

**Kittery Town Council  
March 25, 2019  
Regular Meeting  
Town Council Chambers**

1. Call to Order: Chairperson Spiller called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Spiller read the introductory.
3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.
4. Roll Call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Cyrus Clark, Kenneth Lemont, Vice-Chair Matthew Brock and Chairperson Judith Spiller.
5. Agenda Amendment and Adoption: Chairperson Spiller had one item to add under #9: "The Kittery Town Council moves to receive a presentation from Supt. Mike Rogers of the Kittery Water District on water treatment processes and chloramines."
6. Town Manager's Report: Town Manager Amaral reported that the first phase of addressing tax liens from prior years, which began last year, was to adopt policies which would provide taxpayers with a number of circuit breakers for tax relief. She said the second part of this project is to address the properties that have been in long-term foreclosure, which have gone on for many years, without having received any tax payments on them.

Town Manager Amaral said they re getting ready to take the second step and have identified 12 properties where the town will pursue foreclosure and acquire the title, most of them the owners are deceased and none of them are occupied. She said the town is working with Atty. Bill Dale on this project. She said she would like to address this every year and letters are going out.

Town Manager Amaral said the Library Building Committee 's Design Team has been conducting interviews with various Town boards and committees as well as the community to see what type of uses and spaces people are looking for. She said they came back with a revised spatial needs report which will be updated from 2011. She said the square footage has been reduced from 20,000 to 16,000 s.f. and the town will require a \$5 million-dollar maximum bond for this project.

Town Manager Amaral said it is very early in the process and they will be getting some potential schematic designs and getting plans and will hold public hearings in April. She said all of this information has been posted online.

Town Manager Amaral said the Taylor Building Committee is working quite nicely. She said they want to meet to get public input on what do you want to see at the Taylor site. She said they will be spending the next couple of months gathering information and input and, after November if passed, will start pursuing more concrete proposals for the Taylor Building, based on the feedback from the people.

Town Manager Amaral said that the Thresher Memorial Fund and Donald Kerr have been in communication and the repair of the large flag was funded from the Thresher Memorial Fund.

Town Manager Amaral said it was the intention of the people who donated money to get this fund through the Fall of 2018 and within the last few months, the fund has been depleted.

Town Manager Amaral said the flags have been repaired through this fund and they have two other flags available as replacements. She wanted to let Council know that she will put this item in the operating budget, going forward.

Town Manager Amaral reported that the DOT workshop, scheduled for last month, will now be held on April 8<sup>th</sup>. She said that the bids for the 95 bridge have come in higher than expected. She said they met with the resident engineer today, and are starting ramping up the project.

Town Manager Amaral stated that she reached out to the Dept. of Marine Resources to see where they were on the (Spinney Creek) aquaculture lease. She said they are still in the drafting a decision phase and are still reviewing the application. She said they will let her know once they are ready to make a decision. She said they have not given her a clear idea as to whether they will give a title and consider Spinney Creek to be inter-tidal or sub-tidal waters.

Town Manager Amaral said the Recreation Director has received feedback on the programs offered for Summer Camp and have made improvements. She said they have split the campers into three groups. She said that transportation will be through a private bus company, not staff and they are capping the number of students in advance to make sure that the programs are beneficial to the children. She said that the Recreation Dept. held a successful "sign-up" night.

Town Manager Amaral announced some upcoming dates: Kittery's Got Talent, March 29<sup>th</sup>, 4:00 pm at Shapleigh School; Kittery Community Auction will be April 5<sup>th</sup> at the Regatta Room in Eliot; Celebrity Chef Breakfast is 8:00 am on April 9<sup>th</sup> at the Kittery Community Center; April 13<sup>th</sup> is the Easter Egg Hunt at Shapleigh Field; Recycling Scholarship applications are due April 16<sup>th</sup> because the Town Hall is closed for the holiday, and the Mooring Renewal deadline has also been extended to April 18<sup>th</sup>.

Chairperson Spiller asked if any Councilor had comments or questions.

Councilor Denault asked the Town Manager, through the Chair, if the "Kittery's Got Talent" program could be shown on Channel 22.

Town Manager Amaral replied she will take a look at it.

Vice-Chair Brock wanted to know, through the Chair to the Town Manager, if the DMR gave the Town Manager any timeframe as to when they would make a decision on the Spinney Creek aquaculture lease.

Town Manager Amaral responded not at all.

7. Acceptance of Previous Minutes: None
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.

The Kittery Town Council moves to receive a presentation from Michael Rogers, Supt. of the Kittery Water District, on Water Treatment Processes and chloramines.

Chairperson Spiller said there will be an opportunity during the "Public Comment" section for anyone who would want to comment. She said she will write down the questions and give them to Supt. Rogers to respond to those questions. She said that Council will have some questions on this issue but residents must understand that the Town Council has no authority over the Kittery Water District.

Michael Rogers, Supt. of the Kittery Water District, said he understood that some Councilors have been receiving calls from residents regarding the Water District changing the disinfection method from free chlorines to chloramines. He said they are hopeful that, as water professionals serving Kittery for the past 112 years, they would never do anything that will adversely affect the health of their customers.

Mr. Rogers said the Water District annually produces one billion gallons of finished drinking water, serving the residents of Kittery, Eliot, a small portion of York and the Portsmouth Naval Shipyard. He said they have used chlorine in one form or another to disinfect the water. He said their treatment plant, as well as four water sources, are located in York.

Mr. Rogers said that the Treatment Plant was built in 1959 and is approaching the end of its design life. He said in 2012, the District hired Wright-Pierce, an engineering consultant firm, to complete an "Alternative Water Treatment Study." He said one of the options they looked at was mothballing the facility and buy their water from our neighbors to the north.

Mr. Rogers said another recommendation was to build a new Treatment Facility at an estimated cost of \$30 million dollars. He said a second engineering firm, Taynton-Howard, was hired to do a Peer Review of Wright-Pierce's recommendation and to renovate the existing facility and not replace it. He said the Board of Trustees decided to renovate the existing facility because everything above and below is structurally sound and save the rate payers from bonding an additional \$27 million dollars.

Mr. Rogers said the operation will be done in three phases, and a requirement will be to shut down the facility to complete the project. He said the first phase was completed in 2018 and the second phase will begin on April 1<sup>st</sup>. He said they will need to shut down the facility for one week this summer. He said in 2020, the final phase of construction will begin and it will require a complete shut down of the facility for three months.

Mr. Rogers said during these two outages, they will be relying on the York Water District and the Kennebunk, Kennebunkport and Wells Water District to supply water to the Town of Kittery. He said this arrangement has been in the works for three years.

Mr. Rogers said that Water Districts in other towns and cities in Maine have been using chloramines from 25 – 80 years to disinfect the drinking water. He said the chloramines are a combination of five parts chloramine to one-part ammonia. He said chloramine is a weaker disinfectant than just chlorine, but it lasts longer and is more stable. He said they will need to buy their water from neighbors, but their water is not currently compatible with the Kittery water.

Mr. Rogers said the EPA and the Maine Drinking Water program has approved the use of chloramines. He said they have received approval and authorization from the Dept. of Health and Human Services to increase their pH and phosphate levels and they began increasing them one year ago.

Mr. Rogers said the first step is the introduction of the chloramines to condition the water in their mains. He said this could cause lead and copper corrosion issues which they have addressed. He said their neighbors have made changes to better match Kittery's pH and phosphate levels.

Mr. Rogers said chloramine is a longer-lasting disinfectant and can affect yeast used by brewers and bakers and they have received complaints from customers. He said they first published an article in 2016 and they have put the information in the newspaper and on the water bills and it is on their website.

Mr. Rogers said they are holding another meeting on May 21<sup>st</sup> at 6 p.m. at the Star Theatre and will delay the introduction of the chloramines to the first week in June. He said he will take any questions.

Chairperson Spiller asked if there were any questions from Councilors.

Councilor Thomson wanted to know if individual homeowners need to do anything with their pipe that runs from pipe in the street to their kitchen or bathroom faucets.

Mr. Rogers responded that the changes in pH and phosphates are used to coat the pipes to prevent corrosion in the copper and lead pipes, so there is nothing homeowners have to do. He said as a matter of fact, they now have to do 60 samples every six months to set a baseline to follow up on any copper or lead leaching into the water.

Chairperson Spiller wanted to know, for clarification, if the conditioning would take care of control corrosion of the potential for lead to get in her drinking water, since she owns an old home with lead pipes.

Mr. Rogers replied that is correct, a lower pH water is less aggressive, increasing the pH to 8.2 will help stop the effects of corrosion.

Chairperson Spiller said she has heard from nervous homeowners with the same question and she has a follow-up question. She said they want to know how do they know if their water is safe.

Mr. Rogers answered that he would be happy to test their water.

Chairperson Spiller asked so all they have to do is call the Water Dept.

Mr. Rogers replied yes, they can call us and the Water Dept. will do a test.

Chairperson Spiller wanted to know if Mr. Rogers would actually go their home.

Mr. Rogers responded that the lead and copper testing has to be done by the home owner because there is a six-hour waiting period and they have to give it (the test) time for the lead and copper to leach into the water. He said he cannot go to the house unless it is first thing in the morning.

Chairperson Spiller asked if Mr. Rogers would give them guidance and he replied that they would.

Vice-Chair Brock asked Mr. Rogers suppose the homeowner does not want chloramine in their water – what is the least expensive method for them to have it removed.

Mr. Rogers replied they would have to use a granule-operated carbon filter which they would screw on to the faucet to remove the chloramines. He said it would be just for one faucet.

Vice-Chair Brock wanted to know is there something more expansive that someone could do if he/she wants to treat the water for their entire home. He said he has heard there may be an impact issue on the water and what is the cost.

Mr. Rogers answered that for the whole house, the filter ranges from \$1100-1200 for a granule-operated carbon filter.

Councilor Denault said that Mr. Rogers mentioned testing and wanted to know if it is offered for free.

Mr. Rogers replied yes.

Councilor Denault said he has seen a lot of hype how it kills fish and he is concerned about diabetes, his Dad has it, and dialysis. He wanted to know if Mr. Rogers could talk about it since they are starting the process May 21<sup>st</sup>.

Mr. Rogers responded if you have fish in an aquarium, you should have taken the chlorines out. He said think about the dilution factor and that dialysis is the same thing and you should filter the water. He said it may be an additional step, but he should already be conditioning the water before they put it through the machine.

Councilor Denault said he is talking about one goldfish in a bowl.

Mr. Rogers said he has one in the office and he shows people how 1.7 drops filters 100 gallons of water.

Councilor Lemont said Mr. Rogers touched upon brewers and bakers and he wanted to know if Mr. Rogers had discussed this with them.

Mr. Rogers responded they have met with the brewers and bakers and have already had filters installed in the process. He said they would have had to buy a more advanced filter. He said he has been calling around to the bakeries in the area and have had homeowners calling them asking what can I do.

Mr. Rogers replied that he recommends they bake one loaf. He said they can go as low as two or as high as chloramines.

Councilor Lemont wanted to know when the Water Dept. flushes the hydrants is there a minute amount of chloramine in the ocean.

Mr. Rogers answered they would have to de-chlorinate the water going into sensitive area and that they do have guidelines they have to follow. He said they have devices that have Vitamin C tabs which knocks it down to barely a trace.

Councilor Thomson said that Mr. Rogers mentioned other communities to the north have been using chloramines in their houses for 80 years and wanted to know if this had caused any disuse of the chloramine.

Mr. Rogers answered with chloramines, they have to watch the dead-end lines and they do have a test kit. He said they put the water main on a routine flushing schedule.

Chairperson Spiller asked if someone had a respiratory problem, would they be breathing in that component.

Mr. Rogers replied not that he is aware. He said they do not remove chloramines from the water faucets.

Chairperson Spiller wanted to know if the Water Dept. had been receiving complaints from bakers or people watering their garden.

Mr. Rogers responded that one-quarter of a million people have drinking water with chloramines and say the water will taste better, it's a non-issue for them.

Chairperson Spiller asked Mr. Rogers if he could put information on the type of filter that homeowners can buy on the Water Dept.'s website.

Mr. Rogers replied yes.

Chairperson Spiller explained to the people present in the audience that, before she heard about May 21<sup>st</sup>, she said she would gather questions to give to Mr. Rogers but now that she heard about the upcoming meeting, she thought it is the perfect opportunity for people to ask questions.

#### 10. PUBLIC HEARINGS:

- a. (030219-1) The Kittery Town Council moves to hold a public hearing and ordain Amendments to Title 2 – Fire Chief.

Chairperson Spiller asked the Town Manager to highlight some of the changes being proposed.

Town Manager Amaral said that these are two requests to clean up and make sure that the language is consistent. She said that §2.2.3, Fire Chief, line 6 states that the Fire Chief reports to the Town Manager, and under § 2.4.8.1, line 13, we are striking out "of the citizens" as the Kittery Fire Dept services are not limited to just the citizens of our town.

Chairperson Spiller said that we are trying to update the new Fire Chief position.

#### **COUNCILOR THOMSON MOVED TO APPROVE THE UNANIMOUS CHANGES TO TITLE 2, SECONDED BY COUNCILOR DENAULT.**

Chairperson Spiller said she had not opened the public hearing yet.

Councilor Thomson said that they can still move to approve the changes and she can open up the public hearing.

#### **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

Chairperson Spiller opened the public hearing at 6:35 p.m., and asked anyone wishing to speak to, for or against the amendments may do so at this time.

Julie O'Connell asked if she could comment on the water issue.

Chairperson Spiller explained that discussion will be under #11, that this is a public hearing for the amendments to Title 2 only. Hearing no other comments, she closed the public hearing.

Councilor Thomson suggested – through the Chair – that the Town Manager could shed some light on, and explain what the Town Council is doing so the public knows.

Town Manager Amaral said that they are amending Title 2, the Fire Chief position, which should be full-time and, after reviewing the duties and responsibilities, which Chief O'Brien has been doing, and working more than part-time, it is being made a full-time position. She said he will also take on the role of the Emergency Management Director, and she is seeking approval of changes to both Title 2 and Title 8, Emergency Management Agency.

**COUNCILOR THOMSON MOVED, IN ACCORDANCE WITH TITLE 30-A, §3001 AND TOWN CHARTER §2.14, THE KITTERY TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO TITLE 2, PERSONNEL AND ADMINISTRATION, FIRE CHIEF, AND TITLE 8, EMERGENCY MANAGEMENT AGENCY, OF THE TOWN CODE, AS PRESENTED AND HEARD THIS EVENING. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

- b. (030219-2) The Kittery Town Council moves to hold a public hearing and consider for approval a New Victualer's License application for the Hampton Inn & Suites located at 275 Route 1 Kittery, Maine.

Chairperson Spiller said that the Code Enforcement Officer has conducted the necessary inspections of the premises and found the establishment to be in compliance with the Kittery Town Code.

Chairperson Spiller opened the public hearing at 6:38 p.m. and asked if anyone wished to speak to, for or against the application. Hearing none, she closed the public hearing.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE VICTUALER'S LICENSE APPLICATION (FROM 275 ROUTE 1 LLC, PORTSMOUTH) FOR THE HAMPTON INN & SUITES LOCATED AT 275 U.S. ROUTE ONE, KITTERY, MAINE, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

#### 11. DISCUSSION:

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

Chairperson Spiller opened the public discussion and requested that anyone wishing to speak, come to the podium, identify yourself, sign in on the paper and limit your comments to three minutes.

Julie O'Connell of Kittery said she has concerns about chloramines being added to her water.

Ms. O'Connell said that Mr. Rogers said he did not know of any issues with towns adding chloramines to the water and some of them have been doing this for 30 – 80 years; however, there was an article in the Kennebunk Post in 2017 that the Kennebunk Water District had been using chloramines in their water to be compatible with the York Water District, from 2004 – 2010. She said they stopped doing it in 2010 because there were mineralization of the hot water pipes going to the dishwashers of the local restaurants and the pipes were getting clogged up. She said for a span of seven years chloramines were not used, then they changed the formula from gaseous ammonia to liquid ammonia and re-introduced the chloramines so that their water could be compatible with York's water.

Ms. O'Connell said they have always had chlorine in their water and wanted to know why is that not compatible? She said chloramines do not produce as much by-products but they have not been studied and are not regulated. She said better the devil we know than the devil we don't.

Ms. O'Connell said that she realizes the Town Council has no authority over the Water District; however, the Council represents the citizens of the town and she would like to have a more expansive conversation with experts before we jump in. She said she did not think it was a satisfactory explanation just because we would be compatible with York. She encouraged the Kittery Water District to get the best answers for their customers as stated in their mission statement.

Jen Thayer, 47 Martin Road, thanked Mr. Rogers for his presentation. She said up until last weekend, she knew little to nothing about water treatment. She said she does have real concerns though and will ask questions. She wanted to know from Chairperson Spiller if she should e-mail her questions to her or to Mike Rogers.

Chairperson Spiller said she should e-mail her questions to him.

Ms. Thayer wanted to know with the conditioning of the water, is this an ongoing process and will it help eliminate leaching from the pipe. She said chloramines dissolve slower – within six months to one year. She said with chlorine, it dissipates within 24 hours. She said it's complicated and wanted to know if they were mono-chloramines, or di- or tri-chloramines.

Chairperson Spiller replied this uses mono-chloramines.

Ms. Thayer said her understanding is that you cannot separate them. She said no definitive test as of 2004 has been done using chloramines, as per the World Health Organization. She said it is still difficult to find any definitive data and what she found was it is on the rise and towns are stopping the use for various reasons.

Ms. Thayer said it is her understanding there are less by-products but there are significant amounts of by-products formed by chloramines and there are other avenues they can pursue.

Sarah Brown, 22 Main Street, said she does not know much about this issue, but you all have agreed to this change as of June 1<sup>st</sup>.

Chairperson Spiller said the Town Council has nothing to do with the Kittery Water District.

Ms. Brown said since we do not know about this, let us consider a longer delay and allow us to feel comfortable and give us a chance to do our homework to really fully understand it.

Ms. Brown said she understands the Water District will have an information forum on May 21<sup>st</sup>, but you have a very large group of people concerned – and why not? She asked isn't it better to be safe than sorry?

Ms. Brown said she went to the Tributary to grab a beer and just the day before she was told they had to spend \$5,000 on a new system. She said that is an incredible business which has brought value to the town and she hoped that the town will work with them. She said they already have had to invest \$5,000 to make sure their operation was not disrupted.

Ms. Brown said she is working on another water issue, and has been told "everything is okay, don't worry," and then, later on, finds out it does affect our health. She said let's make sure we have a chance to investigate this. She said they have to look at toxins environmentally and how they interact with other chemicals.

Ms. Brown wanted to know if there have been studies when water is used for baby's formula and what about pregnant mothers? She thought they should proceed slowly. She said water is life – and without water, where are we?

Ruthanne \_\_\_\_\_ of Foye's Lane, Kittery Point, wanted to echo Sarah's concerns and said she is alarmed that she has not heard any real news or any good information as to why the Water District is doing this, other than compatibility. She said that does not seem like a great reason or a solid reason.

Ruthanne said she is encouraged and fearful. She said she would like to ask the Town Council, but will e-mail Mr. Rogers, for more information, the source for the charcoal filtration systems and reliable sources of information so we are not "Googling" this. She said she never heard of chloramines.

Ruthanne said that the Water District should delay implementing this until the citizens have better information and that is her biggest concern.

Laurie Watson, Kittery Point, attended the impromptu meeting on Monday, where it was explained that the Kittery Water District needs to use York's water supply for transition for one week in April and next year for one month. She wanted to know why they can't go back to chlorine after that. She said if we have emergency water, it may taste bad for a little while. She asked when was the last time we used emergency water – 10 years ago? She said in 10 years, they have not had one emergency.

Ms. Watson said like her Dad used to say "do not borrow problems." She asked again why they can't go back to using chlorine, and go to York for one month. She said the Water District needs to communicate with people that during an emergency, the water will have a bad taste for a couple of weeks. She said it does not seem to be enough of an issue to change by putting another chemical into our bodies.

Jennifer Burrell of Kittery said, given what information she can find, personally, she would rather stick with chlorine. She said there are so many people who are concerned, someone should ask the Governor. She said she has no opinion on how the Water Dept. operates but there are models for public input and oversight into that relationship. She said there should be some kind of transparency.

Ms. Burrell said this issue should have been discussed in other venues rather than at a Town Council meeting. She said this is something to consider going forward.

George Dow, One Bartlett Road, said he is a member of the Parks Commission and they have been working with a number of design groups and have 7 different informational signs. He said he wanted to make the public aware of that. He said this is an opportunity for the Parks Commission to work with the Kittery Improvement Foundation, and if anyone would like to donate, to contact them.

Mr. Dow said he was speaking tonight as the Treasurer of the Rice Library Board of Trustees and he wanted to present the audit for the year ending June 2019 and there will be one more audit on July 1<sup>st</sup>, when the Library becomes a department of the Town.

Bob Gray, 14 Manson Road, Kittery said he is a member of the Kittery Historical Society and the Kittery Historical Naval Museum and wanted to let everyone know that in March of 2020 Maine will be celebrating its bicentennial. He said he met with others to discuss how we might celebrate our bicentennial and would like to encourage anyone interested in participating to contact him at the museum at 439-3080.

Mr. Gray said that if anyone thinks it that it was a slam/dunk separation from Massachusetts, you should know that everyone in the Town of Kittery voted against separating from Massachusetts. He said this is an important date – Kittery’s 375<sup>th</sup> celebration as an incorporated town.

Mr. Gray said some towns to the north are making a huge event out of Maine’s bi-centennial and if anyone would like to get on board, please feel free to contact him.

c. Chairperson’s response to public comments:

Chairperson Spiller said that Mr. Gray is Kittery’s point person for this.

Chairperson Spiller said great signs and thanked Mr. Dow for the audit.

Chairperson Spiller said, concerning the water additive, the Water District is a public utility, with a Board of Trustees, which is an independent governing structure, separate from the Kittery Town Council. She said in addition to contacting Supt. Rogers, citizens should contact any member of the Board of Trustees.

Chairperson Spiller turned to the Town Manager and said that May 21<sup>st</sup> is too late. She wanted to know if perhaps the date could be moved up and would she look into it. She said there were a lot of questions raised in public comment and Supt. Rogers is in the best position to answer those questions.

Councilor Thomson said he opened Pandora’s box because he asked the Town Manager to reach out to Mike Rogers and ask him to come to this meeting because he wanted to get him on television. He thought it would be a way to get more information out there. He said he spoke with him about delaying the implementation and having another meeting other than May 21<sup>st</sup>.

Councilor Thomson said he too is a customer and is concerned, and people are coming to Council, but you need to take your comments to the Board of Trustees and Supt. Rogers.

Vice-Chair Brock wanted to know what is the appropriate administrative appeal process. He said he has not heard clearly what the process would be and he would expect that it is on the “To Do” list to find out what the process is.

## 12. UNFINISHED BUSINESS:

(030219-3) The Kittery Town Council moves to appoint a representative to interview Linda Cheatham to be appointed to the Rice Public Library Board.

Chairperson Spiller said that the Town Manager spoke with Ms. Cheatham and she is willing to serve on the Library Board of Directors.

**CHAIRPERSON SPILLER MOVED TO NOMINATE COUNCILOR THOMSON AS COUNCIL REPRESENTATIVE TO INTERVIEW LINDA CHEATHAM FOR HER APPOINTMENT TO THE RICE LIBRARY BOARD OF DIRECTORS. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, NONE OPPOSED, MOTION CARRIES.**

## 13. NEW BUSINESS

## a. Donations/gifts received for Council disposition:

- (030219-4) The Kittery Town Council moves to accept a donation from the Kittery Sharks Jr. Football in the amount of \$2,067.97 to be deposited into Donations to Kittery Community Center account #2063-67500.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT A DONATION FROM THE KITTERY SHARKS JUNIOR FOOTBALL IN THE AMOUNT OF \$2,067.97 TO BE DEPOSITED INTO DONATIONS TO THE KITTERY COMMUNITY CENTER ACCOUNT #2063-67500, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

## b. (030219-5) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Spiller read the amounts: Town payable = \$120,963.61 and two Sewer payables = \$14,550.05 and \$2,685.54.

Chairperson Spiller asked Councilor Clark if he reviewed the warrants and if they are in the appropriate format for approval.

Councilor Clark replied yes, he did and they are in the appropriate format for approval.

Chairperson Spiller read the amount for the School payable, \$567,813.79 and asked Councilor Pelletier if he reviewed the warrant and found it to be in the appropriate format for approval.

Councilor Pelletier responded yes, he did and it is in the appropriate format for approval.

Chairperson Spiller read the final warrant, Tax Refunds, in the amount of \$1,491.31 and asked Councilor Clark if he reviewed the warrant and found it to be in appropriate format for approval.

Councilor Clark answered yes, he had and it is in the appropriate format for approval.

Chairperson Spiller said the total amount is \$707,504.30 and asked for a motion.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS READ, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

c. (030219-6) The Kittery Town Council moves to approve an MOU with the Library Board of Directors.

Chairperson Spiller asked if there were any changes to the Memorandum of Understanding.

Town Manager Amaral said there are slight changes that reflect Council's conversation with the Library Board of Directors at their workshop. She said these include taking out policy from the Board and includes focusing on fundraising and taking out the second line at the Taylor Building but retains the intent that the that it will not impact Library services. She said also the Board of Directors agrees to splitting the balance of the Arabella Rice Trust, offered by Council as a compromise. She said the MOU should look as they saw it at the workshop.

Town Manager Amaral said that for clarification in the letter, 6A of the Memorandum of Understanding, Cash Reserves, will be a gift to the town and addresses that. She said it was left off of the original letter.

**COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE RICE LIBRARY BOARD OF DIRECTORS AND THE TOWN OF KITTERY, SECONDED BY COUNCILOR DENAULT.**

Councilor Thomson asked the second of the motion if he would like to include the date of March 25<sup>th</sup> in the motion so that the town has a date certain.

Councilor Denault agreed.

**COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE RICE LIBRARY BOARD OF DIRECTORS AND THE TOWN OF KITTERY, DATED MARCH 25, 2019, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

Town Manager Amaral requested the Chair that Council sign all three copies of the MOU, one for the Town, one for Library Board of Directors and one for the vault.

d. (030219-7) The Kittery Town Council moves to accept, in principle, the gift of assets from the Rice Public Library and to direct the Town Manager to work with the Library Board of Directors on the legal documentation required for Council execution.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT IN PRINCIPLE THE GIFT ASSETS FROM THE RICE PUBLIC LIBRARY, INCLUDING THE TERMINOLOGY OF THE LETTER FROM GEORGE DOW, TREASURER, TO THE TOWN MANAGER DATED MARCH 25, 2019 AND DIRECT THE TOWN MANAGER TO WORK WITH THE LIBRARY BOARD OF DIRECTORS ON THE LEGAL DOCUMENTATION REQUIRED FOR COUNCIL EXECUTION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH**

**SEVEN IN THE AFFIRMATIVE, NONE IN THE NEGATIVE, MOTION CARRIES.**

e. (030219-8) The Kittery Town Council moves to approve a new Liquor License application from the Hampton Inn & Suites, 275 Route 1, Kittery, Maine.

Chairperson Spiller said that the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE NEW APPLICATION FROM 275 ROUTE 1 LLC FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE HAMPTON INN & SUITES, 275 U.S. ROUTE ONE, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN THE AFFIRMATIVE, NONE IN THE NEGATIVE. MOTION CARRIES.**

f. (030219-9) The Kittery Town Council moves to approve a renewal Liquor License application from the Dance Hall, 7 Walker Street. Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A MALT AND VINOUS LIQUOR LICENSE FOR THE DANCE HALL, 7 WALKER STREET, KITTERY, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.**

g. (030219-10) The Kittery Town Council moves to approve a renewal Special Activity Amusement Permit for the Dance Hall, 7 Walker Street. Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE DANCE HALL, 7 WALKER STREET, KITTERY, MAINE, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH 7 VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.**

h. (030219-11) The Kittery Town Council moves to approve a renewal Liquor License application from Badgers Island Pizza, 3 Island Avenue Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted the necessary inspections and found the establishment to be in compliance with the Kittery Town Code.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A MALT AND VINOUS LIQUOR LICENSE FROM BADGER'S ISLAND PIZZA, 3 ISLAND AVENUE, KITTERY, MAINE, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, MOTION CARRIES.**

i. (030219-12) The Kittery Town Council moves to approve a renewal Victualer's License application from Lexie's Seasonal LLC, 56 Lincoln St. Exeter, NH 03833. Lexie's Seasonal Food Truck has permission from Post Office Square, 10 Shapleigh Road, Kittery to park his Food Truck on April 27, 2019.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FOR A VICTUALER'S LICENSE FROM KERRY CARGILL, LEXIE'S SEASONAL LLC, 56 LINCOLN ST., EXETER, NH FOR LEXIE'S SEASONAL FOOD TRUCK TO PARK THE FOOD TRUCK ON APRIL 27, 2019 AT POST OFFICE SQUARE, 10 SHALEIGH ROAD, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

j. (030219-13) The Kittery Town Council moves to approve a request from the Kittery School's Odyssey of the Mind to fundraise at the Kittery Resource Recovery Facility on Saturday, May 4<sup>th</sup> 2019 from 9:00 am to 4:00 pm. There will 8 to 12 students participating, only 4 or 5 at a time, in shifts with 1 or 2 adults to supervise.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE REQUEST FROM THE KITTERY SCHOOL'S ODYSSEY OF THE MIND TO HOLD A FUNDRAISER AT THE KITTERY RESOURCE RECOVERY FACILITY ON MAY 4, 2019 FROM 9:00 A.M. TO 4:00 P.M., WITH NOTIFICATION TO THE ORGANIZATION THAT THE FUNDRAISING TAKES PLACE IN THE DESIGNATED AREA ON THE PROPERTY, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE. MOTION CARRIES.**

k. (030219-13) The Kittery Town Council moves to approve a request from the Kittery Little League to fundraise at the Kittery Resource Recovery Facility on Saturday, May 18<sup>th</sup> from 9:00 am to 3:00 pm in conjunction with their Tag Day.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE REQUEST FROM THE KITTERY LITTLE LEAGUE TO HOLD A FUNDRAISER AT THE KITTERY RESOURCE RECOVERY FACILITY ON SATURDAY, MAY 18<sup>TH</sup>, 2019, FROM 9:00 A.M. TO 3:00 P.M., IN THE APPROPRIATE LOCATION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.**

l. (030219-14) The Kittery Town Council moves to approve a Municipal Release Deed from DSS LAND HOLDINGS LLC, PO Box 242, York, Maine 03909 for Map/Lot 60-24.

Chairperson Spiller asked the Town Manager if she could give an explanation on this item.

Town Manager Amaral replied that she was requested by the Town Council, when she first arrived, to see if we could better secure the Sowerby property. She said since this is moving forward with plans to develop it for residential use and a hotel, and the property was under foreclosure, in order to transfer the property, Council needs to sign the release deed for outstanding liens. She said the property is being sold tomorrow and demolition of the old building will begin very soon.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE MUNICIPAL RELEASE DEED AS PRESENTED, FROM DSS LAND HOLDINGS, LLC, YORK, MAINE FOR PROPERTY LOCATED AT 459 U.S. ROUTE ONE, KITTERY AND IDENTIFIED AS TAX MAP 60, LOT 24. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE IN THE NEGATIVE, MOTION CARRIES.**

#### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont was approached by constituents regarding traffic between 3:00 pm and 4:00 pm on Rogers Road. He said the bus stops there and lets kids off from the after-school program. He wanted to know if the bus driver could pull up on Goodsoe Road and let the children off closer to the building.

Councilor Lemont appreciated the time the legislative delegation took to be with Council at the workshop. He requested – through the Chair to the Town Manager – that a follow-up letter with Council's concerns be sent to them so it is documented. He believed that they are: Councilor Thomson – DOT Transportation Plan; Councilor Brock – climate change credits; himself – Municipal Revenue Sharing and the Chair mentioned numerous times – can they track LD335, Reimbursement to Host Communities for Retail Marijuana.

Councilor Thomson said it is about 6 months ago, through the Chair to the Town Manager, they implemented 4-hour parking on Walker Street from the ambulance building to Route 1 and wanted to know if the Town Manager could devise a process, maybe someone from the Planning Dept. or the CEO, to survey the businesses in the Foreside as to how many employees are parking, and what days and times they are parking from 6:00 a.m. until 6:00 p.m., Monday through Friday. He is interested in gathering data as he has his suspicions.

Councilor Thomson secondly, about six months ago, the Town Manager was able to get information from DOT and requested a speed limit change on State Road. He wanted to know if DOT has given any further insight on that issue to the Town Manager.

Councilor Thomson said, to follow up on Mr. Gray's comment, 2022 is the 375<sup>th</sup> anniversary of the incorporation of the Town of Kittery. He said Portsmouth is celebrating their 400<sup>th</sup> anniversary of being incorporated in 2023, and they have a Committee that has been working on this for a couple of years now. He said they may want to consider how they want to observe that exciting event in the town.

Councilor Pelletier said he would like to nominate Councilor Thomson as Chair of the 375<sup>th</sup> celebration of the incorporation of the Town of Kittery. Chairperson Spiller said she would second that motion but she would like to amend it that Councilor Thomson would take care of the administrative duties and Bob Gray could take of the ceremony.

Councilor Denault wanted to speak to Workforce Housing. He said that he, Councilor Lemont, Councilor Clark and Councilor Thomson attended the Fair Tide event and he believed the raised \$38,000 for Workforce Housing. He said people are hearing about it.

Councilor Denault said something came up recently and we need to be careful. He showed everyone a photograph of camping sites. He said these are homeless people who are camping in Kittery and he would like the town to talk to them to find out if we can give them better shelter.

Councilor Denault said the crosswalk at Gate 2 of the Shipyard is still not marked. He wanted to know, through the Chair to the Town Manager, if she could look into it and get some signs put up. He said someone had been killed there last year.

Councilor Denault said he learned a lot from the water treatment discussion. He said to look at him, Councilor Lemont and Councilor Thomson – they are losing their hair and maybe that's why. He said they should look into that.

Councilor Denault said also, they should be looking at speed limit signs and deer crossing signs on Cutts Road.

Councilor Denault said they need to stay on top of the bus situation at Dineen's and get an update on what is happening.

Councilor Denault mentioned the recent passing of Janet Thorpe and Genevieve Benton and said their thoughts and hearts go out to the families.

Chairperson Spiller said there was an article in the Portsmouth Herald regarding public access to the beach by the Kittery Land Trust and people need to stay within those boundaries and not trespass.

15. COMMITTEE AND OTHER REPORTS - NONE

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION - NONE

17. ADJOURMENT

**COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:35 P.M., SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION CARRIES.**

Respectfully submitted,

Barbara Boggiano  
Recording Secretary

Approved 9-23-19