

APPROVED MINUTES
Approved on February 23, 2009

KITTERY TOWN COUNCIL

January 26, 2009

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 Judith Spiller and Chairman Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, Meredith Sudborough, Devon Belleveau, members of the press and others.
5. **ACCEPTANCE OF MINUTES**
The Minutes of December 22, 2008 were accepted, as read.
The Minutes of the January 5, 2009 Special Meeting were accepted, as read.
6. **INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD - None**
7. **PUBLIC HEARINGS**
 - a. (010209-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON A RENEWAL APPLICATION FROM LOCO COCO'S TACOS CORP., 36 WALKER STREET, KITTERY, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS, 36 WALKER STREET.*
Chairman Thomson opened the Public Hearing and receiving no response, closed the Public Hearing.

VICE CHAIR SPILLER MOVED TO APPROVE THE RENEWAL APPLICATION FROM LOCO COCO'S TACOS CORP., 36 WALKER STREET, KITTERY, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS, 36 WALKER STREET, SECONDED BY COUNCILOR SHWAERY.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.
8. **DISCUSSION**
 - a. *DISCUSSION BY MEMBERS OF THE PUBLIC (Three minutes per person)*

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Meredith Sudborough of Rogers Road and Devon Belleveau of Ox Point Drive, members of the Kittery Energy Advisory Committee (KEAC), came to the podium to let people know about a meeting to be held in the Council Chamber next Monday at 7:00 p.m. Ms. Sudborough and Mr. Belleveau explained that KEAC had submitted an application to be a pilot program city to have the first “Cool School” in the State of Maine. The program was sponsored by the Maine Energy Investment Corporation and involved a “challenge grant.” Kittery had been selected because of an established track record in completing green projects at the municipal level. The challenge part was to sell 3,000 Renewable Energy Credits (REC’s), costing \$20.00 each, for a grant total of \$60,000. Each \$20.00 tag would buy 1,000 KW hours from Maine First Wind and half of the \$20.00 would go towards a solar panel system for a Kittery school.

b. *CHAIRPERSON’S RESPONSE TO PUBLIC COMMENTS*

Chairman Thomson thanked Ms. Sudborough and Mr. Belleveau for their presentation and, on behalf of the Council, expressed appreciation for all the work KEAC had done to date for the community. The Chair said their help would be needed as Kittery moved toward becoming more green and energy efficient and the Council looked forward to working with them in the future.

9. UNFINISHED BUSINESS

Referring to the December 22nd presentation given by Fairpoint, Vice Chair Spiller noted that an article in the Herald had re-capped a similar presentation in Eliot that included discussion of the possibility that Fairpoint could bid for the cable contract and provide cable access. The Vice Chair asked if that was presently on the table and Town Manager Carter replied, no, it was the experiment that was on the table. Once that experiment was over and Fairpoint decided if they could move forward technically, they would come back to the community asking for a franchise agreement and at that time they would negotiate. The Vice Chair asked if the possibility existed that the Town could get from Fairpoint what they had not been able to get from Comcast and the Manager said, absolutely.

10. NEW BUSINESS

a. (010209-2) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairman Thomson listed the following Warrant Articles:

Warrant No. 11	School Nutrition Program	\$ 10,806.77
Warrant No. 14	School Accounts Payable	\$ 144,426.81
Warrant No. 4	Dedicated Maintenance Acct.	\$ 8,950.00
Warrant No. 60	Town Accounts Payable	\$ 620,609.86

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

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

b. (010209-3) *THE KITTERY TOWN COUNCIL MOVES TO DISCUSS AND APPOINT MEMBERS TO THE FRISBEE REVITALIZATION COMMITTEE.*

Chairman Thomson indicated that the Council had an initial proposal to work with regarding the possibility of a June 30th closure of the Frisbee School. The recommendation was to have a seven member committee of four citizens and three Council members with the charge to oversee the

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development of recommendations and estimated costs for the short-term, to look at the roof and furnace issues, as well as the undertaking of a long-term conversion and reconfiguration plan. The Chair noted he didn't see any money being spent by this group and that, unless renewed, their charge would come to an end on June 30, 2011.

Vice Chair Spiller noted the importance of referring to the Committee as a "revitalization" committee rather than a "reconfiguration" committee. She also noted that after speaking with School Committee members, she was changing her position in that the roof and furnace issues facing Frisbee were really School Committee issues that would most appropriately be discussed in the Shared Services Committee.

Councilor Dow agreed with Vice Chair Spiller concerning the importance of the committee being called a "revitalization" committee so as to avoid any confusion. He also agreed that, until the keys to Frisbee were handed over, the roof and furnace issues were under the charge of the Shared Services Committee or the School Board. Councilor Dow then asked if the Council would have the opportunity to look at citizen applications that were submitted?

Chairman Thomson noted that, ideally, they would be looking for folks to come forward who had backgrounds in architecture, facilities management and engineering. Responding to Councilor Dow's question, the Chair indicated that applications would come in through Town Hall but the Council had ultimate appointing authority. The Chair added that if the School Committee made the decision to vacate Frisbee in June, he wondered how anxious they would be about discussing roof problems and so forth. Councilor Dow thought that the Frisbee roof should, and might now be, on the Capital Improvement List.

Councilor Shwaery noted that some of the decisions made concerning the building's reuse would be determined by who went in there and no matter who made the decisions, what was important was dialogue between the groups.

Vice Chair Spiller said she didn't think those decisions would be made without consultation and approval of Council. She noted that the value of the Shared Services Committee was that it was the Council and School Committee talking together and having common interests, which made it the best vehicle for those discussions.

Councilor Grinnell said she liked the idea of the Shared Services Committee dealing with whatever went on in Frisbee until the building was turned over to the Town. She also thought Councilor Shwaery's concern should be addressed by the Shared Services Committee because the Revitalization group's view would be based on what happened after the building was turned over.

Councilor Beers noted that the Revitalization Committee did need to look at the short term, perhaps not in precise detail, i.e., the roof and furnace, but because of the prospect of a June 30th closing and in dealing with the short-term, the Revitalization group needed to be well prepared. He suggested that the charge be amended.

Councilor Grinnell indicated her belief that the schools could not turn the building over to the Town until they voted and made a decision as to what would happen to its current students.

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Chairman Thomson thought they would be able to if they made the decision in the next few weeks, and that was the direction they were going in, if they had a placement plan by the end of June for the fall. So even with a pending bond issue out there, that might be enough from the State's perspective.

Vice Chair Spiller said her understanding from the Superintendent was that the State would not approve a plan that involved temporary buildings so until they had a permanent re-location of students, the School Committee would not get approval for the final step of closing Frisbee.

Town Manager Carter explained that one of the issues was, if they voted to close the school because of budgetary constraints and planned to move children to temporary facilities, could the building remain open and functional for those non school-related programs currently meeting there or would they need to move?

Chairman Thomson noted that, in a sense, they were looking at two processes that paralleled each other: one was the decision made last July to go down to three schools; the other was the development over the past couple of months due to budgetary constraints that created the need to move children out, which was really a separate process. The Chair said he was just looking to start the process of having folks look at the building - what was there and what could be there moving forward - and was looking for Council's endorsement of this Revitalization Committee to start to meet this spring and move forward to gather information.

VICE CHAIR SPILLER MADE THE FOLLOWING MOTION:

“IN ANTICIPATION OF THE SCHOOL COMMITTEE’S POSSIBLE CLOSING OF THE FRISBEE SCHOOL, THE TOWN COUNCIL MOVES TO FORM THE FRISBEE REVITALIZATION COMMITTEE WITH THE CHARGE TO DEVELOP PLANS FOR FRISBEE SCHOOL REUSE AS A MUNICIPAL CENTER.

THE COMMITTEE’S CHARGE IS TO SEEK IDEAS FROM THE PUBLIC ON FRISBEE REUSE FROM THE KITTEERY RECREATION DEPARTMENT, THE RICE PUBLIC LIBRARY AND ANY OTHER INTERESTED GROUP. IT WILL ALSO EXPLORE WITH THE TOWN MANAGER THE FEASIBILITY OF MOVING THE MUNICIPAL OFFICES TO THE CENTER. AFTER DELIBERATION, THE COMMITTEE WILL DEVELOP A PLAN FOR REUSE, INCLUDING A TIMELINE, IDENTIFICATION OF PROGRAMS AND OFFICES PROPOSED FOR LOCATION IN THE COMPLEX, A DESIGN PLAN AND APPROXIMATE PROJECTED COST. WITH TOWN COUNCIL, AND SUBSEQUENT TOWN APPROVAL, THE COMMITTEE WILL EXPAND ITS MEMBERSHIP TO INCLUDE, IN AN EX-OFFICIO ROLE, REPRESENTATIVES OF THOSE PROGRAMS AND OFFICES THAT WOULD BE LOCATED IN THE COMPLEX.

THE COMMITTEE WILL CONSIST OF SEVEN MEMBERS: THREE TOWN COUNCILORS AND FOUR CITIZENS, WHO WILL APPLY TO SERVE ON THE COMMITTEE. TERMS OF OFFICE FOR CITIZEN REPRESENTATIVES WILL BE TWO YEARS. THE COMMITTEE WILL REPORT REGULARLY ON ITS ACTIVITIES TO THE TOWN COUNCIL AND SEEK TOWN COUNCIL APPROVAL FOR THE EXPENDITURE OF ANY FUNDS. IT WILL BE DISBANDED ON JUNE 30, 2011, UNLESS RENEWED.”,

SECONDED BY COUNCILOR GRINNELL.

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Based on Council's desire for some particular expertise and background, creating the need for expanded data, Councilor Shwaery asked how they wanted to standardize the citizen application. Town Manager Carter said they could expand on the current format on the website.

Councilor Beers asked about a transitioning process, noting the need for building security, as well as maintenance, if the non school-related programs continued to operate at the site and Vice Chair Spiller indicated that the Shared Services Committee was working on those issues.

Chairman Thomson noted that by the time this Revitalization Committee was up and running, they would have a much clearer picture from the School Committee.

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

Councilor Grinnell stated she would certainly like to put her name forward as being particularly interested in serving on this committee and suggested that, because the Vice Chair served on both the Council and the Shared Services Committee, Council consider having Vice Chair Spiller participate on this committee as well.

A decision was made to set February 28, 2009 as the deadline to receive citizen applications.

c. (010209-4) *THE KITTEERY TOWN COUNCIL MOVES TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM FEBRUARY 16 – 20 DURING THE TOWN MANAGER'S ABSENCE.*

COUNCILOR GRINNELL MOVED TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM FEBRUARY 16 – 20 DURING THE TOWN MANAGER'S ABSENCE, SECONDED BY VICE CHAIR SPILLER.

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

d. (010209-5) *THE KITTEERY TOWN COUNCIL MOVES TO RE-APPOINT DUDLEY BIERAU TO THE BOARD OF ASSESSMENT REVIEW UNTIL 11/30/2011.*

Chairman Thomson noted that Councilor Grinnell had met with Mr. Bierau regarding his re-appointment.

COUNCILOR GRINNELL MOVED TO RE-APPOINT DUDLEY BIERAU TO THE BOARD OF ASSESSMENT REVIEW UNTIL 11/30/2011, SECONDED BY COUNCILOR DOW.

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

e. (010209-6) *THE KITTEERY TOWN COUNCIL MOVES TO AUTHORIZE THE TRANSFER OF FUNDS IN THE AMOUNT OF \$1,000 FROM THE SELF INSURANCE CLAIMS COVERAGE ACCOUNT, AS APPROVED BY THE VOTERS ON JUNE 10, 2008 TOWN MEETING VOTE ARTICLE 11, TO PAY FOR THE DEDUCTIBLE FOR A CLAIM SUBMITTED TO MMA.*

Chairman Thomson indicated that the November windstorm had caused telephone service wires to be ripped down from the Kittery Point Fire Station. The requested \$1,000 represented the insurance deductible and had been confirmed as being available.

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COUNCILOR GRINNELL MOVED TO AUTHORIZE THE TRANSFER OF FUNDS IN THE AMOUNT OF \$1,000 FROM THE SELF INSURANCE CLAIMS COVERAGE ACCOUNT, AS APPROVED BY THE VOTERS ON JUNE 10, 2008 TOWN MEETING VOTE ARTICLE 11, TO PAY FOR THE DEDUCTIBLE FOR A CLAIM SUBMITTED TO MMA, SECONDED BY VICE CHAIR SPILLER.

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

f. (010209-7) *THE KITTERY TOWN COUNCIL MOVES TO HEAR AN UPDATE FROM THE TOWN MANAGER ON THE STATUS OF FY'09 AND FY'10 BUDGETS.*

Referring to the FY'09 Budget, Town Manager Carter stated that projected revenues were not coming in as forecast; they were presently under forecast by approximately \$150,000 and adding the schools, that figure went up to \$187,000. If revenues continued this trend, they were on target to be under forecast by \$370,000. The Manager said that, obviously, they were watching this very carefully. One of the steps they were taking was to ask Council to allow for up to \$50,000 from the Overlay Account to be set to one side in order to utilize from that Article 18 \$100,000 that had not been used by Council to offset taxes. They were also asking, in this "level 1" request, that Department Heads and Funding Agencies (but not the School Dept.) cut and curtail their appropriations by 1½%. That, the Manager said, would bring them in line for the \$370,000 target. Once each month was closed, they would again look at that forecast, revamp it and bring back higher curtailments (meaning setting the money to one side and not spending it) to Council so at the end of June 30th when the Budget was closed, there would be that amount of money that was not spent in order to equalize the revenue shortage.

Moving to FY'10, the Manager said that some guidelines had been set and revenues were projected at 80% of FY'09. The valuation increase in new construction and development for the Town that he had used was \$14 Million (which might be optimistic). He noted that this year it had been \$18.6 Million and the years before that it had averaged between \$22 Million and \$24 Million.

The Manager indicated that the CPIU, which was used for aging increases in union contracts, came out as .1% in December for the past twelve months, representing in contracts a ceiling of two to four percent.

The Manager noted that bids would be opening tomorrow at the State level for fuel. They had locked in at \$2.15 per gallon for the large tanker loads, such as the Sewer Plant and the schools.

Their electricity contract was up in December of '09 and they were putting out a bid (with the help of KEAC) to gain energy rates for one to four years.

The same price was expected for water and utilities.

Postage was a moving target – the Manager said he expected another increase in the not too distant future.

Town Manager Carter indicated that, needless to say, they were very concerned with these projections. The challenge, he said, would be to produce a budget that was around 5½% lower and he expected further reductions as they got closer to June if the economy didn't brighten up.

The Manager then said that a question he had for the Council concerned new fees and enhancements. He noted that Councils in the past had been opposed to charging for Solid Waste Permits - those permits were up for renewal this December and were good for two years – and asked if

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Council wanted to entertain a fee for those permits? The Manager indicated he did not need an answer at that point but would need an answer before he put together a budget.

g. *OTHER*

11. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

Chairman Thomson said that a meeting of the Committee of the Whole (COW) was scheduled for Thursday evening at 6:30 where the FY'09 and FY'10 Budget information would be presented.

b. *TOWN MANAGER'S REPORT*

Town Manager Carter reported that the Southern Maine's Regional Planning Commission's Advisory Committee would be meeting next week to develop a strategy of moving the Economic CDBG Grant they had received forward.

The Manager reported on the four-day, ten-hour workweek, noting that to date they had served 541 citizens during the hours of 8:00 a.m. to 9:00 a.m. and 5:00 p.m. to 6:00 p.m. They had been up and running since October 6th and had stopped collecting data for this report January 6th. He thought this was the biggest positive outcome to date. The second positive outcome was certainly that the employees, and as far as they could tell the citizens, have enjoyed the 4-day workweek. The five or six people who had taken the time to call him with issues concerning the workweek, he had been able to steer toward the website or had been guided in other directions for help. The Manager said that in the short term, the program was being utilized and getting fairly positive feedback.

They had not yet been able to ascertain the savings on the building and would be making an effort to understand that savings. A new device called the co-gen had been put in and it was hoped their HVAC contractor could stabilize the building so they could begin to show the savings.

KEAC came in this week, walked through the furnace room and saw the new co-gen machine up and running. They would be monitoring the savings and recording it.

The Manager noted that the burners had been replaced at the Gorges Road Fire Station and the Recreation Department's new furnace was operating.

The Manager said that one of the things they were trying to do in keeping people informed was get the word out through the Portsmouth Herald and, because a lot of people used or had Comcast, he had had discussions with them, asking for a direct hook up to the head end in Portsmouth. They came back and said they could do it if the Town paid them \$25,500. The next best bet started being discussed in the Sustainable Futures meetings and was streaming video through the website so people could see the Council meetings and, eventually, anything that took place in the Council Chambers. That required a higher speed internet service than they presently had. Their plan was to drop Comcast for an internet supplier and move on to Fairpoint or Fios Fast. Once in place, he and the technical sergeant believed there were enough spare parts of old computers to put a system together as an experiment to see if it worked. If it did and the citizens liked it, perhaps they could find someone to make it more permanent.

c. *COMMITTEE AND OTHER REPORTS*

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Vice Chair Spiller said that the Shared Services Committee was working with WBRC to look at the reconfiguration of Mitchell and Shapleigh Schools. They had six meetings scheduled, including a public workshop scheduled on February 26th at 6:30 p.m. at Shapleigh.

Their goal was to deliver recommendations to the School Committee on the 17th of March and then bring recommendations to the Council in a workshop on March 25th. They were also meeting tomorrow afternoon.

13. ADJOURNMENT

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

MEETING ADJOURNED: 8:26 P.M.