

1. Call to Order

Chairperson Beers called the meeting to order at 7:01 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

Absent from the roll call was Councilor Russell White.

5. Agenda Amendment and Adoption

Chairperson Beers requested that Item 10a be revised to read as follows: “The Kittery Town Council moves to hold a public hearing and hereby resolve to be governed by the provisions of Title 21-A §696-2c and Title 21-A §722-A for determining and counting write-in votes.”

Chairperson Beers requested that Item 13c be revised to read as follows: “The Kittery Town Council moves to endorse the Town Manager’s recommendation for the Assessment Appeal Arbitration Process/Policy.”

Chairperson Beers requested to withdraw Item 16 per Town Manager Granfield’s request.

Chairperson Beers requested to add Item 13h, per the Finance Director’s request, to read as follows: “The Kittery Town Council moves to schedule a public hearing IAW Section 6.09 para. 4 of the Kittery Town Charter to transfer appropriations between accounts and carry forward requests.”

Agenda was adopted, as amended.

6. Town Manager’s Report

Town Manager Granfield reviewed her written report.

Personnel Items – Interviews are ongoing for the Kittery Commissioner of Public Works and Police Lieutenant open positions. The existing Shoreland Resource Officer will perform on a full-time basis effective August 15, 2016. The assistant to the Police Chief is converting from part-time to full-time effective September 1, 2016. The Harbormaster resigned effective the end of September and Assistant Harbormaster in August. The Kittery Port Authority and Town staff will assist with that rehiring process. A meeting will be scheduled with the Personnel Committee to discuss job descriptions to include Human Resources Manager, Harbormaster and others.

Sewer Betterments – Various materials have been provided to the Town Council for the

upcoming meeting and the auditor is currently performing a review. The information regarding the two easements referenced in the last meeting identified no additional costs.

Channel 22 – Staff is working with Comcast to have service at various locations and with the Kittery Community Service to make available an open studio. The intent is to expand the program to include another station. In the interim, the Town welcomed any new programs.

John Paul Jones Park – The revised maintenance agreement has still not been received and staff continues to monitor that.

Parking Meeting – Letters will be sent to invite citizens to a meeting on August 23, 2016 at Traip Academy discuss options and seek input regarding parking availability in the Foreside. An intern has collected data in the area to assist with formulating options.

Retirement – A retirement party for Commissioner of Public Works, Norman Albert, will be held on Thursday, August 25, 2016 from 3:00-5:30pm at the Kittery Community Center. Employees, Town Council, and the public invited to wish him the best.

Volunteer Citizen Panel Recruitment – The consultant coordinating the volunteer citizen panel applications for the new Town Manager position encouraged anyone interested to apply.

Employee Recognition – Service Awards – This program was initiated by employees and began July 1st to recognize dedicated citizens. Town Manager Granfield provided a brief background and explanation for the program, then proceeded to announce awards to eleven employees.

Councilor Spiller suggested that the Town's list-serv be used to send a message to request citizen volunteers for the Town Manager search.

7. Acceptance of Previous Minutes

Special Meeting – May 16, 2016

The minutes were adopted as presented.

Special Meeting – May 25, 2016

The minutes were adopted as presented.

Regular Meeting – July 25, 2016

Line 69 – insert “not” between “2.00%” and “be”

Line 267 – replace “501(3)(c)” with “501(c)(3)”

Line 407 – replace “parties” with “party”

Line 455 – add “law” after “State of Maine”

Line 523 – replace “Sean” with “Shawn”

Line 543 – replace “Whit” with “White”

The minutes were adopted, as amended.

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

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

a. (080116-4) The Kittery Town Council moves to discuss the next steps for the Rice Public Library proposal.

Councilor Thomson and Vice Chairperson Denault expressed interest in receiving further information before providing their input.

Councilor Spiller stated her concerns for the proposed development and its potential negative impact on the visual appearance of the Kittery Community Center. She doubted the ability to support a 20,000 s.f. sized building.

Councilor Lemont echoed Councilor Spiller's remarks. He voiced concerns regarding the location, proposed size, and directing the Rice Library in their planning process. Chairperson Beers responded that the Council's purview includes responding 'yea' or 'nay' to the proposal and decide whether a referendum vote for citizens is in order.

Chairperson Beers regrettably agreed with Councilor Spiller and Councilor Lemont. He explained in detail his concerns regarding the preservation of the historical building and the financial outlook based on budgetary constraints. He stated his support for a non-binding referendum ballot vote to field the interest of the citizens. Vice Chairperson Denault added that a referendum vote would generate a strong message for Council.

Councilor Thomson provided personal insight to emphasize that he was primarily concerned with the process of planning future library services in the community. He felt that concerns regarding the ownership, financing, and operations should be addressed before planning the development.

Vice Chairperson Denault reiterated that voters could help to clarify several decisions given the amount and various issues raised. Councilor Spiller questioned the effectiveness of a referendum vote and suggested that workshops be held. Further deliberations were had on the value of a referendum vote with consideration of; adding another question in the ballot, specific phrasing of the question, and providing financial considerations.

Councilor Thomson suggested that a working group be formed to identify lingering questions from the Council and various options for presentation to the Rice Library and Chairperson Beers concurred. Council concluded by agreeing to conduct a Council only workshop to air out all questions.

10. PUBLIC HEARINGS

a. (080116-2) The Kittery Town Council moves to hold a public hearing and hereby resolve to be governed by the provisions of Title 21-A §696-2c and Title 21-A §722-A for determining and counting write-in votes.

Chairperson Beers opened the public hearing.

Ms. Karen Estee, Deputy Town Clerk, explained the intent of the resolution is to be consistent with Title 21 in that only declared write-ins would be counted, as opposed to all write-in votes.

Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO BE RESOLVED TO BE

**GOVERNED BY THE PROVISIONS OF TITLE 21-A §696-2C AND TITLE 21-A §722-A
FOR DETERMINING AND COUNTING WRITE-IN VOTES, SECONDED BY
COUNCILOR SPILLER.**

Ms. Estee confirmed to Councilor Dennett that the resolution only pertains to local elections of elected officials, which is School Committee and Town Council, to count declared write-in candidates only. She added that without adopting the resolution, staff would continue to count the undeclared votes.

**THE MOTION PASSED BY A ROLL CALL VOTE 5/1/0 WITH COUNCILOR
DENNETT OPPOSED.**

b. (080116-1) The Kittery Town Council moves to hold a public hearing and hereby ordains amendments to Title 13 of the Kittery Town Code.

Chairperson Beers opened the floor for public comment.

Kathy Hawkes, 16 Stevenson Road

Ms. Hawkes referenced typographical and formatting errors in Section 13.1.1.7. She highlighted major concerns as follows:

- The definition of 'premises' is not clear as to whether it pertains to the parcel or physical building. The prior text suggested that it is the parcel.
- The language of 'or connected to the system' appears problematic since parcels that are not required to connect to sewer would still have water meter readings, thus, accrue fees.
- The quarterly processing costs should not be charged to a parcel not connected.

Tricia Robillard, Martin Road

Ms. Robillard asked that the age of a system eligible for deferment should be increased from the proposed 10 years to at least between 15-20 years, since newer septic systems have longer lifespans. She suggested that if a resolution cannot be seen before the next voting, then a non-binding referendum vote may help to decide how the Town will cover the project costs.

Cheryl Dixon

Ms. Dixon asked whether past projects that charged residents nothing was calculated into the determined historical average.

Chairperson Beers closed the public hearing.

Chairperson Beers cited verbiage from Section 13.1.1.11c to explain that it is an actual fact requirement. At some point when the system fails, the property owner of a bettered property would be required to make connection to the system.

Chairperson Beers referenced another statement that explained the qualifying conditions for low-income deferment.

**A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO ORDAIN
REVISIONS TO TITLE 13 OF THE KITTEY TOWN CODE AS FOLLOWS,
CHAPTER 1 ARTICLE 1 IN GENERAL, ARTICLE 5 MAIN EXTENSIONS, ARTICLE
6 NEW SEWER SERVICE CONNECTION FEES, AND CHAPTER 13.2 SEWER
SERVICE DECISION APPEALS, AS AMENDED, SECONDED BY CHAIRPERSON**

BEERS.

Councilor Dennett thought the packet presented was incomplete and stated his opposition to the vote.

Councilor Thomson felt uncomfortable in voting without having financial information from the auditing firm.

Councilor Lemont questioned where the answers to the financial impact exists and felt that questions raised by Councilor Dennett were left unanswered.

Consensus was had that 50% of median income be the threshold for deferment.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO POSTPONE TO A MEETING ON AUGUST 15, 2016, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

11. DISCUSSION

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

Wallace “Bud” Gerry, 27 Route 236

Mr. Gerry noted that his request from the last Council meeting had still not been addressed.

Chairperson Beers requested that Town Manager Granfield follow through with the request.

Jennifer Taylor, Martin Road

Ms. Taylor questioned how some people would be able to afford the proposed fees. She inquired on how the calculated average of about \$9,000 was derived at since she determined roughly \$6,000. She mentioned that some other Towns do not have betterment fees whatsoever.

Kathy Hawkes, Martin Road

Ms. Hawkes felt that there still exist questions and concerns to address.

Whitney Gale, Martin Road

Mr. Gale noted there is a large difference between installment fees he understands from his experience and the proposed installment fee from the Town.

Tricia Robillard, Martin Road

Ms. Robillard felt that Council needs to revise the ordinance. She did not support incorporating costs of past projects. She hoped that in future projects of this nature should require a 60% majority vote from the citizens.

- b. Response to public comment directed to a particular Councilor – None.

- c. Chairperson’s response to public comments

Ms. Taylor –The calculations were a relative comparison based on inflation. The current proposed plan is approximately \$1,422,000, which equals an average for properties an acre or less at about \$5,200.

Ms. Hawkes & Ms. Robillard – Those statements were echoed and Chairperson Beers agreed

that the process be immortalized.

Mr. Gale – The entire project costed \$7.65 million and the state law has required that 50% of that be paid by bettered property owners. The revised revenue profile would reduce total fees to \$1,422,000 and any further reduction from that would jeopardize the Town's financial situation. It would be necessary to have assurance of additional projected revenues before reducing it further.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition – None.

b. (080116-4) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$287,683.95.

Sewer account payable of \$5,189.70.

School accounts payable of \$13,103.34.

School accounts payable of \$461,678.84.

Total of all disbursement warrants of \$1,262,655.83.

Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that the School warrants are in order.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.

c. (080116-4) The Kittery Town Council moves to endorse the Town Manager's recommendation for the Assessment Appeal Arbitration Process/Policy.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ENDORSE THE TOWN MANAGER'S RECOMMENDATION FOR THE ASSESSMENT APPEAL ARBITRATION PROCESS/POLICY, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett asked the difference between the arbitrator's panel forum versus arbitrator appointment, which was answered as when an official is selected for nomination.

Councilor Dennett asked to clarify the meaning of a cognizant municipal department heads.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

d. (080116-5) The Kittery Town Council moves to approve amendment to Appendix A of the Kittery Town Code.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AMENDMENT TO APPENDIX A OF THE KITTERY TOWN CODE, SECONDED BY VICE CHAIRPERSON DENAULT.

Councilor Dennett suggested that at lines 47-49 it indicate that new entrance connection fees be established based on per-unit basis for residences or based on per-occupancy basis for non-

residential structures.

THE MOTION WAS AMENDED. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

e. (080116-6) The Kittery Town Council moves to approve an application from Cork Distributors Inc., 12 MacDougal Street, Kittery, Maine for a Malt, Spirituous and Vinous Liquor License for For the Love of Food & Drink, 120 Rogers Road.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM CORK DISTRIBUTORS INC., 12 MACDOUGAL STREET, KITTERY, MAINE FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR FOR THE LOVE OF FOOD & DRINK, 120 ROGERS ROAD, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

f. (080116-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Charles C. Patten for his appointment to that board until 8/31/18.

A MOTION WAS MADE BY COUNCILOR DENNETT TO APPOINT COUNCILOR WHITE TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW CHARLES C. PATTEN FOR HIS APPOINTMENT TO THAT BOARD UNTIL 8/31/18, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.

g. (080116-8) The Kittery Town Council moves appoint a representative to meet with the Chair of the Board of Assessment Review to interview Mary Thron for her appointment to that board as an alternate member until 12/31/19.

A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT VICE CHAIRPERSON DENAULT TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW MARY THRON FOR HER APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER UNTIL 12/31/19, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.

(080116-9) The Kittery Town Council moves to schedule a public hearing IAW Section 6.09 para. 4 of the Kittery Town Charter to transfer appropriations between accounts and carry forward requests.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING ON THE SUGGESTED DATE IAW SECTION 6.09 PARA. 4 OF THE KITTERY TOWN CHARTER TO TRANSFER APPROPRIATIONS BETWEEN ACCOUNTS AND CARRY FORWARD REQUESTS, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Thomson asked whether the suggestion at the last meeting regarding a turning lane at

PNSY Gate 2 was reviewed. Town Manager Granfield responded that the Police Chief and the Commissioner of DPW have not yet addressed the next steps for that.

Councilor Thomson referenced a follow-up letter from the Police Chief responding to his concerns stated in the June 13, 2016 meeting about New Hampshire license plates and vehicle registrations.

Vice Chairperson Denault thanked Town Manager Granfield assisting with coordination of the paint striping and thanked the Police Chief for the speed trailer at Memorial Circle.

Councilor Lemont complemented Town Manager Granfield for the improved situation at the Kittery Point bridge.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

A workshop is scheduled for August 22, 2016 at 6:00pm with the Parks commission to discuss passes, drones, and dogs.

The Wood Island Concession Revision has been accepted by the National Park Service.

Documentation was provided regarding arbitration assessment and arbitrator appointment.

In response to a previous public comment regarding a recent paving project, the surface paving was paid for by DPW and under paving paid for by the sewer project. There was no natural gas installation activity. Until had to uncover gate valves that were paved over.

Once Council adopts an assessment plan scheduled for August 15, 2016, a 30-day notice process would commence and a public hearing be scheduled for most likely on September 19, 2016. From that point, notices will be sent for connection requirements.

b. Committee Reports – None.

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 8:42 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.

Submitted by Marissa Day, Minutes Recorder, on August 17, 2016.

Disclaimer: The following minutes constitute the author's understanding of the meeting. While every effort has been made to ensure the accuracy of the information the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.