

APPROVED MINUTES

October 14, 2009

KITTERY TOWN COUNCIL

September 28, 2009

Council Chamber

1. CALL TO ORDER

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

2. INTRODUCTORY

Chairperson 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, Ann Grinnell, George Dow, Vice Chair Judith Spiller and Chairperson Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Recorder Ashley Rodier, members of the press and others.

5. ACCEPTANCE OF MINUTES

The minutes of September 14, 2009 were accepted, as amended.

6. PUBLIC HEARING

a. (090209-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE, CHAPTER 6.04 – DOGS, TO INCLUDE HORSES.*

Chairperson Thomson indicated that publication of this public hearing appeared in the local printed media on September 18, 2009. The Chair indicated that this was first brought to Council a few meetings ago and asked Councilor Grinnell to speak further relative to the matter. Councilor Grinnell indicated that this issue was brought forward due to a situation in Rogers Park where horse feces were being left which was creating a health hazard. Councilor Grinnell indicated that the amendments to the ordinance would include horses wherever the ordinance stated dogs. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

Councilor Grinnell wanted to express her appreciation to the ordinance review committee for the report to the Town Council dated September 21, 2009.

APPROVED MINUTES

October 14, 2009

COUNCILOR GRINNELL MOVED THAT THE KITTERY TOWN COUNCIL IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER SECTION 2.14, THE TOWN OF KITTERY, HEREBY ORDAIN THE FOLLOWING ORDINANCE TO BE CODIFIED IN THE KITTERY TOWN CODE, CHAPTERS 6.04, TO AMEND SECTIONS: 6.04.010, 6.04.020, 6.04.040, 6.04.060, 6.04.070, 6.04.090, 6.04.100, 6.04.110 AND 6.04.130, SECONDED BY COUNCILOR SPILLER.

Councilor Grinnell wanted to clarify for the public that there were some grammatical changes to the ordinance but the intent was that it would be a violation for an owner of a dog or horse to not pick up feces and that there would be penalties put in place. Councilor Dow indicated that he appreciated the intent of the amendments but that his issue was how the town was going to enforce the ordinance. Councilor Dow continued that he did not think that there were very few horses in town and thought that this might just be putting another ordinance in place that the town would have difficulty enforcing. He noted that Council could create ordinances for whatever they wanted but asked if they could realistically be enforced. Councilor Grinnell indicated that she thought that maybe horse owners would see this ordinance come through and would start picking up the waste and that currently there was no ordinance in place that made it a violation to not pick up after their animal. Councilor Beers noted that the ordinance review committee that suggested that this item still needed debate. He continued that as the ordinance is written currently does not address any kind of removal in Rogers Park because the ordinance still says public ways and sidewalks. He stated that they struggled with the language on how to create something that might work on all public property. He continued that there is a separate ordinance, Section 12.12, which addresses features relating to Rogers Park in which it is noted that control of dogs and waste is addressed in Section 6.04 and conceivably amending that section to include horses may address Rogers Park but it would still be unclear because it still references public ways and sidewalks. Councilor Beers indicated that if Councilor Grinnell's main concern was the waste going into Spruce Creek than it may be more appropriate to include passages in that section of the ordinance rather than change the ordinance as suggested. Councilor Grinnell noted that under Rogers Park ordinance, Section 12.10.040 (C) control of dogs and horses is controlled under Section 6.04 and noted that section only covers public ways and sidewalks and Rogers Park is not considered a public way. Councilor Beers noted that in the discussions of the passage of Section 12.12 Rogers Park, it was not discovered in time to include a public hearing and that it would require advertisement and notice of a public hearing at a later point and time and that he would suggest in that this primarily related to concerns in Rogers Park it could and should be addressed by enactment of language in that section. Councilor Grinnell asked that after she was gone from Council, that Council move this along because she did not want to waste anymore time because she felt that this was not going to go anywhere that evening. Councilor Beers noted that if the consideration and consensus was that it should be included then he would agree that Council should refer this issue to the ordinance review committee to review and come back with a recommendation. Chairperson Thomson noted that Council should postpone action on the publicly heard ordinance changes that evening and

APPROVED MINUTES

October 14, 2009

suggested that Councilor Grinnell sit down with Councilor Beers and Councilor Dennett to come to a consensus as to what would accomplish this goal and figure out what section it should go under.

COUNCILOR GRINNELL MOVED THAT THE KITTERY TOWN COUNCIL POSTPONE ACTION ON THE PROPOSED AMENDMENT TO THE MUNICIPAL CODE, SECONDED BY COUNCILOR SPILLER.

The Chair took a consensus with all in favor.

7. DISCUSSION

a. Discussion by members of the public (three minutes per person)

Gil Roberts came to the podium to discuss tuitioning students out to Marshwood High School. He indicated that there had been a lot of discussion around town and articles in the newspapers discussing this issue and noted that Eliot had said that the ball was in Kittery's hands at this point. Mr. Roberts indicated that he and some others have had conversations with the Eliot School Board who had indicated that they wanted to work something out but that they were not going to wait months and years. Mr. Roberts continued that his concern was that in every category including critical reading, math, science and writing, Marshwood had achieved a higher standard than Traip. He noted that in reading Traip was at 44% that met or exceeded standards and that Marshwood was at 57%, in math Traip was at 33% and Marshwood was at 56%, in writing Traip was at 50% and Marshwood was at 55% and in science Traip was at 38% and Marshwood was at 51%. He noted that the most dramatic issue to consider was the cost savings to the town and that he believed that it would be close to \$1,700,000.00 in total savings by moving the kids to Marshwood. He suggested that when you added on facility and administrative costs and insurance it would be close to \$2,000,000.00 which was approximately 8% of Kittery's total operating budget. Mr. Roberts indicated that he thought that the Town Council needed to get involved in this and although he understood that it was a School Board issue, this would effect everyone in the community. He continued that he would like to see the Town Council have a representative on the committee that would be sitting down with Marshwood and that he thought that this was too important of an issue to let slide by. He noted that this would affect taxes, property values and quality of life. He asked in addition that Town Council may also want to have an independent assessment done to figure out what the savings, opportunities and benefits would be. Mr. Roberts indicated that he thought that this was a very important issue for the town and that the town had been approached by Marshwood which had a facility that could hold 1150 children and it currently only had 785 and the enrollment was going down. He noted that the enrollment at Traip was only 275 pupils which was projected to go down even further. He noted that if you looked at the numbers this would benefit everyone. Mr. Roberts indicated that he thought that the Town should look at this issue with everyone involved and he did not want to see this opportunity lost. He noted that he and others in town had talked to members on the Eliot School Committee and noted that this was a genuine offer and that Eliot really wanted to see this happen. Mr. Roberts

APPROVED MINUTES

October 14, 2009

stated that he was not criticizing the Kittery administrators or teachers and it was a genuine concern that Kittery take advantage of this offer.

Jeff Nawrocki came to the podium and noted that although Council was most concerned with budget issues in the school committee but noted to that it was important understand all the benefits of this opportunity. He indicated that cost savings might not be enough on its own to warrant tuitioning out but that along with all of the better educational opportunities at Marshwood would be reasons to tuition out. He noted that Marshwood had far more educational opportunities and that it was not overcrowded. He indicated that the facility was superb and that there were athletic fields and a beautiful theater for the arts. He noted that there were far more extracurricular opportunities offered and that it was only 7 miles down the road from Shapleigh. He noted that in addition to saving the town millions of dollars a year it would also offer the kids a more diverse and comprehensive educational experience and that it made sense to do so. Mr. Nawrocki noted that he had been to the school committee with this issue and it was his observation that the school committee had absolutely no interest in pursuing this matter with any effort. He indicated that the Chair of the school committee had suggested a time table and had said that this issue should proceed very slowly and cautiously and that it should take 2-3 years to pursue. He noted that he had talked with Marshwood representatives who felt that this is a great fit and really want this to happen quickly and that they see no reason why it could not happen over a period of months and not years. He noted that Marshwood had indicated that they will not keep this opportunity open for long so the window for opportunity was very short. He noted that there were people who would want to keep the tradition of Traip Academy and while he understood that there was an emotional tie it should not overcome what is best for the children's education. He noted that the school committee should get motivated due to the educational advantages and that Council should get involved due to the huge financial gains that could be attained. He indicated that he agreed with Mr. Roberts and that he thought that Council should have a representative on the negotiating committee with Marshwood because he thought otherwise nothing would proceed. Mr. Nawrocki noted that his priority was education more than the cost savings but that they were bringing this to Council because of the financial aspect.

Steve Montembeau of Kittery Point came to the podium. He noted that he was at the meeting last week as well. He noted as the leadership body of the town he would urge Council to really take a look at the data that had been provided and that they needed more information. He indicated that they would be dealing with a lot of subjectivity and tradition and what really was needed to make the decision was sound facts. He continued that he had run into Rich Buzzell who had worked in the Kittery schools for 8 years and that he was now in his 7th year at Marshwood. He noted that this conversation was very revealing relative as to what Marshwood's needs were and what Kittery's needs were. He indicated that with the declining dollars that Kittery would not be getting more and that they would be getting less. He noted that they really need to look hard at this issue and urged Council to get involved.

APPROVED MINUTES

October 14, 2009

Jeff Brake from the Recycling Committee came to the podium. He noted that he had a check for \$210.00 for the recycling scholarship to give to Council.

Tess Holm Schneider came to the podium. She noted that the potential closing of Traip was a very emotional issue and that she had talked with Traip graduates and had gotten a lot of different responses. She indicated that she hoped that everyone would think with their heads as much as their hearts relative to this issue because they needed to be forward thinking and not moving backwards. She noted that there was a declining population of children and youth in Kittery and that the school was smaller than it had been in years. She indicated that there was an opportunity with their neighbors to come together and attend a school that was incredible. She asked that Council seriously think about what role they could play in this and noted that it was far too big of an issue to have the school committee deal with on its own. She noted that everyone needed to be involved with possibly the voters as well so that they could find out what more people thought about the issue. She indicated that she had previously been on the school committee and noted that year after year they had discussed which programs they were going to cut. She indicated that high school should be the crowning glory of a child's educational experience. She noted that the kids going to Traip now would be attending a smaller school then they had previously in middle school as now 4th and 5th grade were at Shapleigh. She noted that kids needed new challenges and it was time to look at what was in the best interest for the kids. She indicated that they had to set aside sentimental attachments and think more with their heads and be forward thinking.

b. Chairperson's response to public comments

The Chair thanked everyone for their comments and input. Chairperson Thomson noted that it was obvious that they had put in a lot of work into this matter and that he knew that they had been to the school committee to voice their initial thoughts. He noted that he had been before the school committee speaking as a citizen to this matter. He indicated that the opportunity appeared to be before the town as it had never been before the town before. He noted that he concurred that the work needed to be done and that it needed to be explored totally and thoroughly within the next few months because the window of opportunity was not going to be open that long and also because there were administrative changes happening in the district as of June 30, 2010. He continued that the bottom line was that Traip no longer had 1500 students and that they could not continue to program as if it was a district of that size. Regarding the recommendation of having a council member on the negotiating committee with Marshwood, Chairperson Thomson noted that might be a possible option but that Council had been careful over the past few years to try to keep the lines of communication open and keep things separate from the school committee but that this was one issue where there could be a collaborative effort. He noted that there was a joint committee with school board members and Council members in place that had done a lot of work over the past couple of years on a number of issues. The Chair indicated that this task might be well suited for the Shared Services Committee to spend time to look at this issue in a very proactive manner over the next couple of months. Chairperson Thomson indicated to Council that he had been thinking about sitting down with the school board to discuss the FY '11

APPROVED MINUTES

October 14, 2009

budget on November 16, 2009 after the elections. He noted that Council had heard what everyone had said there tonight and that he knew that there were members on the Shared Services Committee that would like to discuss this with school board members on the committee and he asked that they let this process play out.

Councilor Grinnell indicated that she had a couple of comments. She noted that in their form of Government the School Board was a board and Council was a board and they were separate from each other. She continued that in the first time since she had been on Council, the two boards were finally having a relationship with each other but they would not continue that relationship if Council started stepping on their toes and that this was really a School Board issue. She noted that there were two openings on the School Board and she wished that they had put someone up to be on the School Board because that was where the power was.

8. UNFINISHED BUSINESS

Councilor Beers noted that at the last regular meeting, Council had accepted the resignation of Scott Mangiafico from the Planning Board. He continued that Mr. Mangiafico had no replacement and wanted to continue on the Planning Board until they found him a replacement but that as Council had accepted his resignation so he was resigned and could not participate. He noted that Mr. Mangiafico agreed that if Council reconsidered his resignation and changed it to contingent upon a replacement being seated he would be happy to continue service.

COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL RECONSIDERATION OF THE MOTION TO ACCEPT THE RESIGNATION OF SCOTT MANGIAFICO FROM THE PLANNING BOARD, SECONDED BY COUNCILOR DENNETT.

The Chair asked the Town Manager if there was anyone in the pool for the Planning Board which the Manager answered no. Councilor Beers noted that it was Mr. Mangiafico's intention to continue to serve until a replacement was seated but that there was some confusion and it was Council's understanding that he was looking to resign now. Councilor Dow noted that they were putting the call out for someone to join the Planning Board. Councilor Beers noted that Mr. Mangiafico was a long serving member and that he was intimate with the ordinance reviews that were being conducted and he thought that it would be a benefit to the community to have him on for as long as he could. Chairperson Thomson noted that he did not recall in Mr. Mangiafico's email in which he resigned that Mr. Mangiafico stated that he would be willing to continue to serve. Councilor Beers noted that the email was ambiguous so Council had gone ahead and accepted his resignation but that Mr. Mangiafico had appeared at the following Planning Board meeting as he thought that he was going to continue to serve until a replacement was seated. Chairperson Thomson noted that Mr. Mangiafico had already received a letter from the Manager thanking him for his service and thought that he should have known that his resignation had been accepted. Councilor Grinnell indicated that Mr. Mangiafico's email was not clear so Council had voted for his resignation and

APPROVED MINUTES

October 14, 2009

noted that people had resigned before and then wanted to get back onto the board and it was not allowed and that she could not support letting him back onto the Planning Board.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER, COUNCILOR GRINNELL AND CHAIRPERSON THOMSON OPPOSED. MOTION DOES NOT CARRY 3/3.

Councilor Grinnell indicated that she hoped that Council would look at its policy regarding waiting lists for the various boards. She noted that she did not think that there was a policy in place regarding the waiting lists and she thought that if you were on a list and came to the top of the list and it was your turn to be on the board but you did not want to be interviewed or if you did not want to be on that board at that time, her feeling was that you should be off the list. She noted that from speaking to people on the Port Authority, if you were on the list and you came to the top and decided that you did not want to be on at that time the next person was taken but that other person stayed at the top of the list. She noted that there was not time to deal with this issue between now and November but she hoped that it would be an agenda item and Council would look at it and make some sort of uniform policy for people on the waiting lists.

Councilor Dow indicated that he wanted to reemphasize what Councilor Grinnell had said previously and noted that there was no policy in place regarding the waiting lists. He commented that he thought that Council needed to set aside some time to look at this issue and figure out what they would do with the people that did not want to be on the board when their name came to the top of the list. He noted that the name could be taken off the list completely or moved to the bottom of the list. Councilor Dow indicated that he wanted to vocalize his concern relative to looking at reappointments in that if there were issues that the public was dealing with and they had concerns that people should bring those forward because Council does not know all the different issues that might be taking place. He wanted to encourage the public to be an active member in the management of the boards and to come to Council and discuss issues that people are dealing with.

9. NEW BUSINESS

a. (090209-2) *THE KITTERY TOWN COUNCIL MOVES TO ACCEPT DONATIONS IN THE AMOUNT OF \$4,250 FROM LOCAL BUSINESSES FOR THE PURCHASE OF TASERS FOR THE POLICE DEPARTMENT AND TO PLACE SAID FUNDS IN THE POLICE DEPARTMENT EQUIPMENT ACCOUNT #1310-7560.*

Chairperson Thomson noted that this matter had been carried forward from the meeting of September 14, 2009 to gather some additional information that was missing from Council's packets at that meeting. Police Chief Strong noted that he was there to seek Council's approval on the \$4,250.00 in donations to be put into the department's equipment account which would then be used to purchase tasers for the police department and the patrol units. He continued that the Kittery Police Department had been working for awhile to try to develop a taser program. Chief Strong noted that the department had

APPROVED MINUTES

October 14, 2009

studied tasers intensely and that they were a good tool to add to their arsenal and that it was one more step before they would need to use deadly force. He continued that there was a training program that went along with this, a recertification every year, a Use of Force policy and a reporting provision that any time a taser is used a report must be filed. He noted that the policy had been screened by the insurance carrier and they were willing to enter into the program. Chairperson Thomson noted that the Chief had indicated that the donations would not cover the entire expense for the program and asked for a department of its size what type of budget would be needed each year to keep the program running. Chief Strong responded that to get the program up and running, with the extended four year warranty on the tasers, it would be about \$7585.00 which would include the training, extended warranties and holsters. He noted that \$4,250.00 and possibly more would be coming from donations and the rest would be taken out of the drug forfeiture seizure money. He continued that the only expenses going forward would be the extended life batteries, which last between 2-3 years, and the actual cartridges that would be fired which cost \$21.00 every time one is used. Chairperson Thomson asked if the technology of the tasers was changing and if in two years would they need to buy new tasers. Chief Strong responded that they had evaluated that issue with the taser company and the one that they were going to purchase was the X26E model which is a single shot and can be used as a stungun. He noted that he believed that the X26E model would suffice and would equip the department fine. Chairperson Thomson noted that the from retailers that provided the donations, he was concerned about the donation from Pelkey Funeral Home. Chief Strong noted that Jeff Pelkey was active in law enforcement and was a reserve officer himself and he was the one that brought this whole program about. Councilor Dow noted that this would relieve the department from a lot of hand to hand confrontations and asked if the department encountered a lot of those situations. Chief Strong answered that the department did and that they had several officers that had been injured on duty and others that were out on long term disability for injuries received in the line of duty. Chief Strong continued that the whole point of this program was to avoid as much of the hand to hand combat as possible. Councilor Beers commented that he had reviewed the department's Use of Force Policy and the procedure related to the expected use for the tasers and noted that he found it entirely consistent and coherent models for what it should be, up to and including protective features for the officers and immediate medical assistance for anyone who is exposed to one of the charges. Councilor Beers noted that he whole-heartedly endorsed the concept of use of non-lethal force and wanted to thank the businesses that had donated the funds. Councilor Dennett noted that this item was before Council as moved and seconded at the last meeting but that a slight amendment would be necessary as the original motion indicated that the funds would go into account #1310-6030 and it had been agreed that it would go into the equipment account #1310-7560.

COUNCILOR DENNETT MOVED THAT THE KITTEERY TOWN COUNCIL AMEND THE PRIOR MOTION TO ACCEPT DONATIONS IN THE AMOUNT OF \$4,250.00 FROM LOCAL BUSINESSES FOR THE PURCHASE OF TASERS FOR THE POLICE DEPARTMENT AND TO PLACE SAID FUNDS INTO THE POLICE DEPARTMENT EQUIPMENT ACCOUNT #1310-7560 INSTEAD OF ACCOUNT #1310-6030, SECONDED BY COUNCILOR BEERS.

APPROVED MINUTES

October 14, 2009

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

COUNCILOR GRINNELL MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT DONATIONS IN THE AMOUNT OF \$4,250.00 FROM LOCAL BUSINESSES FOR THE PURCHASE OF TASERS FOR THE POLICE DEPARTMENT AND TO PLACE SAID FUNDS INTO THE POLICE DEPARTMENT EQUIPMENT ACCOUNT #1310-6030, SECONDED BY COUNCILOR BEERS.

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

b. (090209-3) *THE KITTERY TOWN COUNCIL MOVES TO RE-APPOINT BARRY BUSH TO THE PORT AUTHORITY UNTIL 8/31/12.*

Chairperson Thomson noted that the interview took place on September 10, 2009 with Councilor Grinnell and the current Chair of the Port Authority, Milton Hall.

COUNCILOR GRINNELL MOVED THAT THE KITTERY TOWN COUNCIL RE-APPOINT BARRY BUSH TO THE PORT AUTHORITY UNTIL 8/31/12, SECONDED BY COUNCILOR DOW.

Councilor Dennett respectfully suggested that the motion was not in order as the Port Authority members serve for a term of 5 years and therefore the expiration of the term should be 8/31/14. Chairperson Thomson asked if the maker of the motion and the seconder agreed to that change which they indicated that they did. Councilor Beers noted that he had examined the law which established the Port Authority which was before the Town Charter was in place. He noted that in the Town Charter it is incorporated that the Planning Board and Zoning Board of Appeals have term limitations of no more than three years. He continued that while it did not call for term limits with regards to the Port Authority he submitted that it would be consistent with the spirit and intent of the Town Charter to effect term limitations on Port Authority members and wanted to know how long Mr. Bush had served on the Port Authority. He continued that the Planning Board and ZBA were allowed to serve up to 9 nine years with three 3 years terms and suggested that at some point in time they should incorporate the private and special law with respect to the Port Authority into the Town Charter by amendment and that should be a future consideration. He suggested that if the two members up for reappointment this evening have served more than 15 years or three 5 year terms it would be with the spirit of the Town Charter to not reappointment them. Councilor Dennett noted that he disagreed with Councilor Beers in that it may be time to make a consideration of this issue in the spirit and with the consistency of the other sections of the Charter, but when it came to law, spirit and good intention were not the way to deal with it. Councilor Grinnell noted that she had conducted the interview and she had no idea how long Mr. Bush had been serving. Councilor Dennett noted that it did not make a difference at this point.

APPROVED MINUTES

October 14, 2009

Councilor Beers suggested that if Council did not accept the reappointment that it was perfectly within Council's authority and again suggested that in keeping with the spirit of the Town Charter whether it is vested in statutory language. Councilor Dennett noted that Council could do whatever wanted but thought it might leave a sour taste in people's mouths having just broached the subject of term limits that evening and it should be left up to each individual to vote however they think best. Councilor Dow again asked how long Mr. Bush had been serving. Town Manager Carter indicated that the town clerk would know but she was not present that evening.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR BEERS OPPOSED. MOTION PASSES 5/1.

c. (090209-4) *THE KITTERY TOWN COUNCIL MOVES TO RE-APPOINT MILTON HALL TO THE PORT AUTHORITY UNTIL 8/31/14.*

Chairperson Thomson noted that Councilor Shweary completed the interview process.

COUNCILOR SPILLER MOVED TO RE-APPOINT MILTON HALL TO THE PORT AUTHORITY UNTIL 8/31/14, SECONDED BY COUNCILOR GRINNELL

Councilor Spiller noted that she was going to vote against this reappointment and that it had nothing to do with Mr. Hall's service which she noted has been exemplary but that she was concerned that he had served on the Port Authority for over 15 years. She continued that Council's only authority over the Port Authority were reappointments and that she understood that there was a list of people interested in serving on the Port Authority and thought that it was time to bring in new blood. Councilor Dennett stated that there was a great lack of people wanting to serve on boards with the exception of the Port Authority. Councilor Grinnell noted that she would not be voting for the reappointment and that she had a problem with the state statute relative to the Port Authority. She continued that her problem was that Council appointed people to the board and there was no say in what they do and that they have acted for a long time that they have no responsibility to come before Council and she thought that Council had to step up and get the Port Authority on the same team as the town. She noted that there were things at the Port Authority that she did not agree with and she could not support the reappointment of Mr. Hall. Councilor Dow indicated that there were a lot of opportunities to be seized on the waterfront and that it was time for change. He continued that it was a great opportunity to get some new ideas and new opportunities on the Port Authority and that he too would be voting against the reappointment. Councilor Dow noted that they needed to take a look at setting term limits. Councilor Beers noted that he had the same observations as the preceding item.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR BEERS, COUNCILOR DOW, COUNCILOR SPILLER AND COUNCILOR GRINNELL OPPOSED. MOTION DOES NOT CARRY 2/4.

APPROVED MINUTES

October 14, 2009

d. (090209-5) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

The Chair noted that he had reviewed the school warrants and that they were appropriate format for signature. The Chair asked Councilor Beers if the town warrants were in appropriate format for signature which he answered in the affirmative. The Chair then read the warrants which included Warrant #4 for the School Nutrition Program in the amount of \$11,538.69, Warrant #6 for the School Accounts Payable in the amount of \$259,602.73 and Warrant #T10-13 for the Town Accounts Payable in the amount of \$199,246.84.

COUNCILOR SPILLER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BEERS.

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

e. (090209-6) *THE KITTERY TOWN COUNCIL MOVES TO HEAR A REPORT FROM THE TOWN MANAGER ON ISSUES SURROUNDING COMMERCIAL HAULERS AND THE TOWN ORDINANCES.*

The Chair asked Town Manager Carter if he would like to speak relative to this item. Town Manager Carter stated that they had begun to look at the ordinance concerning commercial haulers and found that there was a discrepancy between the ordinances. He continued that there were two ordinances in town that deal with solid waste, one which is a Flow Control Ordinance, Chapter 8.08 in which commercial haulers are not allowed to dispose of solid waste unless taken directly to Rochester to the disposal site that the town contracts with. He noted that the other ordinance which was the Collection and Disposal, Chapter 8.04, in which commercial haulers are licensed by the town and that they are allowed to bring their waste to the solid waste facility. He continued that there were rules and regulations at the transfer station that deal mainly with individuals with solid waste stickers but they did not address how that related to the commercial haulers and how much they were able to bring in. He noted that the third issue was that there were times when certain items that were being brought in from commercial haulers might not totally from the Town of Kittery. He continued that there were several different experiments going on which needed to be looked at and continually tracked to see if they were going to be played out appropriately. Town Manager Carter noted that those were the three areas of concern and he would recommend a couple of different avenues. He stated that the first would be to undertake a thorough review and public discussion of the solid waste facility ordinances, policies and regulations for the purpose of coordination and compliance especially with commercial hauler issues. He continued that secondly they should establish a solid waste recycling committee to guide the operations of the solid waste facility. He noted that thirdly they should examine the potential of the solid waste facility as a sustainable

APPROVED MINUTES

October 14, 2009

enterprise in town and fourth they should examine the solid waste facility as a regional facility to allow outside waste to flow through it. Chairperson Thomson asked if they established a solid waste recycling committee if they would work on the third and fourth items noted. Town Manager Carter noted that they would and that prior Council accepted and built the Baler building with the idea of allowing multiple cities and towns to come in with cardboard and that it was nothing new to have outside community waste come through the facility. He continued that there was no reason why with taking a look at reorganizing that facility which may cost the town money, that it could not in the long term be more sustainable than it presently was. Town Manager Carter noted that looking at some of the resources that were in the community they could begin to put in place ideas of operating differently. He noted that it may not come back as productive but that they had not looked at the facility since he had been in town. The Chair asked if this was something that could be a regional effort. Town Manager Carter noted that if they could get over the sewer contract issue with Eliot, he thought that they may be open to collaborating with Kittery and that there was no reason that they could not resolve their differences. Council Grinnell noted that she agreed with Town Manager Carter that they should look at the facility and that she believed that a committee should be appointed and would suggest that Council wait until after the elections to do so. Chairperson Thomson asked if they would be bringing in people from the community as well and that it should not be a Council and town employee committee. Town Manager Carter noted that it should be a well-rounded committee and that at this point he was not sure if it would involve changing ordinances right away. The Chair noted that he concurred with Councilor Grinnell and that they should look at this issue in November after the election.

f. (090209-7) *THE KITTERY TOWN COUNCIL MOVES TO GIVE APPROVAL TO THE KNIGHTS OF COLUMBUS TO HOLD A TOOTSIE ROLL DRIVE AT THE SOLID WASTE FACILITY ON OCTOBER 3, 2009.*

The Chair noted that this was approved at the last meeting on September 19, 2009 but due to illness they had asked for it to be rescheduled.

COUNCILOR SPILLER MOVED THAT THE KITTERY TOWN COUNCIL GIVE APPROVAL TO THE KNIGHTS OF COLUMBUS TO HOLD A TOOTSIE ROLL DRIVE AT THE SOLID WASTE FACILITY ON OCTOBER 3, 2009, SECONDED BY COUNCILOR GRINNELL.

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

g. (090209-8) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE AND SIGN A RESOLUTION IN OPPOSITION TO THE INITIATED BILL, LD 974 "AN ACT TO DECREASE THE AUTOMOBILE EXCISE TAX AND PROMOTE ENERGY EFFICIENCY."*

The Chair noted that this was a resolution that was being circulated around the communities and that it was going to be on the November ballot and the impact to Kittery

APPROVED MINUTES

October 14, 2009

would be in the general area of about \$500,000.00 in revenue if the act is passed by the voters. Town Manager Carter indicated that this resolution was a model resolution. He noted that on the town website he had posted links to both a website that was in favor of passing this and one that was against passing this and that residents could take a look at those. Town Manager Carter noted that the loss of revenue was very important to the operations of the municipality and that this resolution was deceiving to people. Councilor Dow noted that he thought that it was very important to note the impact that this would have on the revenues and that it would cripple the community. Councilor Grinnell noted that if this act passed and the town did not get the \$500,000.00 in revenues that it would just be put on the property tax bills and that it was really deceiving how it was worded.

COUNCILOR BEERS MOVED THAT IT BE RESOLVED THAT THE KITTERY TOWN COUNCIL HEREBY EXPRESSES ITS GRAVE CONCERN ABOUT THE INITIATED BILL LD 974, AN ACT TO DECREASE THE AUTOMOBILE EXCISE TAX AND PROMOTE ENERGY EFFICIENCY; AND HEREBY FURTHER AGREES TO PROVIDE INFORMATION TO THE VOTERS OF KITTERY REGARDING THE POTENTIAL NEGATIVE IMPACTS OF THIS INITIATED LEGISLATION, SECONDED BY COUNCILOR GRINNELL.

Councilor Dennett indicated that he could not and would not take a position publicly on this matter and it was his intent to abstain from voting on this issue. Councilor Beers noted that he perceived this to be primarily a benefit to those who were able to buy a car through the Cash for Clunkers Program and it would not apply to any reduction for vehicles 5 years or older and that he would support the resolution.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 5/0/1.

h. (090209-9) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE AND SIGN A RESOLUTION IN OPPOSITION TO THE INITIATED BILL, LD 976 "AN ACT TO PROVIDE TAX RELIEF" AKA TAXPAYERS BILL OF RIGHTS (TABOR II).*

The Chair noted that this issue would be on the ballot in November as well.

COUNCILOR BEERS MOVED THAT IT BE RESOLVED THAT THE KITTERY TOWN COUNCIL THAT FOR THE FOLLOWING REASONS, THE COUNCIL OPPOSES THE SO-CALLED TABOR II QUESTION THAT WILL APPEAR ON THE NOVEMBER BALLOT AND WHICH WOULD SIGNIFICANTLY MODIFY CURRENT LIMITS ON STATE SPENDING AND ON THE MUNICIPAL PROPERTY TAX LEVY:

- **THE SPENDING AND LEVY LIMITS ESTABLISHED IN CURRENT STATE LAW HAVE BEEN ACHIEVING THEIR**

APPROVED MINUTES

October 14, 2009

STATED GOAL OF REDUCING THE TAX BURDEN ON MAINE CITIZENS;

- **THE REQUIREMENT THAT STATE SPENDING ABOVE THE SPENDING LIMIT AND MOST TAX INCREASES BE SUBJECT TO APPROVAL AT A STATEWIDE REFERENDUM WILL INCREASE BOTH STATE AND LOCAL EXPENSES AND MOVE TOWARD A SYSTEM OF BUDGETING BY REFERENDUM WHICH, AS SHOWN BY EXPERIENCE ELSEWHERE, IS AN INEFFECTIVE WAY TO MAKE BUDGETARY AND SERVICE LEVEL DECISIONS;**
- **BY ESTABLISHING THE CURRENT YEAR AS THE BASIS FORM WHICH FUTURE STATE SPENDING INCREASES ARE TO BE CALCULATED, STATE SPENDING PARTICULARLY FOR THE HIGHWAY FUND, WILL BE STARTING FROM A DEPRESSED LEVEL REFLECTING THE IMPACT OF THE CURRENT RECESSION;**
- **TAX POLICY, BUDGETS, AND SERVICE LEVELS ARE BEST DECIDED THROUGH THE CORE PROCESSES OF REPRESENTATIVE GOVERNMENT WHERE THE PEOPLE ELECT INDIVIDUALS AND CHARGE THEM WITH THE RESPONSIBILITY OF MAKING DECISIONS BASED ON DATA, ANALYSIS, DEBATE, AND PUBLIC OPINION WHILE BALANCING THE NEED FOR SERVICES AND EXPENDITURES THAT ADDRESS THE COMMON GOOD WITH THE ABILITY OF CITIZENS TO PAY FOR SUCH SERVICES.**

BE IT FURTHER RESOLVED THAT WE URGE ALL CITIZENS TO BECOME FULLY INFORMED ON THIS PROPOSAL PRIOR TO THE NOVEMBER ELECTION BY BECOMING FAMILIAR WITH THE LANGUAGE OF THE PROPOSAL AND REVIEWING MATERIALS PROVIDED BY THOSE SUPPORTING AND OPPOSING THIS MEASURE, SECONDED BY COUNCILOR GRINNELL.

Councilor Dennett noted that he would abstain from this vote for the same reasons as the last item.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 5/0/1.

i. (090209-10) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE A PETITION FOR A POLE PERMIT FROM NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC AND CENTRAL MAINE POWER COMPANY TO LICENSE TWO NEW POLES (2426/5½ AND 2426/6) ON GOOSE POINT ROAD.*

Chairperson Thomson noted that the application had been reviewed by the Public Works Department and they found it to be acceptable.

APPROVED MINUTES

October 14, 2009

COUNCILOR SPILLER MOVED THAT THE KITTELY TOWN COUNCIL APPROVE THE PETITION FOR A POLE PERMIT FROM NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC AND CENTRAL MAINE POWER COMPANY TO LICENSE TWO NEW POLES (2426/5 ½ AND 2426/6) ON GOOSE POINT ROAD, SECONDED BY COUNCILOR BEERS.

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

j. (090209-11) THE KITTELY TOWN COUNCIL MOVES TO APPOINT A REPRESENTATIVE TO MEET WITH THE CHAIR OF THE RECYCLING SCHOLARSHIP COMMITTEE TO INTERVIEW NORMAN LEON FOR RE-APPOINTMENT TO THAT BOARD UNTIL 2/8/2012.

The Chair noted that the next person on the list was Councilor Beers.

COUNCILOR BEERS MOVED TO WAIVE THE INTERVIEW REQUIREMENT FOR THE REAPPOINTMENT OF NORMAN LEON TO THE RECYCLING SCHOLARSHIP COMMITTEE, SECONDED BY COUNCILOR GRINNELL.

Councilor Beers noted that the selection procedures say that with the exception of Planning Board, Board of Appeals and Cable TV Rate Regulation Boards, eligible applicants are interviewed for a specific board appointment prior to consideration by the full Council, Council may waive the interview requirements for reappointments, alternates applying for full membership and full members applying for alternative status. Councilor Dennett noted that he agreed with the statement in theory but that following that line of reason they could waive all appointments. Councilor Dennett asked if this was an appointment or reappointment as it was his understanding that Mr. Leon's term expired last February. The Chair asked if there had been any meetings between last February and tonight of which Mr. Leon attended or did not attend. Town Manager Carter noted that there had been meetings but he did not know if he had attended those meetings and noted that Mr. Brake, who was in the audience, was on that committee. Mr. Brake noted that he had just taken over as Chair and that he had asked Mr. Leon to be on the board. Chairperson Thomson noted that given the lapse of time and the confusion of whether Mr. Leon was on or off the committee, it was best for things to proceed in the usual manner. Councilor Beers indicated that he did not disagree with that and that he was acting on the basis of the agenda which identified reappointment and that he would go ahead with the interview.

COUNCILOR DENNETT MOVED THAT THE KITTELY TOWN COUNCIL APPOINT COUNCILOR BEERS TO MEET WITH THE CHAIR OF THE RECYCLING SCHOLARSHIP COMMITTEE TO INTERVIEW NORMAN

APPROVED MINUTES

October 14, 2009

**LEON FOR REAPPOINTMENT TO THAT BOARD UNTIL 2/8/2012,
SECONDED BY CHAIRPERSON THOMSON.**

The Chair took a consensus with all in favor.

k. OTHER

Councilor Grinnell indicated that she understood that Chairperson Thomson had gone to the School Committee and spoken and that she was shocked when she found that out. She noted that he did not go as the Chair of the Council but thought that it was very hard to take off that hat. She indicated that she wished that he had not gone because Council was trying really hard to keep the fine line between Council and the School Committee. She noted that the idea of sending Kittery children to Marshwood was a really difficult issue which was what he had spoken to them about. Councilor Grinnell indicated that she did not think as a Councilor they were supposed to address other boards. She indicated that she thought that asking the Shared Services Committee to meet with residents was a great idea. Chairperson Thomson noted that he had simply stated that based on what he had read regarding Marshwood it appeared that the window had been opened and that he had said that the issue should be explored thoroughly by some agency. Councilor Grinnell indicated that she had read the minutes from the meeting and understood that was what Chairperson Thomson had said at the meeting. She reiterated that she wished that the group that had spoken that evening had gotten someone on the School Committee and that it was a huge issue and there were only 2 people running for 2 open seats on the committee.

Chairperson Thomson noted that on the fence near the storage building on the circle there was a sign that was placed there during the summer construction recommending people to patronize Circle Subs and to enter on the Old Post Road entrance. He continued that it was hanging on the fence and that it was a vinyl, temporary sign and he noted that it could not be in accordance with the sign ordinance. He indicated that he understood why it was there during construction but now that the construction was complete it probably ought to be removed.

Chairperson Thomson remarked relative to the construction on State Road that there was a crosswalk heading over the Memorial Field that leads to no where. He commented that there was a tree stump and brush and he thought that the rationale was that the crosswalk was going to be to access Memorial Field. He asked if someone was planning to clear that area out. Town Manager Carter noted that there was an organization that had volunteered to clear that area out so Public Works did not clean up the area. He noted that the organization had come with some students but that it needed to be finished.

Chairperson Thomson asked if the books had closed relative to the revenue. Town Manager Carter noted that they would be closing that Friday. The Chair asked to receive the first three months of the fiscal year to look at what the revenues were doing and how they compared to last year as they started to go into another budget cycle. He

APPROVED MINUTES

October 14, 2009

asked that the School Department be contacted so that they could get the 2009 enrollment figures.

10. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

The Chair noted that the manager had asked for a workshop the following Monday at 6:30 P.M. for a sewer rate discussion. Chairperson Thomson asked for Council to keep their calendars open for the first Monday after the November 16th election for Council to have a Special Meeting and Executive Session to discuss the upcoming contract negotiation season at 6:15 P.M. He continued that at 7:00 P.M. they could have a workshop to discuss the FY '11 budget process.

b. Town Manager's Report

Town Manager Carter indicated that he wanted to remind Council that the next meeting was scheduled for October 14, 2009 as October 12th was a holiday. Town Manager Carter noted that he would be proposing along with the assessor to discuss the mil rate setting with Council.

Town Manager Carter wanted to recognize that a lot of people had gone to the beaches the past weekend to help with the coastal cleanup. He continued that the Conservation Commission had done a great job in organizing it.

Town Manager Carter noted that the Boy Scouts, Kittery Troop 307, wanted to hold a jamboree at Fort Foster the weekend of October 30th through November 1st and if allowed there would be two other small troops joining them. The Chair took a consensus with all in favor.

Town Manager Carter noted that the York County Budget Committee annual caucus to elect members to the Committee was coming up on October 14th. He noted that there were several openings in the district and that presently one member in the district's term was up and that hopefully he will continue to seek another term. He noted that there was a vacancy on the public side as well an elected position.

Town Manager Carter indicated that he had an emailed memo from Bob Landry at the New Hampshire DOT which contained an article indicating that the TIGER application had been received by the US Department of Transportation and that there were 1.5 billion dollars available but there were 57 billion dollars worth of applications submitted and that half of them were for bridge repair.

Town Manager Carter indicated that he had received some communication from Shea Robbins on Haley Road which wanted to give kudos to the team that had trimmed the sides of Haley Road. He continued that he had received another letter from Catlin

APPROVED MINUTES

October 14, 2009

Mails and Martha Bistand which indicated that their brother had died and they had indicated that Kittery Police Officers, Officer Charles Denault and Patrolman William Walsh, who had met them at their brother's house were helpful, extremely knowledgeable and compassionate towards them and wanted to commend them to their dedication to their difficult job.

Town Manager Carter wanted to report to Council that through an interview team that past Friday had interviewed 4 finalists for the Planner's position. He continued that at the end of the process the team discussed and came to a unanimous decision that Gerry Mylroie would be appointed the Town Planner. He noted that Mr. Mylroie had been serving the town as an interim planner and thought that his expertise would serve the public well.

c. Committee Reports

Councilor Grinnell noted that the Frisbee Revitalization Committee had met the previous week and they had decided to have listening sessions on Wednesday, October 7th and Saturday, October 10th at the town hall. She noted that these would be identical meetings and the meetings would be set up so that members of the public could come and listen to a short presentation from three organizations that were interested in being in the Frisbee School. She noted that those organizations were the Rice Public Library, Kittery Rec Center and an organization for performing arts. She indicated that they would give a very short presentation of their ideas and then the discussion would be open to the public. She continued that the Committee decided to have the Manager and the Planner write an RFP to be presented to the group which would eventually be presented to the Council, so that the Committee could have some funds to hire someone to help them through the process to try to figure out what they were going to do. Chairperson Thomson noted that on Saturday, September 19th the Committee went through the school to look at the condition and note what was still in the building. Councilor Dennett asked if there was any indication of when the School Committee would turn the building over to the Town. Town Manager Carter that it had been indicated that they would like to turn it over very soon and that there were a number of items still in the building to be disposed of. Councilor Spiller wanted to clarify that the building gets turned over to the town but the School Department would still be paying to keep it running. Town Manager Carter noted that the School Department had budgeted money to keep the school in a closed state during this fiscal year. He continued that whether they decide to turn the money over to the town is still unknown but there were contracts that the school was going to see through for the FY '10 year. Councilor Spiller noted that there appeared to be some confusion and that Head Start and Safe were still operating there. Town Manager Carter noted that both organizations were still there and that the memorandums of understanding both say that they will pay the School Department the additional costs based on a formula for oil and electricity. Councilor Grinnell indicated that she believed at the two meetings that were discussed prior, that anyone who had an interest in coming into that building were welcome to come to the meetings.

APPROVED MINUTES

October 14, 2009

Councilor Beers noted that the principle focus of the Shared Services Committee was accounting, integration, progress, and turnover and that they were expecting a report from staff at some point in January on administrative functions, proper staffing considerations and so forth. He noted that it seemed to be going along very well but the conclusion that he had come to was that there was nothing else for them to do. He continued that there was nothing else on the Shared Services agenda and nothing was particularly identified by anyone that could be focused on or consider. Councilor Beers noted that since then with the comments of possible tuitioning out to Marshwood, he thought that the Shared Services Committee should be given a task by Council to examine the future of high school in Kittery looking at infrastructure, educational program opportunities and possibly some external assessment and gather legitimate data and bringing forward conclusions to both bodies of the results of the committee's efforts. Councilor Spiller indicated that she could see that as a goal in the future but that in the period that they were in now, if the School Committee would like to turn to Council to work with them on the Traip issue, then Council would be happy to do it but that she did not think that it was the time to start studying the future of Traip. Councilor Beers wanted to clarify that he did not say the future of Traip and that he considered it an extension of the efforts that they had engaged in the last year leading to the three school configuration and the attention to the lower grades at Mitchell and Shapleigh. He continued that they knew that there were significant building issues at Traip and that he did not see it any different than they had done previously. Councilor Spiller indicated that she thought that the School Committee would have to turn to Council with that charge and that they could not just take it on. Councilor Beers noted that Council could pass sentiment to the school side and say that Council would like Shared Services to take on that role. Councilor Spiller noted that they could bring the topic to the Shared Services Committee and ask them if they would like to see the School Committee play a role in the shorter term analysis. Councilor Dow noted that he believed that they were seeing a lot of facts which was brought up at the Shared Services Committee meeting, that Shared Services could be a part of this. He continued that he thought that they needed to go back and state that point because it was critical that the information that the individuals in the town were seeing were coming from a body that had some impartiality to it and that all of the data was from one side that was partial. He noted that his concern was that this issue was going to have a tremendous impact on the community and that he thought that Shared Services could be a part of the evaluation because he thought that it was far too big of a task to shoulder on one individual body. He continued that he thought that Shared Services could bring some equality and impartiality to the issue and he thought that Shared Services would be a tremendous benefit in getting the information to the community. He noted that this was more than just costs and academic figures and that it needed to be about the education system and its sustainability. Chairperson Thomson noted that he agreed and would support them in that effort but asked that if this was brought up at a Shared Services Committee and they started to get that wall thrown up that had been thrown up before, that they needed to ask what the resistance was to this issue being explored. Councilor Grinnell indicated that she did not know the procedure that had been set up so that Council members of the Shared Services Committee could get a group meeting but that she believed that it was the answer. She continued that the residents that wanted to present to Council regarding this issue could present to the

APPROVED MINUTES

October 14, 2009

Shared Services Committee because they were talking about finance and education and that Council was not the forum to come to. Town Manager Carter noted that he should not be involved in this conversation but noted that it was difficult when there was an appointed committee by the School Board to negotiate or discuss the Marshwood issue and that he did not think that there was a role in that unless they backed off and put someone on. He continued that he thought that the exploration of future high school issues in the community was something that he could propose to the superintendent to share with his board by a formal letter to Council. Councilor Spiller indicated that her suggestion was that they have another Shared Services Committee meeting to come up with a plan to figure out how to proceed. Councilor Beers wanted to clarify again that he did not suggest that they participate, contribute or examine anything called tuitioning high school students to Marshwood and that was a School Committee issue and they were examining it and they have a dialogue going. He continued that his statement was that the Shared Services Committee examine the future of high school in the town of Kittery and that there were other alternatives then tuitioning out to Marshwood and that there was a crucial need for relevant, objective data that laid out all of the considerations not unlike what was done with the elementary schools. He continued that whether the School Committee or Council or both do anything about it thereafter would be a different consideration. He continued that he saw no sharing going on and that he saw the wall being put up and if they were not going to go forward and do something useful that he would seek replacement on the committee because he refused to participate in a group that was doing nothing. The Chair noted that he sensed in hearing from the people on the group that was visiting with Marshwood, that they seemed overwhelmed by the prospect of what would be involved and that he hoped that the Shared Services Committee to go to the smaller group and indicate that they were there to help. He continued that maybe a broader group looking at this issue was a better way to go than having a narrow focus. The Chair noted that he was looking for strength in numbers as the way to go on this issue and that this needed to be explored in the coming months. Councilor Dow noted that he had attended the first workshop that took place and that he had continued to hear that the School Board was not putting a lot of emphasis on the urgency of this issue and that at that workshop it was discussed whether it should be private or public. He noted that the Kittery School Board stated that they wanted it to be public because they wanted transparency and wanted people to be involved and understand what was going on. He continued that they sat down and had many discussions on ways of collaborating and that tuitioning out had come up. He stated that he did not think that the School Board was throwing up a wall on tuitioning out and that they embraced the issue and that there were good people who were going to look at this issue. Councilor Dow noted that Shared Services could help with getting the community to be an active role in this issue. Councilor Beers indicated that he concurred with Councilor Dow and that his frustration was that there was an ongoing dialogue about sharing services between the School Committee and SAD 35 Board, yet the School Committee was not sharing any services with the Town of Kittery. He continued that if Council did not send some sort of interest in the approach that nothing would happen and that the School Committee would bring nothing to Council. He noted that they had to communicate to them Council's interest in working towards something. Councilor Spiller noted that the School Committee had to want Council's help on this issue and that Council would offer it.

APPROVED MINUTES

October 14, 2009

11. ADJOURNMENT

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

MEETING ADJOURNED: 9:31 P.M.