

1. Call to Order

Chairperson Beers called the meeting to order at 7:00 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, Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, and Kenneth Lemont.

Absent from the roll call were Vice Chairperson Charles Denault and Judith Spiller.

5. Agenda Amendment and Adoption

Items 10a through 10d. was moved to follow Item 16. The agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

Haley Road Shoulder – The shoulder work should improve the experience for bicyclists and pedestrians; however, the road width will not be widened.

Sewer Betterment Status Update – An overview regarding the status of all sewer betterment accounts was stated. There is one remaining arbitration case to be finalized.

Credit and Debit Card Payment Options – Vehicle registrations can now be paid using a credit or debit card online. In the future, the Town plans to provide credit and debit card payment services at Town Hall and Fort Foster. The payment includes the card transaction costs and the Town loses no funds.

Upcoming Dates – The following upcoming event was announced:

- National Night Out – Tuesday, August 1st, 6:00-8:00 PM, Kittery Community Center

7. Acceptance of Previous Minutes

The regular meeting minutes of June 26, 2017 were adopted, as presented.

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. – None.

10. PUBLIC HEARINGS – See Items 10a through 10d. after Item 16.

11. DISCUSSION – None.
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS – None.
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition – None.
 - b. (070117-5) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$77,027.49.
Town accounts payable of \$37,024.58.
Sewer account payable of \$16,771.31.
Sewer account payable of \$3,205.17.
School accounts payable of \$61,240.65.
School accounts payable of \$338,100.27.
Total of all disbursement warrants of \$533,369.47.

Chairperson Beers stated that the Town and Sewer warrants are in due form. Councilor Pelletier that the School warrants are in due form.

COUNCILOR THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 5/0/0.

c. (070117-6) The Kittery Town Council moves to approve a renewal application from Maine Ocean Lobster LLC, 301 US Route 1, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for The Pointe, 31 Badgers Island West.

COUNCILOR THOMSON MOVED TO APPROVE THE APPLICATION, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

d. (070117-7) The Kittery Town Council moves to authorize the release of funds in the amount of \$1,000 from unassigned funds (unencumbered surplus) as approved by the voters at the June 14, 2016 Town Meeting, and to deposit said funds into account #101740-68427 Expense Self-Insurance Claims, to cover the cost of the deductible for an insurance claim.

COUNCILOR THOMSON MOVED TO AUTHORIZE THE RELEASE OF FUNDS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Thomson questioned whether or not it is beneficial to publish all public notices in the Portsmouth Herald. Ms. Maryann Place, Town Clerk, listed the public locations that the July 10th

public hearings were posted as changed in the Town Charter, which did not include the newspaper. Councilor Dennett noted that public hearings required by state statute must be published in the newspaper.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Beers sought consensus regarding an opinion relating to the draft Comprehensive Plan 2015-2025 to be discussed in the July 24, 2017 meeting and the Council concurred.

b. Committee Reports

A communication from the Port Authority Chair was read highlighting status of current items, including code revisions, the new Harbormaster, moorings data management, and other efforts related to the Port Authority's responsibilities.

16. EXECUTIVE SESSION

a. (070117-9) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6)(E) to discuss a legal matter.

COUNCILOR PELLETIER MOVED TO GO INTO EXECUTIVE SESSION AT 6:00 P.M. WITH THE TOWN MANAGER TO DISCUSS A LEGAL MATTER, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

COUNCILOR THOMSON MOVED TO COME OUT OF EXECUTIVE SESSION AT 6:22 P.M., SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

RECESS – The regular meeting went into recess at 6:23pm and reconvened at 7:00pm.

10. PUBLIC HEARINGS

a. (070117-1) The Kittery Town Council moves to approve a renewal application from Maine Ocean Lobster LLC, 301 US Route 1, Kittery, ME for a Special Activity Amusement Permit for The Pointe, 31 Badgers Island West.

Chairperson Beers opened the floor for anyone wishing to speak for, against, or about the matter. Hearing none; Chairperson Beers closed the public hearing.

COUNCILOR THOMSON MOVED TO APPROVE THE RENEWAL APPLICATION, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

b. (070117-2) The Kittery Town Council moves to ordain and adopt the 2017-18 Sewer Budget.

Chairperson Beers opened the floor for anyone wishing to speak for, against, or about the matter. Hearing none; Chairperson Beers closed the public hearing.

COUNCILOR THOMSON MOVED TO ADOPT THE 2017-18 SEWER BUDGET [REVENUE & EXPENSE AMOUNTS], SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

c. (070117-3) The Kittery Town Council moves to ordain proposed amendments to Title 16 16.3.2.13 Mixed Use MU of the Kittery Town Code.

Chairperson Beers opened the floor for anyone wishing to speak for, against, or about the matter.

Tom Emerson, Economic Development Committee, stated the Committee is in support of the proposed ordinance changes as it will promote mixed use development.

Seeing no one else rise; Chairperson Beers closed the public hearing.

COUNCILOR THOMSON MOVED TO, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER SECTIONS 2.07(3) AND 2.14, HEREBY ORDAINS REVISION TO TITLE 16, §3.2.13.B PERMITTED USES AND §3.2.13.D STANDARDS AS PRESENTED, SECONDED BY COUNCILOR PELLETIER.

Councilor Lemont expressed concerns related to retail use requirements. Chairperson Beers clarified in response to Councilor Lemont that the proposed requirement states the developer provides either a public sidewalk or a right-of-way easement. He stated other concerns relating to development exactions in the proposed language and the Town Attorney's written review.

CHAIRPERSON BEERS MOVED TO AMEND THE PROPOSED DOCUMENT TO DELETE LINES 313-318 BEGINNING WITH "THE DEVELOPER" AND ENDING AT "PEDESTRIAN ACCESS" UNDER PROPOSED 13.6.2.13.D.8, SECONDED BY COUNCILOR DENNETT.

Councilor Thomson expressed a concern for Council members' affiliation to businesses located in the applicable Mixed Use zone and suggested it be postponed to the next regular meeting when all Council members are present.

COUNCILOR THOMSON MOVED TO POSTPONE THE ITEM UNTIL ALL COUNCIL MEMBERS ARE PRESENT IN THE REGULAR MEETING, SECONDED BY COUNCILOR PELLETIER.

Councilor Lemont stated his intentions to abstain from the matter.

THE MOTION TO POSTPONE THE ITEM PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

d. (070117-4) The Kittery Town Council moves to ordain a proposed amendment to Title 10 of the Kittery Town Code, to add §10.2.4 Local Traffic Only No Through Way Designated, as an Emergency Ordinance to expire in 60 days.

Chairperson Beers opened the floor for anyone wishing to speak for, against, or about the matter.

Stephen Tapley, 108 Martin Rd, asked for the definition of local traffic and questioned how the proposed ordinance would be enforced. Town Manager Amaral described what local traffic means. Chief Soucy explained that it can be enforced either as an Ordinance or a State moving

violation. The penalty for the moving violation is \$106.

Several public comments were stated relating to the safety concerns for pedestrians and children playing with speeding motorists in the local streets. Suggestions to help alleviate the speeding issues were made, including adding speed limit signs, adding caution signs, installing speed bumps, and adding stop signs at certain areas and intersections. It was noted in many comments that the vehicles observed have out-of-state license plates. Comments of this nature were stated by the following individuals:

- Suzanne Sayer, 1 Prince Ave
- Doug Greene, 19 Stimson St
- Eleanor Majewski, 11 Stimson St
- Francis Alamia, Rice Ave
- Tom Brown, 3 Langton St
- Kim Borgen, Stimson St
- Drew Fich, Langton St
- Jim Gastle, Stimson St
- Jose Monteiro, 17 Stimson St

Shaye Robbins, 402 Haley Rd, encouraged public participation in the proposed Ordinance with the Kittery Foreside businesses.

Seeing no one else rise; Chairperson Beers closed the public hearing.

Chairperson Beers provided responses to the public comments, including the follow statements:

- The proposed Ordinance would apply to Prince Ave.
- Speed bumps are typically not favored by first responders as it impedes accessibility.
- This is a temporary measure to address traffic issues. The Town is currently working on a larger effort to address traffic for the entire area.

COUNCILOR THOMSON MOVED TO, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER §2.15, HEREBY ORDAINS TITLE 10 BE AMENDED TO INCLUDE §10.2.4 “LOCAL TRAFFIC ONLY NO THROUGH WAY DESIGNATED” AND SUCH AMENDMENT SHALL BE EFFECTIVE IMMEDIATELY AND SUCH EMERGENCY ORDINANCE SHALL EXPIRE 61 DAYS FOLLOWING ADOPTION UNLESS ADOPTED AS AN ORDINANCE IN ACCORDANCE WITH TOWN CHARTER §2.14, AS PRESENTED, SECONDED BY COUNCILOR PELLETIER.

Councilor Lemont spoke about the traffic issues he has observed in the area. He encouraged the Town Manager to continue having conversations with the Portsmouth Naval Shipyard staff to develop a long-term solution. Councilor Thomson stated the proposed Ordinance will help to address the traffic issues temporarily. He encouraged a more comprehensive solution for the whole Town. Town Manager Amaral noted that the proposed Ordinance is a trial measure to address the concerns. Councilor Dennett stated the amendment is not well written and suggested to address the entire area in another meeting.

COUNCILOR THOMSON AMENDED THE MAIN MOTION TO ADD LANGTON ST AND REPLACE “WESTERLY” WITH “EASTERLY” AT LINE 444, SECONDED BY COUNCILOR PELLETIER.

Town Manager Amaral clarified that Langton St was omitted with the intent of minimizing the amount of signage that would be added.

THE MAIN MOTION WAS AMENDED BY ROLL CALL VOTE 4/1/0, WITH COUNCILOR DENNETT OPPOSED.

COUNCILOR THOMSON MOVED TO POSTPONE ACTION ON THE AMENDED MOTION UNTIL JULY 24, 2017, SECONDED BY COUNCILOR LEMONT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 5/0/0.

17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 7:51 P.M., SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 5/0/0.

Submitted by Marissa Day, Minutes Recorder, on July 17, 2017.

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>.