rising energy costs, it would cost twice as much as last year.

The Manager wanted to thank the Town Clerk for her efforts in getting the Kittery Quarterly out.

One last item, the State DOT issued their mandatory form for participation in URIP, on which the Town had to certify that they used the money in a certain way. This year, there were all sorts of requirements on the back. It was due Friday or else they didn't get the money and Commissioner Rossiter was working hard with him to get this completed.

Town Manager Carter noted that Council might have seen a big back hoe in back of Dairy Queen. A pipe that was originally installed about ten to twelve years ago for some reason had failed. They were documenting the failure and talking to a testing lab and would be talking to the manufacturer about some compensation for it. That same pipe was under Rogers Road and around the Circle.

c. *COMMITTEE REPORTS*

13. ADJOURNMENT

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

MEETING ADJOURNED AT 8:45 P.M.