

KITTERY TOWN COUNCIL

August 22, 2005

Council Chamber

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m. by Chairperson Ann Grinnell.

2. INTRODUCTORY

Chairperson Grinnell read the introductory.

3. PLEDGE OF ALLEGIANCE

Chairperson Grinnell led those present in the Pledge of Allegiance.

4. ROLL CALL

Answering the roll were Councilors Frank Dennett, Matt Brock, Glenn Shwaery, Rich Balano, George Heilshorn and Chairperson Ann Grinnell. Also present were Acting Town Manager, Maryann Place, CEO Heather Ross, Michael LaMarca, Recorder Chris Kudym, members of the press and others.

5. ACCEPTANCE OF PREVIOUS MINUTES:

The Minutes of August 8, 2005 will be accepted at a later time.

6. INTERVIEWS FOR PLANNING BOARD, ZONING BOARD OF APPEALS AND/OR CABLE TELEVISION RATE REGULATION BOARD: None.

7. PUBLIC HEARINGS

a. (080205-1) The Kittery Town Council moves to hold a public hearing on the renewal application of Delta Amusement, Inc., 182 State Road, Kittery for a Malt, Spirituous and Vinous Liquor License for Navy Yard Bar & Billiards, 182 State Road.

There were no comments from the public.

COUNCILOR BALANO MOVED THE APPLICATION, SECONDED BY CHAIRPERSON GRINNELL. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

b. (080205-2) The Kittery Town Council moves to hold a public hearing on the renewal application of Delta Amusement, Inc., 182 State Road, Kittery for a Special Activity Amusement Permit for Navy Yard Bar & Billiards, 182 State Road.

There were no comments from the public.

COUNCILOR BALANO MOVED THE APPLICATION, SECONDED BY COUNCILOR SHWAERY. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

c. (080205-3) The Kittery Town Council moves to hold a public hearing on the application from Seth Gagner, 68 Hidden Meadows Lane, Eliot, ME for a Victualer's license for Dilly Dogs at the Tidewater Mall and The Polo Outlet Mall, Kittery.

COUNCILOR SHWAERY MOVED THE APPLICATION, SECONDED BY COUNCILOR BALANO. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

8. DISCUSSION

Chairperson Grinnell opened up discussion to the public.

Michael LaMarca, Chairman of the Zoning Board of Appeals for the Town of Kittery, addressed the Council, requesting that the Town Manager be asked to proceed on to the next name on the list of nominees to fill a vacancy on the Zoning Board.

Chairperson Grinnell said she understood that William Peirce, the present nominee, was given 40 days to rectify Zoning Board issues he had and that he has a hearing before the Board tomorrow evening.

ZBA Chairman LaMarca said that Mr. Peirce delayed filing his application until July 28.

Councilor Shwaery said that he didn't think an exception should be made to the 40-day limit.

Chairperson Grinnell said that she agreed with Council Shwaery that the 40 days is up and that if a decision was not made tonight, it would take another month before a new nominee could be named.

CHAIRPERSON GRINNELL ASKED COUNCIL FOR A CONSENSUS VOTE THAT THE NEXT NAME ON THE LIST OF NOMINEES FOR THE ZONING BOARD OF APPEALS BE MOVED UP.

All in favor: 6 All against: 0

Chairperson Grinnell asked the Acting Town Manager to bring up the next person on the list and put them on the Agenda for the next meeting in two weeks.

9. UNFINISHED BUSINESS

a. The Kittery Town Council moves to adopt the new zoning map for the Kittery Foreside District, as was amended and ordained at the August 8th Council meeting.

COUNCILOR DENNETT MOVED TO ADOPT THE NEW ZONING MAP, SECONDED BY COUNCILOR SHWAERY. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

b. The Kittery Town Council moves to approve and hereby ordains an ordinance for the issuance of bonds in an amount not to exceed \$2.66 million dollars for the purpose of construction and upgrade of two fire stations for Kittery and Kittery Point.

CHAIRPERSON GRINNELL MOVED TO APPROVE AND ORDAIN THE ORDINANCE, SECONDED BY COUNCILOR BALANO.

Councilor Brock asked if this ordinance being adopted would be on the ballot for decision by the people of Kittery in November. Chairperson Grinnell said that was correct.

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

c. Other

Chairperson Grinnell said that the Council will have a meeting on Thursday with the Planning Board at 6:15 p.m.

10. NEW BUSINESS

a. (080205-4) The Kittery Town Council moves to approve the disbursement warrants.

Councilor Dennett said he would like to amend the Town Accounts Payable figure.

CHAIRPERSON GRINNELL MOVED TO APPROVE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BELANO. MOTION PASSES 6/0.

b. (080205-5) The Kittery Town Council moves to appoint a representative to meet with Earldean Wells, Chairperson of the Conservation Commission to interview Stephen F. Hall for his appointment to that Board as an Associate Member until 8/26/08 (replacing Janet Gourley, who did not re-apply).

COUNCILOR HEILSHORN NOMINATED COUNCILOR BALANO, SECONDED BY CHAIRPERSON GRINNELL. COUNCILOR BALANO ACCEPTED THE NOMINATION.

c. (080205-6) The Kittery Town Council moves to schedule a joint public hearing with the Planning Board to receive comments on/ordain amendments to the LB (Local Business) and LB-1 Zoning Districts of the Kittery Land Use & Development Code, and adopt the revised maps.

COUNCILOR SHWAERY MOVED TO SCHEDULE A JOINT PUBLIC HEARING WITH THE PLANNING BOARD ON SEPTEMBER 12, 2005, SECONDED BY CHAIRPERSON GRINNELL. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

d. Other New Business

Chairperson Grinnell said she has called an Executive Session for this Thursday evening at 5:30 p.m. to discuss legal matter with Town Attorney and at 6:30 the Council will meet with the Planning Board.

10. COMMITTEE AND OTHER REPORTS

a. Communications from Chairperson

Chairperson Grinnell expressed the Council's support for the community concerning the upcoming BRAC decision that will be aired Wednesday on CSPAN at 8:00 p.m.

b. Town Manager's Report

The York County Budget Committee will meet at 7:00 p.m. on September 8 to hold their annual caucus to select Budget Committee Members.

The Sewer Department bid was awarded to Maher Corporation, which had the lowest bid, and the contract is currently being amended to include indemnification language.

As Chairperson Grinnell mentioned, the BRAC decision will be held this week.

We have hired a new Accountant who will begin work on August 28. Her name is Jeanine Leeson.

c. Committee Reports and Other

Chairperson Grinnell said she would like to take this opportunity to let citizens know that nomination applications for two seats on the Town Council and two seats on the School Committee can be obtained from the Town Clerk's office. The deadline to return papers is Monday, September 26 by 5:00 p.m. and November 8 by 5:00 p.m.

The Town Manager was notified by the Chief that policemen had been finding campers at both Town Farm and Rogers Park Forest and that the Chief was asking if there were any ordinances against the same. This issue will be on the agenda for Council's next meeting on September 12.

11. ADJOURNMENT

CHAIRMAN GRINNELL MOVED TO ADJOURN AT 7:31 P.M., SECONDED BY COUNCILOR HEILSHORN. ALL WERE IN FAVOR BY A VOICE VOTE.