

APPROVED MINUTES

KITTERY TOWN COUNCIL

May 28, 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, Charles Denault, Judy Spiller, Frank Dennett and Jeffrey Pelletier.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report

Town Manager Puff indicated relative to bike safety, that they were working to develop signage to put around town.

Town Manager Puff noted that Detective Steve Hamel had been awarded a Certificate of Outstanding Contribution from the US Attorney's Office in Maine relative to a criminal case.

Town Manager Puff stated that absentee ballots were available in the town clerk's office Monday through Thursday from 8 A.M. to 6 P.M. with the deadline being June 5th.

Harbormaster Mike Blake came to the podium to give an update on the BIG project. He explained how the design had changed and that it would be much more beneficial to the fishermen. He continued that it would be voted on by the KPA on June 5th. He noted some subsequent permitting would be required. Councilor Spiller asked what the additional cost would be. Harbormaster Blake responded that it would be around \$2,000.

7. Acceptance of Previous Minutes – 5/12/14 & 5/19/14

The minutes of 5/12/14 & 5/19/14 were accepted as amended.

8. Interviews for the Board of Appeals – None

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9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

The Kittery Town Council moves to hear an update from George Kathios, Superintendent of Sewer Services and Mark Thompson of Kleinfelder on the sewer infrastructure, budget and bid schedule.

George Kathios, Superintendent of Sewer Services, came to the podium and undated the Council on the current status of the sewer infrastructure projects going on in town and the expected bid dates and completion dates. Mark Thompson of Kleinfelder came to the podium and stated that 4.4 million in bonds had been approved by the town but that the current construction estimate had increased to 4.6 million due to some unforeseen upgrades that were needed. He continued they would have the bids in hand on June 18th and would update Council at that time. Mr. Thompson stated they had currently removed one infrastructure component to stay within the budget which would bring it to 4.265 million. He continued that once they received the reimbursements from Eliot and the Shipyard, the cash flow would be positive. Chairperson Thomson asked why there was an extra expense at the pump station. Mr. Thompson replied that some of the equipment was at the end of its life and some things were not in code. Chairperson Thomson stated that he was concerned that these issues were not noticed when the estimate was made. Councilor Dennett asked about some of the insurance requirement issues which were previously discussed. Mr. Thompson stated that the narrative changes had been made and the extra changes would be incorporated by the time bids went out.

10. PUBLIC HEARINGS -

a. (050314-1) The Kittery Town Council moves to hold a public hearing to authorize the transfer of \$20,000 from unassigned surplus, pursuant to Sec. 6.09(2) of the Kittery Town Charter, to fund consulting services associated with filing an appeal to FEMA associated with the newly revised Flood Insurance Rate Maps.

Chairperson Thomson stated this public hearing was advertised in the local, printed media on 5/19.

Bob Gerber came to the podium and indicated that the original flood maps were developed in the 1980's with very early technology. He continued that in 2003 FEMA had put together new guidelines and increased evaluations and then the municipal appeals started in 2010. Mr. Gerber stated that halfway through that process, they stopped the process and went back and reevaluated and now insurance premiums were going up and more properties would be affected. Mr. Gerber stated that he had access to more sophisticated methods with more information. He continued that the maps really needed to be improved and it would be more beneficial to do a broad based re-mapping rather than doing individual properties. Chairperson

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Thomson asked if the appeal process had started. Mr. Gerber responded that it had not, but they were expecting it to start any day.

Chairperson Thomson then opened the public hearing.

Ken Lemont came to the podium and stated that his property was in the new flood zone. He continued that he had been in contact with Senator Collins's office and thought this was a federal problem. He stated now that more states were involved it might be a good idea to go to the US Senate.

Don Craig came to the podium and stated that the waterfront properties in town paid much higher taxes and the loss of that revenue could be huge for Kittery. He continued he thought the town should move forward with this and help its residents out.

Mary Thron came to the podium and stated that she owned two properties that we in the new flood zone and would like the opportunity to be included in the appeal.

Chairperson Thomson then closed the public hearing.

Councilor Dennett stated that he supported supporting the residents but did not support paying the \$20,000 right now because FEMA was not coming after them right now and that more information was needed. Chairperson Thomson indicated they should change the wording to up to \$20,000 and that nothing would be spent until the appeal was filed. He continued there may be action from the US Senate and all they would be doing that night was okaying an amount to be transferred and spent if the process comes forward.

COUNCILOR WHITE MOVED TO AUTHORIZE THE TRANSFER OF UP TO \$20,000 FROM UNASSIGNED SURPLUS, PURSUANT TO SEC. 6.09(2) OF THE KITTERY TOWN CHARTER, TO FUND CONSULTING SERVICES ASSOCIATED WITH FILING AN APPEAL TO FEMA ASSOCIATED WITH THE NEWLY REVISED FLOOD INSURANCE RATE MAPS, SECONDED BY COUNCILOR PELLETIER.

Councilor Pelletier indicated that he supported funding one appeal but would like to see the affected parties move forward and pledge more money. Councilor Dennett asked if it would be an appeal for all of the affected parties. Mr. Gerber responded that it would not, and it would only be for areas that were in a certain area. Councilor Dennett indicated that he would like to know which properties were involved and stated that he could not support this at this time. Chairperson Thomson stated he could support getting more information for Council and they could postpone this item for two weeks. Councilor White noted that the town was a directly affected property and should support this in its own self-interest. Councilor Pelletier stated he supported this item and was reluctant to postpone it.

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A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT AND COUNCILOR DENAULT OPPOSED. 4/2.

Councilor Dennett noted that this was put on the agenda as an emergency measure and that it needed five votes to pass. Chairperson Thomson asked if Council challenged his affirmative ruling. Councilor Dennett responded that he did.

A ROLL CALL WAS TAKEN ON THE CHALLENGE WITH COUNCILOR DENAULT, COUNCILOR SPILLER AND COUNCILOR DENNETT OPPOSED. FAILS 3/3.

Councilor Spiller stated that she suggested that someone sponsor this item on the next agenda.

11. DISCUSSION

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

Bob Harris came to the podium and indicated that he thought that the road beds needed to be fixed and not just the roads.

- b. Chairperson's response to public –

Chairperson Thomson responded that he agreed and thanked Mr. Harris for his comment.

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition - None
- b. (050314-2) The Kittery Town Council moves approve the disbursement warrants.

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

c. (050314-3) The Kittery Town Council moves to approve a renewal application from Chios Pizza, Inc., 49 Griffin Road, Portsmouth, NH for a Malt Liquor License for Town Pizza Restaurant, 15 Wentworth Street, Kittery.

COUNCILOR DENNETT MOVED TO APPROVE A RENEWAL APPLICATION FROM CHIOS PIZZA, INC., 49 GRIFFIN ROAD, PORTSMOUTH, NH FOR A MALT LIQUOR LICENSE FOR TOWN PIZZA RESTAURANT, 15 WENTWORTH STREET, KITTERY, SECONDED BY COUNCILOR PELLETIER.

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

d. (050314-4) The Kittery Town Council moves to authorize the deposit of \$7,289.89 from the sale of the 1983 Mack Fire Truck into CIP Account #4013, Fire Apparatus.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE DEPOSIT OF \$7,289.89 FROM THE SALE OF THE 1983 MACK FIRE TRUCK INTO CIP ACCOUNT #4013, FIRE APPARATUS, SECONDED BY COUNCILOR DENAULT.

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

e. (050314-5) The Kittery Town Council moves to schedule a public hearing and ordain an amendment to Title 5, Businesses and Licensees, Section 5.10 Use of Public Way to allow outdoor seating in the Foreside zone.

COUNCILOR WHITE MOVED TO SCHEDULE A PUBLIC HEARING AND ORDAIN AN AMENDMENT TO TITLE 5, BUSINESSES AND LICENSEES, SECTION 5.10 USE OF PUBLIC WAY TO ALLOW OUTDOOR SEATING IN THE FORESIDE ZONE ON JUNE 9TH, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR.

f. (050314-6) The Kittery Town Council moves to approve the annual renewal list for Victualers Licenses.

COUNCILOR PELLETIER MOVED TO APPROVE THE ANNUAL RENEWAL LIST FOR VICTUALERS LICENSES, SECONDED BY COUNCILOR WHITE.

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

g. (050314-7) The Kittery Town Council moves to approve the annual renewal list for the Amusement Devices Licenses.

COUNCILOR SPILLER MOVED TO APPROVE THE ANNUAL RENEWAL LIST FOR THE AMUSEMENT DEVICES LICENSES, SECONDED BY COUNCILOR PELLETIER.

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

h. (050314-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Shellfish Conservation Committee to interview Jean Tracey for her appointment to that board until 4/1/15 (replacing Jeffrey Hazen).

COUNCILOR DENNETT MOVED TO APPOINT COUNCILOR WHITE TO MEET WITH THE CHAIR OF THE SHELLFISH CONSERVATION COMMITTEE TO

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INTERVIEW JEAN TRACEY FOR HER APPOINTMENT TO THAT BOARD UNTIL 4/1/15, SECONDED BY CHAIRPERSON THOMSON.

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

i. (050314-9) The Kittery Town Council moves to approve a request from Tom LaVallee of “The Church at Spruce Creek” to use Fort Foster for their Youth Group to camp overnight from Saturday, July 19th after 3 P.M. through Sunday, July 20th, leaving at approximately 6:00 P.M.

COUNCILOR DENNETT MOVED TO APPROVE A REQUEST FROM TOM LAVALLEE OF “THE CHURCH AT SPRUCE CREEK” TO USE FORT FOSTER FOR THEIR YOUTH GROUP TO CAMP OVERNIGHT FROM SATURDAY, JULY 19TH AFTER 3 P.M. THROUGH SUNDAY, JULY 20TH, LEAVING AT APPROXIMATELY 6:00 P.M., SECONDED BY COUNCILOR SPILLER.

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

14. COUNCILOR ISSUE OR COMMENT

Councilor Spiller stated she would like to encourage residents to contact Senator Collins’s Office relative to the flood maps.

Councilor Spiller noted that York and Wells have posted seasonal turtle crossing signs and asked the Town Manager to look into that.

Councilor Denault indicated that he had heard complaints about dogs on Shapleigh Field and was concerned about cutting the hours of the animal control officer.

Councilor Denault stated that he had been to the talent show at Shapleigh School and the parking was extremely bad because there were two events scheduled for the same night.

Councilor Denault noted he had received some calls there were some streaming issues and stated that he thought they needed to come up with a policy.

Councilor Denault indicated that he thought they should initiate a spending freeze.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson stated that the debris left over from the construction project was still there and asked that issue be looked into.

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Chairperson Thomson stated Council would be having a workshop with the Planning Board next Monday at 6.

b. Committee Reports –

Chairperson Thomson stated relative to the J1 Committee, that an item had come up that one hospitality act for the students could be to give them free admission to Fort Foster and that it would be put on the June 9th agenda.

Councilor White noted that he was pleased that the Brownfields Grant had been approved for Wood Island.

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

**COUNCILOR WHITE MOVED TO ADJOURN, SECONDED BY
CHAIRPERSON THOMSON WITH ALL IN FAVOR. MEETING ADJOURNED AT
8:57 P.M.**