

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, Vice Chairperson Charles Denault, Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Judith Spiller, and Kenneth Lemont.

5. Agenda Amendment and Adoption

Item 13d was withdrawn and the agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

**FEMA Flood Maps** – This initiative started in 2014 and will impact between 60-80 properties in Town. The Town committed \$20,000 to appeal the revised maps. A proposal was received from Ransom to assist communities in the appeal process in the amount of \$210,000, which would be split amongst 7 out of 8 communities. She sought guidance as to whether or not the Town should proceed with the appeal.

**Crosswalk Signal at Walker and Route 1** – The crosswalk signal is timed properly and accurate. An exclusive pedestrian signal would have to be installed in order to address the concerns raised about timing and would drastically change the flow of that intersection. Further guidance from MDOT is forthcoming.

**Memorial Circle Improvements** – The project will begin in about two weeks. This project will add sidewalks and make other improvements. Most of the construction will occur during the night shift. Dispatch will have the appropriate contact information to address inquiries and concerns during construction.

**Transportation Planning and the Navy Shipyard** – The Town is working with PNSY staff to seek a Joint Land Use grant through the Office of Economic Adjustment (OEA). It would fund a broad transportation management plan.

**Business Park Study** – Zoning changes would be required to see development in this area. It is a site with several wetlands and vernal pools. It should be considered on whether or not to pursue development in that area. The KOSAC can help to develop a diverse dialogue of what could occur in that area.

**National Night Out** – The National Night Out in Kittery will be August 1<sup>st</sup>, 4:00 PM to 8:00 PM at the Kittery Community Center, 120 Rogers Road.

**Upcoming Dates** – The following upcoming events were announced:

- Nomination Forms Available - Beginning August 16<sup>th</sup>, Town Clerk's Office

Town Manager Amaral replied to Chairperson Beers that the FEMA maps appeal process will begin soon. He asked for further information regarding the additional funding required. Town Manager Amaral replied to Councilor Spiller the notifications that were sent to the property owners in 2014. Councilor Spiller encouraged the Town to perform outreach with the property owners that will be impacted.

Councilor Thomson asked for a list of roads and intersections that the Council cannot unilaterally make decisions about.

7. Acceptance of Previous Minutes

The regular meeting minutes of July 10, 2017 were adopted, as amended, with Councilor Spiller abstaining.

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 – None.

11. DISCUSSION

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

Ann Grinnell, 5 Stimson Street, noted that a parking ticket in the Foreside is \$15 and asked if a fee increase has been considered.

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

- c. Chairperson's response to public comments

Town Manager Amaral took note of that consideration for the upcoming ordinance amendment.

12. UNFINISHED BUSINESS

- a. (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

**THE MOTION MADE BY COUNCILOR THOMSON, SECONDED BY COUNCILOR PELLETIER, ON JULY 10, 2017 TO AMEND THE PROPOSED DOCUMENT RETURNED TO THE FLOOR.**

Chairperson Beers said that there are several serious technical issues related to development exactions to property owners. He suggested the legal requirements to satisfy Supreme Court case law.

**THE MOTION PASSED BY ROLL CALL VOTE 5/2/0, WITH COUNCILORS THOMSON AND SPILLER OPPOSED.**

**THE MAIN MOTION MADE BY COUNCILOR THOMSON, SECONDED BY COUNCILOR PELLETIER, ON JULY 10, 2017 RETURNED TO THE FLOOR. THE MAIN MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

b. (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.

**THE AMENDED MAIN MOTION MADE BY COUNCILOR THOMSON, SECONDED BY COUNCILOR PELLETIER, ON JULY 10, 2017 RETURNED TO THE FLOOR.**

Town Manager Amaral noted the revised document provided includes technical revisions.

**COUNCILOR THOMSON MOVED TO REPLACE COUNCIL ACTION ON THE JULY 10, 2017 WITH THE REVISED DOCUMENT DATED JULY 24, 2017 WITH THE ADDITION OF 446 UNDERLINED TO READ LANGTON, SECONDED BY COUNCILOR SPILLER.**

Councilor Dennett suggested to amend the motion to indicate the following at lines 444-445: Water St, between intersection of Rice Ave and the intersection of Newmarch St. The maker of the motion and seconder concurred.

**VICE CHAIRPERSON DENAULT MOVED TO AMEND THE DOCUMENT DATED JULY 24, 2017 TO INCLUDE WATER ST, COMMERCIAL ST, PLEASANT ST, AND COTTLE LANE.**

Councilor Dennett objected to the consideration because it did not have the benefit of a public hearing and Chairperson Beers ruled the motion not in order.

**VICE CHAIRPERSON DENAULT MOVED TO POSTPONE ACTION UNTIL THE NEXT REGULAR MEETING. SINCE THERE WAS NO SECOND, THE MOTION WAS NOT DISCUSSED.**

The Council discussed the intent of the emergency Ordinance is to implement a pilot program. It will be evaluated to determine whether the concept improves safety and reduces traffic.

**THE MOTION TO AMEND THE MAIN MOTION PASSED BY A UNANIMIOUS ROLL CALL VOTE 7/0/0.**

**THE MAIN MOTION PASSED BY A ROLL CALL VOTE 6/1/0, WITH COUNCILOR DENNETT OPPOSED.**

**13. NEW BUSINESS**

**a. Donations/gifts received for Council disposition**

(070217-1) The Kittery Town Council moves to accept a donation in the amount of \$30 from Beverly A. Lord to be deposited in account #2063-43600 KCC Fundraising.

**VICE CHAIRPERSON DENAULT MOVED TO ACCEPT THE DONATION, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

b. (070217-2) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$17,204.04.  
Town accounts payable of \$61,912.29.  
Town accounts payable of \$28,966.00.  
Sewer account payable of \$11,628.36.  
Sewer account payable of \$17,232.56.  
School accounts payable of \$34,278.62.  
School accounts payable of \$112,833.14.  
Total of all disbursement warrants of \$284,055.01.

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 7/0/0.**

c. (070217-3) The Kittery Town Council moves to schedule a public hearing for August 14, 2017, in accordance with Sec. 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts and carry forward requests.

**COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

*d. Item withdrawn.*

e. (070217-5) The Kittery Town Council moves to appoint Suzanne Sayer to the Registration Appeals Board as nominated by the Democratic Party until 12/31/18.

**COUNCILOR THOMSON MOVED TO APPOINT SUZANNE SAYER, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

f. (070217-6) The Kittery Town Council moves to appoint Patricia Moore as Acting Town Manager from August 7-11, 2017 during the Town Manager's absence.

**COUNCILOR THOMSON MOVED TO APPOINT PATRICIA MOORE AS ACTING TOWN MANAGER, SECONDED BY COUNCILOR PELLETIER.**

Town Manager Amaral confirmed this was staff's recommendation. Chairperson Beers noted both the Town Manager and Town Clerk will be absent from August 7-11, 2017.

**THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

g. (070217-7) The Kittery Town Council moves to discuss a resolution regarding the

Economic Impacts of the combined courthouse in York County.

Councilor Dennett described the fiscal impact of the initiative on Kittery residents. He stated in opposition of the courthouse being relocated. Vice Chairperson Denault echoed that statement and noted the additional costs to the Police Department. The Council reached consensus to make a formal consideration for a resolution in the August 14, 2017 regular meeting. Councilor Spiller noted that consultation from the district representative would be helpful.

**14. COUNCILOR ISSUES OR COMMENTS**

Councilor Thomson described the communications he received regarding potential uses for the Safford School building and suggested a workshop to be held on September 12, 2017 to discuss further on the matter.

Vice Chairperson Denault requested an update regarding an Ordinance review for LED lighting. He suggested restarting the Energy Committee. He noted a complaint was received that people driving Town vehicles have been sighted smoking, using their phone and drinking coffee. He recognized those who have recently passed.

**15. COMMITTEE AND OTHER REPORTS**

**a. Communications from the Chairperson**

A workshop on July 31st at 5:30pm will be held to discuss Charter amendment proposals.

A notice from the Police Department was announced indicating that the Shaw Brothers Construction, Inc., in conjunction with the Maine Department of Transportation, will be temporarily closing the Route 1 Bypass in Kittery from the intersection of State Road to the intersection of Bridge Street from August 7, 2017 through August 28, 2017 for road work on the Route 1 Bypass. Traffic will be detoured via State Road, Government Street and Bridge Street for the duration.

The Planning Board forwarded the draft 2015-2025 Comprehensive Plan to Council for consideration and requested that it be voted on August 28<sup>th</sup> to be placed on the ballot for the November election. Chairperson Beers called for each Councilor to state whether or not it would be reviewed in the requested timeline. The majority of Council stated it would not be feasible.

**b. Committee Reports – None.**

**16. EXECUTIVE SESSION**

a. (070217-4) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (A) to discuss a personnel matter.

**COUNCILOR SPILLER MOVED TO GO IN TO EXECUTIVE SESSION AT 7:55 P.M. WITH THE TOWN MANAGER TO DISCUSS A PERSONNEL MATTER, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**COUNCILOR THOMSON MOVED TO COME OUT OF EXECUTIVE SESSION AT 8:00 P.M., SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A**

**UNANIMOUS ROLL CALL VOTE 7/0/0.**

17. ADJOURNMENT

**COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 8:01 P.M.,  
SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A  
UNANIMOUS VOICE VOTE 7/0/0.**

Submitted by Marissa Day, Minutes Recorder, on July 31, 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>.*