

APPROVED MINUTES

KITTERY TOWN COUNCIL

July 14, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Jeffrey Pelletier, Judy Spiller, Frank Dennett and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report –

Town Manager Puff stated that the town had received a \$37000 grant from the Seacoast Energy Initiative to convert the boiler in the annex of the KCC from oil to natural gas. She continued that they expected that to be a huge savings and that it would go out to bid that week and would be finished by December.

Town Manager Puff indicated that in April they had applied for a \$650,000 grant from the KACTS - Regional Transportation Agency for work at the Walker and Wentworth intersection. She continued that after inspection, they had been awarded \$810,000 for the project and that the 10% match would come out of next year's CIP budget. Town Manager Puff indicated that she was looking for Council endorsement of the project.

Town Manager Puff noted that on June 26<sup>th</sup>, they had opened bids for the sewer infrastructure project. She continued that a low bid had come in and they were waiting for the paperwork to come back to start that project.

Town Manager Puff stated that they had opened bids for the Traip floats which had come back higher than expected. She continued that the State would be sharing 50% of the cost and there was enough money in the CIP budget to cover the overage. She noted that she would be

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looking for Council to indicate that it was okay to move forward with this as well. Chairperson Thomson asked that this item be placed on the July 28<sup>th</sup> agenda.

Town Manager Puff indicated that the harbormaster had resigned and they were looking into the process of hiring a new harbormaster.

Town Manager Puff stated that the BIG project was just about complete.

Town Manager Puff noted that the traffic study in the Shapleigh School area would be completed in the fall when school was back in session.

Town Manager Puff noted that they would be having an Executive Session on August 11<sup>th</sup> regarding the dilapidated buildings in town.

Town Manager Puff stated that she had met with the Chair, Town Clerk Place and the town attorney relative to the changes to the Personnel Board. She continued they would be bringing forward proposed changes to the Personnel Code through an ordinance.

Town Manager Puff indicated the search for a new foreman was going well.

Town Manager Puff stated that a formal lawsuit had been filed relative to the assessment of Randy Price's property.

Chairperson Thomson noted there was a consensus of Council that the Manager had the okay to go forward with the new amount for KACTS grant for the Walker & Wentworth intersection.

### 7. Acceptance of Previous Minutes –6/23/14 & 6/30/14

The minutes of 6/23/14 & 6/30/14 were accepted as amended.

### 8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

### 10. PUBLIC HEARINGS -

a. (070114-1) The Kittery Town Council moves to hold a public hearing on an application from Suzanne's Village Café & Bistro, LLC, 373 Southside Road, York, Maine for a Victualer's License for Misto, 436 US Route 1, Kittery.

Chairperson Thomson indicated that notice of this public hearing was advertised in the local, printed media on July 5<sup>th</sup>. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

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**COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM SUZANNE’S VILLAGE CAFÉ & BISTRO, LLC, 373 SOUTHSIDE ROAD, YORK, MAINE FOR A VICTUALER’S LICENSE FOR MISTO, 436 US ROUTE 1, KITTERY, SECONDED BY COUNCILOR PELLETIER.**

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

b. (070114-2) The Kittery Town Council moves to hold a public hearing on an application from Tributary Brewing Company, LLC, 5 Winding Brooke Road, South Berwick, Maine for a Victualer’s License for Tributary Brewing Company, 10 Shapleigh Road, Suite A, Kittery.

Chairperson Thomson indicated that notice of this public hearing was advertised in the local, printed media on July 5<sup>th</sup>. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

**COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM TRIBUTARY BREWING COMPANY, LLC, 5 WINDING BROOKE ROAD, SOUTH BERWICK, MAINE FOR A VICTUALER’S LICENSE FOR TRIBUTARY BREWING COMPANY, 10 SHAPLEIGH ROAD, SUITE A, KITTERY, SECONDED BY COUNCILOR PELLETIER.**

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

c. (070114-3) The Kittery Town Council moves to hold a public hearing on, and hereby ordains an ordinance to authorize the execution of a multi-year management agreement between the Town of Kittery and the Maine Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands for management of the John Paul Jones Park.

Chairperson Thomson stated that this process had been ongoing for a few months and this would be the first step for the town to eventually take over the park. He noted that actual transfer of ownership would require legislative action. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

**COUNCILOR WHITE MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A MULTI-YEAR MANAGEMENT AGREEMENT BETWEEN THE TOWN OF KITTERY AND THE MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY, BUREAU OF PARKS AND LANDS FOR MANAGEMENT OF THE JOHN PAUL JONES PARK, SECONDED BY COUNCILOR SPILLER.**

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Councilor Dennett asked why Council would want to enter into a management agreement when it would still remain a park. He continued that if they kept things the way they were currently, it would cost the town nothing.

Norm Albert then came to the podium and spoke about how the town had been mowing and keeping up the park in the winter time for the past few years as the State did not do much upkeep. He continued that this would allow for a regular mowing schedule and that they could maintain the park without any additional help or cost.

Chairperson Thomson stated that he saw this as a part of a larger process of improving the Foreside area. Councilor Dennett indicated that he did not think they should spend any extra money on this when it was the state's obligation to maintain the park. Councilor Brake noted that he agreed with Councilor Dennett. Chairperson Thomson stated that this was the gateway into Kittery and did not think it should look unsightly. Councilor Spiller noted that she thought this was a good opportunity to get control of the park.

**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT AND COUNCILOR BRAKE OPPOSED. MOTION PASSES 4/2.**

### 11. DISCUSSION

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

George Varney came to the podium and stated that the park was the entrance into the community and that he thought the town should maintain it.

- b. Chairperson's response to public – none

### 12. UNFINISHED BUSINESS – None

### 13. NEW BUSINESS

- a. Donations/gifts received for Council disposition - None
- b. (070114-4) The Kittery Town Council moves to approve the application from Suzanne's Village Cafe & Bistro LLC, 373 Southside Road, York, Maine for a Malt, Spirituous and Vinous Liquor License for Misto, 436 US Route 1, Kittery.

**COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM SUZANNE'S VILLAGE CAFÉ & BISTRO LLC, 373 SOUTHSIDE ROAD, YORK, MAINE FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR MISTO, 436 US ROUTE 1, KITTERY, SECONDED BY COUNCILOR PELLETIER.**

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

c. (070114-5) The Kittery Town Council moves to approve the application from Tributary Brewing Company, LLC, 5 Winding Brooke Road, South Berwick, Maine for a Malt Liquor License for Tributary Brewing Company, 10 Shapleigh Road, Suite A, Kittery.

**COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM TRIBUTARY BREWING COMPANY, LLC, 5 WINDING BROOKE ROAD, SOUTH BERWICK, MAINE FOR A MALT LIQUOR LICENSE FOR TRIBUTARY BREWING COMPANY, 10 SHAPLEIGH ROAD, SUITE A, KITTERY, SECONDED BY COUNCILOR PELLETIER.**

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

d. (070114-6) The Kittery Town Council moves to approve the request from Linda Browning, President, Fuel & More to hang a banner across Rogers Road, advertising their fundraiser, for the River Dance, at Weathervane, Badger's Island, from August 1<sup>st</sup> to remain until the dance, September 6<sup>th</sup> 2014.

**COUNCILOR SPILLER MOVED TO APPROVE THE REQUEST FROM LINDA BROWNING, PRESIDENT, FUEL & MORE TO HANG A BANNER ACROSS ROGERS ROAD, ADVERTISING THEIR FUNDRAISER, FOR THE RIVER DANCE, AT WEATHERVANE, BADGER'S ISLAND, FROM AUGUST 1<sup>ST</sup> TO REMAIN UNTIL THE DANCE ON SEPTEMBER 6<sup>TH</sup>, 2014, SECONDED BY COUNCILOR PELLETIER.**

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

e. (070114-7) The Kittery Town Council moves to approve the request from Kittery Parent-Teacher Association to place a banner across Rogers Road, in front of the Community Center, from September 7<sup>th</sup> to 21<sup>st</sup>, 2014, advertising the September 21<sup>st</sup> Seaside 4-miler race at Fort Foster.

**COUNCILOR SPILLER MOVED TO APPROVE THE REQUEST FROM THE KITTERY PARENT-TEACHER ASSOCIATION TO PLACE A BANNER ACROSS ROGERS ROAD, IN FRONT OF THE COMMUNITY CENTER, FROM SEPTEMBER 7<sup>TH</sup> TO SEPTEMBER 21<sup>ST</sup>, 2014, ADVERTISING THE SEPTEMBER 21<sup>ST</sup> SEASIDE 4-MILER RACE AT FORT FOSTER, SECONDED BY COUNCILOR PELLETIER.**

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

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f. (070114-8) The Kittery Town Council moves to amend Title 11, General Assistance, Appendices A (GA Overall Maximums) for the period of July 1, 2014 – June 30, 2015 as required and provided by the State of Maine.

**COUNCILOR SPILLER MOVED TO AMEND TITLE 11, GENERAL ASSISTANCE, APPENDICES A (GA OVERALL MAXIMUMS) FOR THE PERIOD OF JULY 1, 2014 – JUNE 30, 2015 AS REQUIRED AND PROVIDED BY THE STATE OF MAINE, SECONDED BY COUNCILOR PELLETIER.**

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

g. (070114-9) The Kittery Town Council moves to approve the disbursement warrants.

**CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER WITH ALL IN FAVOR.**

h. (070114-10) The Kittery Town Council moves to approve and sign the 7/1/2014 – 6/30/16 ballot for election of members for the Legislative Policy Committee for the Maine Municipal Association.

**COUNCILOR WHITE MOVED TO APPROVE AND SIGN THE 7/1/2014 – 6/30/16 BALLOT FOR ELECTION OF MEMBERS FOR THE LEGISLATIVE POLICY COMMITTEE FOR THE MAINE MUNICIPAL ASSOCIATION, SECONDED BY CHAIRPERSON THOMSON.**

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

i. (070114-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Kelly Philbrook for her re-appointment to that board until 8/31/19.

**COUNCILOR DENNETT MOVED IN ACCORDANCE WITH SECTION 4.2.3.E OF THE TOWN CODE THAT KELLY PHILBROOK BE REAPPOINTED, WITHOUT INTERVIEW, TO THE KITTERY PORT AUTHORITY FOR A TERM ENDING 8/31/19, SECONDED BY COUNCILOR WHITE.**

Councilor Pelletier stated that he was not against having Ms. Philbrook reappointed to the KPA, but thought this might be a good opportunity for a Council member to sit down with the Chair of the KPA and the member who was looking for reappointment to discuss concerns and make sure that the right members are on the board. Councilor White indicated that he agreed with that sentiment but did not think it was the right vehicle. He continued that Ms. Philbrook

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was one of the best members of the KPA and that she should be reappointed. Councilor Spiller noted that she would suggest that Council schedule a workshop with the KPA. Chairperson Thomson indicated that he would be looking for a workshop with the KPA in early September.

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

### 14. COUNCILOR ISSUE OR COMMENT

Councilor Spiller asked that the Chair and the Town Manager communicate to the chairs of other boards and committees in town regarding the posting of meetings and also engaging in email communications with one another.

Councilor White stated that he was disturbed about the letters the town had received about the unfair taxation of properties on Gerrish Island and about the recent lawsuit filed. He continued that it needed to be a fair process and that Council should be very concerned about the issue. Chairperson Thomson responded that he hoped that some answers would be received at the assessment workshop scheduled for July 28<sup>th</sup>.

Councilor White indicated that things on the Comprehensive Plan Committee were not going well.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson –

Chairperson Thomson asked that the Code Enforcement Office look at the property maintenance ordinance to see how it might affect the former Kittery Family Practice building that looked to be abandoned.

#### b. Committee Reports –None

### 16. EXECUTIVE SESSION – None

### 17. ADJOURNMENT

**COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:08 P.M.**