

APPROVED MINUTES

KITTERY TOWN COUNCIL

April 13, 2015

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, Frank Dennett, Chuck Denault, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager’s Report –

Town Manager Puff stated the final meeting for the Athletic Master Field Plan had taken place on April 8th. She continued they were working to come up with a plan to present to Council in June or July.

Town Manager Puff indicated relative to the Urban Compact issue, it had been determined that only a small portion of the bypass met the criteria and MEDOT would not be seeking to have Kittery take over the maintenance of the bypass.

Town Manager Puff noted that the transfer of the John Paul Jones Park had been tabled by the Legislature.

Town Manager Puff indicated relative to the FEMA reimbursement, that they would have an estimate in a few weeks.

Town Manager Puff gave a report on the potholes in town.

Town Manager Puff stated relative to the road inventory and evaluation RFP, they had selected the Beta Group to prepare the plan at a cost of \$39,750.

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Town Manager Puff noted relative to the Resource Recovery Baler bid, they had received seven bids and were continuing to look at them to determine who the lowest, qualified bid was.

Town Manager Puff stated the repairs had been made at the KCC from the flood. She continued they were consulting with HVAC professionals to determine their options.

Town Manager Puff noted the KCC would be holding a home and garden show on May 2 & 3.

Town Manager Puff indicated relative to the sewer extension plan that the work had commenced and the complete figure for the project would not be known until it was complete.

7. Acceptance of Previous Minutes – 3/23/15, 3/30/15, 4/6/15 Special and 3/23/15 Regular.

The minutes of 3//23/15, 3/30/15, 4/6/15 Special Meeting and 3/23/15 Regular Meeting were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None

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

a. (030215-1) The Kittery Town Council moves to abate the following taxes for Robert and Natalie Harris: 49-8 \$668.16; 60-12C \$59.36; 66-2D \$10.65; 60-3A \$147.64; 66-2C \$39.58; 60-12D \$3.05 and issue supplemental taxes to Central Maine Power for the following parcels: 49-8-1 \$668.16; 60-12C-1 \$59.35; 66-2D-1 \$10.66; 60-3A-1 \$147.63; 66-2C-1 \$39.57; 60-12D \$19.79.

Attorney McEachern came to the podium and gave a brief history of the parcels in question. He continued that after a lot of work, he believed that the figures were now correct. Councilor Pelletier asked when this issue was first brought to the tax assessor's attention. Mr. Kerns responded he first learned of this last fall. Councilor Lemont asked how many years back they would be able to abate the taxes. Mr. Kerns responded three years. Councilor White noted that he did not think that Council had been able to review all of the information and thought they might want to postpone action until the whole situation could be figured out. Shawn Harris came to the podium and stated that he did not know if these numbers were correct. Attorney McEachern stated that he did not have a problem sitting down with Mr. Harris to try to remedy the problem. Chairperson Thomson suggested that all of the parties involved should get together to figure out the correct taxes for 2012 & 2013.

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

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b. (040215-2) The Kittery Town Council moves to review and adopt the proposed decision, order and findings of fact on 40 Old Post Road, Map 8 Lot 25 under the dangerous buildings statute.

Chairperson Thomson stated that an order and findings of fact on this matter had been received from Attorney McEachern. Councilor Dennett indicated he was going to recuse himself from this issue.

CHAIRPERSON THOMSON MOVED TO ADOPT THE PROPOSED DECISION, ORDER AND FINDINGS OF FACT ON 40 OLD POST ROAD, MAP 8, LOT 25 UNDER THE DANGEROUS BUILDINGS STATUTE, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR AND COUNCILOR DENNETT RECUSED. MOTION PASSES 5/0.

10. PUBLIC HEARINGS -

a. (040215-3) The Kittery Town Council moves to hold a public hearing on an application from Global Montello Group Corp., 800 South Street, Suite 800 Waltham, MA for a Victualer's License for Global Montello Group Corp., 286 Route 1.

Chairperson Thomson stated this public hearing was advertised in the local printed media on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR LEMONT MOVED TO APPROVE AN APPLICATION FROM GLOBAL MONTELLO GROUP CORP., 800 SOUTH STREET, SUITE 800, WALTHAM, MA FOR A VICTUALER'S LICENSE FOR GLOBAL MONTELLO GROUP CORP., 286 ROUTE 1, SECONDED BY COUNCILOR WHITE.

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

b. (040215-4) The Kittery Town Council moves to hold a public hearing on proposed amendments to Section 2.14 Ordinances in general and 6.06 Council action on proposed budget, of the Kittery Town Charter, subject to approval at a Town referendum election to be held on June 9, 2015.

Chairperson Thomson stated this public hearing was advertised in the local printed media on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

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COUNCILOR PELLETIER MOVED TO ORDAIN AMENDMENTS TO SECTION 2.14 ORDINANCES IN GENERAL AND 6.06 COUNCIL ACTION ON PROPOSED BUDGET OF THE KITTERY TOWN CHARTER, SUBJECT TO APPROVAL AT A TOWN REFERENDUM ELECTION AND TO PUT THIS ITEM ON THE JUNE 9TH BALLOT, SECONDED BY COUNCILOR WHITE.

Councilor Dennett stated that he had concerns about this issue.

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

c. (040215-5) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance authorizing a bond issue not to exceed \$1,300,000 to fund road infrastructure capital improvement projects, subject to a Town referendum election to be held on June 9, 2015.

Chairperson Thomson stated this public hearing was advertised in the local printed media on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED ORDAIN AN ORDINANCE AUTHORIZING A BOND ISSUE NOT TO EXCEED \$1,300,00 TO FUND ROAD INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECTS AND TO PUT THIS ITEM ON THE JUNE 9TH BALLOT, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.

d. (040215-6) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance authorizing a bond issue not to exceed \$958,015, to fund municipal facilities capital improvement projects, subject to approval at a Town referendum election to be held on June 9, 2015.

Chairperson Thomson stated this public hearing was advertised in the local printed media on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED TO ORDAIN AN ORDINANCE AUTHORIZING A BOND ISSUE NOT TO EXCEED \$958,015 TO FUND MUNICIPAL FACILITIES CAPITAL IMPROVEMENT PROJECTS AND TO PUT THIS ITEM ON THE JUNE 9TH BALLOT, SECONDED BY COUNCILOR PELLETIER.

Town Manager Puff stated that she hoped that the cost would be lower. Councilor Dennett noted he thought it was too expensive.

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

e. (040215-7) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance authorizing bond issue not to exceed \$821,817 to fund school facilities capital improvement projects, subject to approval at a Town referendum election to be held on June 9, 2015.

Chairperson Thomson stated this public hearing was advertised in the local printed media on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

**COUNCILOR DENAULT MOVED TO ORDAIN AN ORDINANCE
AUTHORIZING BOND ISSUE NOT TO EXCEED \$821,817 TO FUND SCHOOL
FACILITIES CAPITAL IMPROVEMENT PROJECTS AND TO PUT THIS ISSUE ON
THE JUNE 9TH BALLOT, SECONDED BY COUNCILOR WHITE.**

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

11. Discussion

a. Discussion by members of the public –

Sue Johnson came to the podium and thanked Council for her listening device. She continued that Kittery did not offer trash pickup. Ms. Johnson stated she thought residents should be entitled to it and asked Council to come up with a plan for trash pickup.

Milton Hall came to the podium and stated relative the new appointment procedures, he did not see anything regarding the Planning Board member who sits on the KPA. He continued he thought they might want to look at that issue.

Colin Matzo came to the podium and read a letter from his wife relative to her support for the school budget.

Mary Stevens came to the podium and stated she hoped Council supported the school budget.

Sandy Hammel came to the podium and stated she did not support any cuts to the school budget as she had seen families move to other towns for schooling. She continued she thought things were moving in the right direction and thought the presented budget should go to the voters.

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Sarah Brewer came to the podium and stated she was impressed by the changes made by Superintendent Hutton and that she supported the budget.

Amanda Johnson stated her support for the school budget.

Olivia Lord came to the podium and stated she supported the school budget.

b. Response from Chairperson –

Chairperson Thomson replied to Ms. Johnson that they would have to increase taxes in order to have trash pickup.

12. UNFINISHED BUSINESS –

(030215-4) The Kittery Town Council moves to receive a report and recommendation from the Appointment Committee regarding Appointments to Boards and Committees and schedule a public hearing to amend Title 4 of the Kittery Town Code.

COUNCILOR WHITE MOVED TO SCHEDULE A PUBLIC HEARING ON THIS MATTER ON APRIL 27TH, SECONDED BY COUNCILOR DENAULT.

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

13. NEW BUSINESS

a. Donations/gifts received for Council disposition -

(040215-8) The Kittery Town Council moves to accept a donation in the amount of \$50.00 from Sarah O. Levin for track use at the Kittery Community Center, and deposit said funds into account #1111-43320, Recreation Revenue.

COUNCILOR PELLETIER MOVED TO ACCEPT A DONATION IN THE AMOUNT OF \$50.00 FROM SARAH O. LEVIN FOR TRACK USE AT THE KITTELY COMMUNITY CENTER, AND DEPOSIT SAID FUNDS INTO ACCOUNT #1111-43320, RECREATION REVENUE, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MOTION PASSES 6/0.

b. (040215-9) The Kittery Town Council moves to give preliminary approval on the FY '16 School Budget and schedule a public hearing on May 11th to adopt the FY '16 School Budget and to schedule the Budget Validation Referendum for June 9th.

COUNCILOR DENAULT MOVED TO GIVE PRELIMINARY APPROVAL ON THE FY '16 SCHOOL BUDGET AND SCHEDULE A PUBLIC HEARING ON MAY 11TH TO ADOPT THE FY '16 SCHOOL BUDGET AND TO SCHEDULE THE BUDGET

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VALIDATION REFERENDUM ON JUNE 9TH, SECONDED BY COUNCILOR PELLETIER.

Councilor Dennett indicated he was opposed to the budget as that is not what Council requested.

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

c. (040215-10) The Kittery Town Council moves to review and finalize wording on the Warrant Articles for the June 9, 2010 Town Meeting/Secret Ballot Election and make its recommendations on each article.

Council indicated their unanimous consent and recommended the warrant articles.

d. (040215-11) The Kittery Town Council moves to authorize the release of funds in the amount of \$10,000 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense Self-Insurance Claims, to pay the deductible associated with the water damage claim #1 at the Kittery Community Center.

COUNCILOR PELLETIER MOVED TO AUTHORIZE THE RELEASE OF THE FUNDS IN THE AMOUNT OF \$10,000 FROM UNASSIGNED SURPLUS AND TO APPROPRIATE SAID FUNDS TO BE PAID OUT OF ACCOUNT #101740-68427 EXPENSE SELF-INSURANCE CLAIMS, TO PAY THE DEDUCTIBLE ASSOCIATED WITH THE WATER DAMAGE CLAIM #1 AT THE KITTELY COMMUNITY CENTER, SECONDED BY COUNCILOR WHITE.

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

e. (040215-12) The Kittery Town Council moves to approve and sign a Business Card Resolution From to increase the maximum credit card limit to \$40,000 to allow for adding new users and temporary increases if necessary.

COUNCILOR PELLETIER MOVED TO APPROVE AND SIGN A BUSINESS CARD RESOLUTION FORM TO INCREASE THE MAXIMUM CREDIT CARD LIMIT TO \$40,000 TO ALLOW FOR ADDING NEW USERS AND TEMPORARY INCREASES.

Councilor Dennett and Councilor Denault expressed their disagreement with this issue.

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

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f. (0404215-13) The Kittery Town Council moves to nominate the Town Manager to serve on the Southern Maine Planning and Development Commission Executive Committee.

COUNCILOR PELLETIER MOVED TO NOMINATE THE TOWN MANAGER TO SERVE ON THE SOUTHERN MAINE PLANNING AND DEVELOPMENT COMMISSION EXECUTIVE COMMITTEE, SECONDED BY CHAIRPERSON THOMSON WITH ALL IN FAVOR. MOTION PASSES 6/0.

g. (040215-14) The Kittery Town Council moves to authorize the Rice Public Library to use the Fort Foster facility (baseball field) on Friday, June 26, 2015 from 8:00 P.M. to 10 P.M. to show an outdoor movie for the opening celebration of their Summer Reading Program.

COUNCILOR WHITE MOVED TO AUTHORIZE THE RICE PUBLIC LIBRARY TO USE THE FORT FOSTER FACILITY (BASEBALL FIELD) ON FRIDAY, JUNE 26, 2015 FROM 8:00 P.M. TO 10 P.M. TO SHOW AN OUTDOOR MOVIE FOR THE OPENING CELEBRATION OF THEIR SUMMER READING PROGRAM, SECONDED BY COUNCILOR PELLETIER.

Councilor Dennett indicated he did not think that the parks or DPW should have to fund this and would not vote in favor. Chairperson Thomson stated he agreed with Councilor Dennett.

A ROLL CALL VOTE WAS TAKEN WITH CHAIRPERSON THOMSON, COUNCILOR DENNETT, COUNCILOR DENAULT, COUNCILOR LEMONT AND COUNCILOR PELLETIER OPPOSED. MOTION DOES NOT CARRY 1/5.

h. (040215-15) The Kittery Town Council moves to resolve to petition MDOT with the Town of Eliot for a traffic light to be installed on Route 236 at the intersection of Bolt Hill Road.

Councilor Denault stated he thought this was being presented for added safety and they could split the cost with Eliot. Chairperson Thomson stated he did not know if this would be sending the right message.

CHAIRPERSON THOMSON MOVED TO JOIN ELIOT TO PETITION MEDOT TO INVESTIGATE SUPPORT FOR A WORKING TRAFFIC LIGHT AND FOR ALL COSTS TO BE INCLUDED IN THE RESEARCH, SECONDED BY COUNCILOR WHITE.

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

i. (040215-16) The Kittery Town Council moves to approve the disbursement warrants.

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CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 6/0.

j. (040215-17) The Kittery Town Council moves to schedule a public hearing in accordance with Section 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts for union and non-union increases for salaries/wages and benefits.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING FOR APRIL 27TH, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 6/0.

k. (040215-18) The Kittery Town Council moves to appoint Mark Drummond to the Port Authority until 8/31/16 to fill the unexpired term of Thomas Smith.

COUNCILOR DENNETT MOVED TO APPOINT MARK DRUMMOND TO THE PORT AUTHORITY UNTIL 8/31/16 TO FILL THE UNEXPIRED TERM OF THOMAS SMITH, SECONDED BY CHAIRPERSON THOMSON.

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

l. (040215-19) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Walter Whitman for his appointment to that board until 8/31/18 to fill the unexpired term of Dan Arbo.

CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR DENAULT TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW WALTER WHITMAN FOR HIS APPOINTMENT TO THAT BOARD UNTIL 8/31/18 TO FILL THE UNEXPIRED TERM OF DAN ARBO, SECONDED BY COUNCILOR PELLETIER.

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

m. (040215-20) The Kittery Town Council moves to endorse a proposal to allocate funding in York County's FY16 Budget to apply for York County become a regional center for the EB-5 Immigrant Investment Program.

Town Manager Puff indicated that she was relatively uninformed on this matter and hoped that someone from the program would be there to speak to this issue. Councilor Dennett stated he would not touch this item which Councilor Pelletier agreed with. No action was taken.

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n. (040215-21) The Kittery Town Council moves to schedule a public hearing on a proposed amendment to Title 5 Section 5.10.4 Applicability.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO TITLE 5, SECTION 5.10.4 APPLICABILITY, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 6/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault noted that the KCC sign had come down and hoped it would be put back up within the regulations.

Councilor White stated the Planning Board needed to get interviews scheduled as they needed a full board..

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson - None

b. Committee Reports – None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:17 P.M.