

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, Russell White, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

5. Agenda Amendment and Adoption

Chairperson Beers requested to add Item 12k to read as follows: “The Kittery Town Council moves to approve Kittery Community Market’s request to hang two banners: one at Post Office Square from May 23, 2016 to October 5, 2016; and, one over Rogers Road in front of the Kittery Community Center, on or about May 23, 2016, for the season, to be replaced as necessary for other approved banners; and, its request to place directional signs at 20 locations around Kittery and Kittery Point, to direct people to the Market each week from June 4, 2016 to October 2, 2016.”

Agenda was adopted as amended.

6. Town Manager’s Report

Town Manager Granfield reviewed her written report.

New Police Chief – All information regarding the background check on Mr. James Soucy has been completed. Mr. Soucy will begin work on Monday, May 16, 2016 and his swearing in ceremony is scheduled that afternoon in the Council Chambers. All are welcome to attend the ceremony. Mr. Soucy has been encouraged to attend the next Town Council regular meeting.

Chief Short Retirement – Chief Short will assist transitioning his duties to the new Police Chief on May 16, 2016. His retirement ceremony will be held on May 20, 2016 from 3:00-5:00pm in the Kittery Community Center STAR Theatre.

Portsmouth Naval Shipyard Traffic – Chief Short and Town Manager Granfield had a positive meeting that provided alternative suggestions to mitigating traffic. A memorandum of understanding is underway. The bridge work at Gate 1 is almost complete and Gate 1 will be closed from June – August, except during peak traffic times.

Japanese Visitors – The visitors Japan had a positive experience. The Council and department heads were involved in various aspects.

Town Council Training Session – The training session will be held on May 10, 2016 at 4:30pm in the large conference room.

Cable – An official letter of request was sent to Comcast for an additional channel. Once final approval has been made, the staff can work on running the live channel and establishing a studio at the Kittery Community Center.

Crosswalk – The commissioner of public works will review the area at the end of Rte 103 to add a crosswalk once the overlay is complete.

Arbitration – The arbitrator concluded that the Town did not violate a collective bargaining agreement during the termination of an employee.

John Paul Jones Park – A report was included in the agenda packet regarding the agreement for Kittery to assume ownership of John Paul Jones Park. Mr. Norman Albert was present to entertain questions on the topic. The maintenance agreement has ended and thus, a new interim agreement is being pursued. The Town does not have full funding for maintenance and will seek an agreement with the State to cover major costs.

Streetlights – The Police Department can address issues with streetlights.

Website – Updates and corrections to the website have been underway. The staff are exploring options to assist with administrative duties to include part-time assistance on an interim base.

Town Manager Granfield reported items not included in her written report.

Spruce Creek – The motion to approve funding for the proposed 2016 Spruce Creek Sampling Project was put on hold in April. Since then, most of the questions from Town Council and staff have been answered.

Sewer Betterment Workshop – One of the charges from the Town Council to Town Manager Granfield was to proceed with evaluating the various options. The residents provided great information and Town Manager Granfield felt a resolution can soon be proposed. Until then, sewer billings will not be sent.

Chairperson Beers asked the precise location of the proposed sidewalk on Rte 103. Mr. Albert explained it lies at the property abutting the Fort McClary light tower. The plan includes connecting that sidewalk to Crockett Neck Road. It will be directed across the street so that pedestrians walking towards Town center will face traffic.

Chairperson Beers requested that a written report to include responses to staff and Town Council questions to FB Environmental – Spruce Creek Issues be provided before Council takes action on the project.

Councilor Dennett requested that the agreement referenced in the report from Mr. Albert be provided..

Vice Chairperson Denault requested to Town Manager Granfield to add a quick link on the website for reporting street light issues.

Councilor Spiller asked Town Manager Granfield to confirm her statement in that no betterment

bills would be released until a resolution was found. Town Manager Granfield confirmed in the affirmative. She explained that it would be best to review all the various options discussed at the workshop before sending out billings. Councilor Thomson added that once a solution has been identified, a public hearing and appeal process would take place.

Councilor White asked whether the topic discussed regarding John Paul Jones park avails itself to an agenda item for next regular meeting. Town Manager Granfield responded that it should be and once communication is received from the State, then Town Council can proceed with discussion or action.

7. Acceptance of Previous Minutes

Special Meeting 3/9/2016

Hearing none; the minutes were amended as adopted.

Regular Meeting 4/11/2016

Line 83, 112, 117 – replace “Fritzy” with “Fritzsche”
Line 146 – replace “prosay” with “pro se”
Line 180 – replace “Councilor” with “Council”
Line 194 – replace “Way” with “Road”
Line 294-295 – Add the motion and voting of Item 13a.
The minutes were amended as adopted.

Regular Meeting 4/25/2016

Line 77 – replace “mehtod” with “method”
Line 137 – replace “Braveheart” with “Brave Boat Harbor”
The minutes were amended as adopted.

8. Interviews for the Board of Appeals and Planning

Planning Board until 11/30/2016

- Brett Costa

Mr. Costa explained his experience and background relevant to the Planning Board interview. He has been involved in the Board of Appeals for 14 years. It was his sincere wish and hope for all to put differences aside and come up with good ideas for the Town. He wished only good for the Town and planned to be a long-term resident. He felt that each relationship is built on those involved with no outside influences. He felt his background qualifies himself in the areas that Planning Board deals with and would like to serve in that fashion.

The interview was opened up to the Council for questions.

Councilor Dennett asked if Mr. Costa serves on any other boards. Mr. Costa indicated he sits on the Comprehensive Plan Committee.

Councilor Spiller asked to explain the role of the Planning Board. Mr. Costa replied the Planning Board formulates ideas to steer the direction of the Town. What the comprehensive planning committee proposes is dependent on what the Planning Board would acquire and put to action.

Councilor Spiller asked how Mr. Costa would react when faced with an ordinance that he doesn't

agree with. Mr. Costa responded that after 14 years on the Board of Appeals, he has learned to try and remove his own biases and focus in a neutral fashion with respect to rules and laws of the State to make a decision he is comfortable with. Mr. Costa confirmed to Councilor Spiller that he would vote in line with the ordinance regardless of how much it didn't agree with his personal opinion.

Vice Chairperson Denault asked if Mr. Costa is comfortable with a short appointment until November. Mr. Costa replied in the affirmative.

Vice Chairperson Denault asked to describe how Mr. Costa would respond in a conflict of interest. Mr. Costa replied that he would recuse himself if it was a decision he could not get past. Vice Chairperson Denault asked if Mr. Costa would clearly state that there was an organizational conflict of interest in that type of situation. Mr. Costa replied yes.

Councilor White asked if the Planning Board meeting interfere with his job. Mr. Costa replied no.

Councilor White asked if Mr. Costa can attend all the meetings. Mr. Cost replied yes, and that the site walks may have to be scheduled on his own time.

Councilor White explained that site walks are noticed public meetings and conducted like a mobile Planning Board meeting. He asked if Mr. Costa attended site walks on Board of Appeals. Mr. Costa explained that site walks were available on the Board of Appeals, but attended only a few since he usually knew the properties that were involved. He added that he is familiar with the rules of site walks.

Councilor White asked if there were any instances where Mr. Costa felt he did not follow the proper procedure or ordinance. Mr. Costa replied no. He added that there was one decision that perhaps not everyone agreed with. He stated his reasoning in that decision was based on the parameters of the maximum value did not equate to reasonable value. He felt the status quo of variance decisions in the Town has been if you can "put a picnic table on it, it is a reasonable return". He planned to apply the same values to minimum return as to maximum return.

Councilor White asked what type of training he received from the Board of Appeals. Mr. Costa was able to attend a couple seminars.

Councilor White asked whether Mr. Costa would you apply the law's interpretation versus personal knowledge. Mr. Costa replied yes.

Councilor White asked if Mr. Costa would be comfortable voting in a manner contrary to own personal opinion. Mr. Costa replied yes. He added that he has gained experience with this through his time serving the Board of Appeals.

Vice Chairperson Denault noted that in 14 years Mr. Costa has been appointed to several councils. In that entire period, Vice Chairperson Denault asked if he only voted once opposed. Mr. Costa confirmed yes.

Councilor Thomson felt that Mr. Costa's response to Councilor Spiller and Councilor White appeared contradictory. He further explained that in a decision made last year, Mr. Costa was comfortable voting in the affirmative to a situation that was contrary to existing case law. Mr.

Costa replied that variances are given out sparingly. In his experience there was no variance granted.

Vice Chairperson Denault asked to clarify the voting on the particular decision Councilor Thomson referred to. Mr. Costa replied it was a 5-1-1 voting with himself in the affirmative.

A MOTION WAS MADE BY COUNCILOR DENAULT TO APPOINT BRETT COSTA TO THE PLANNING BOARD TO A TERM EXPIRES ON 11/30/2016, SECONDED BY COUNCILOR DENNETT.

Councilor White noted that Mr. Costa has not been approved by the Town Council for this appointment twice in the past. This reminded him of Mr. Brock who had a similar situation. In that overall assessment of that time period, the Town Council has not followed its responsibility to place the most qualified candidate on the Planning Board. Nonetheless, Mr. Costa has given service to the Town and appears in good faith. He regretted that Mr. Brock did not apply and that the Planning Board needs someone with his qualifications. Councilor White wanted the Town Council to weigh all the applicants and was inclined to vote in favor of Mr. Costa knowing the term is short and paying attention to any concerns that could arise.

Councilor Lemont admired Mr. Costa's application. He felt that Town Council should review the applicant process to be more effective since he felt it isn't right to have applicants come before the Town Council.

ROLL CALL WAS TAKEN WITH COUNCILOR SPILLER OPPOSED. MOTION CARRIED 6/1/0.

Chairperson Beers indicated Mr. Costa needed to see the Town Clerk to take his oath of office.

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

a. (050116-1) The Kittery Town council moves to receive a presentation of the FY'17 Municipal Budget from the Interim Town Manager.

Town Manager Granfield's presentation included the following statements:

- Town Manager Granfield noted that Town Manager Puff started the budget process and she finished the modifications with the help of the Finance Director.
- Budget Overview
 - Overall expenditures are projected to increase 2%, which excludes the new debt
 - School Dept. Tax Appropriation request increased by 2.18% over FY 2016. A presentation by the School department was delivered recently.
 - The school expenses at 56% of the budget is a reasonable amount.
 - Non-tax revenues are projected to increase by 2.9%
 - Municipal benefits are projected to increase. This is attributed to increases in health insurance. She added that a change in insurance coverage from employee to family is an additional \$20,000.
 - Tax rates are projected to increase by \$0.22 per \$1,000 assessed value which is about \$101 per year.

- Debt increased by \$243,000 (or 2% of the total), which was voted on. This ranged from Capital Improvements for facilities, road infrastructure, and capital improvements.
- Salaries and Wages for most Bargaining Contracts are increased by 2.25%. This attributed to the new Police Chief converting to a full-time position. Also, Town Manager search consulting fees and benefits continue to rise.
- There have been several proposals to increase some positions within the departments from part-time to full-time. There has been no in depth study of those positions and it is recommended that be reviewed. Some of them are union related which would then have to be reviewed by the union as well.
- Source of revenue
 - The largest source of revenue is expected to come from property taxes
- Revenue Sharing & Property Taxes
 - Maine State Revenue is slightly increasing
 - In 2008, there was a change in State of funding which decreased. Property tax is on the rise.
- 2016 Total valuation vs. population
 - Kittery is comparable to Wells in population, yet Wells has a greater tax base. Conversely, in Eliot the tax base is half of Kittery's.
- Average Single family tax bill
 - The tax year is proposed at \$15.89 per \$1,000 assessed value equating to an average tax bill of \$5,117 per year.
- Unassigned fund balance
 - The Towns' policy is to maintain an amount to cover 2-2½ months of expenses for operations. We have met that criteria. If the balance drops below this threshold, the capital program budgets would be utilized.
- Budgeted expenditures
 - Municipal Salaries and benefits account for approximately 56%, which is reasonable given the standard ratio is 60%.
- Budget employee benefits
 - The total benefits and medical expenses has consistently increased in the past.
- Departmental budgets
 - Administration department proposed an increase.
 - Town Council has a large budget, which is not increasing. This covers the costs associated for conducting the Town Council meetings.
 - Elections budget expect to increase with the presidential elections forthcoming
 - County Tax expect to decrease slightly
 - Assessing is a part of the Planning department. The Town had a contractual service and this seems to work fine
 - Debt and Interest increase is due to the bonds that were approved.
 - Police department expect an increase in budget mainly due to full-time Police Chief versus part-time shared Police Chief. One of the staffing requests was to move an administrative position to full-time, which will be considered in the middle of next fiscal year.
 - Fire department expect to increase their operations and maintenance budget for pay and bonuses.
 - Highway with DPW carried forward \$10,000 of unused funds mainly due to snow

- removal and replacement and technical training operations and highway
- Parks expect no significant changes.
- Community agencies expect a slight decrease.
- Planning/Code has a fairly similar budget with no significant changes. There is a position that spends 13 hours on Shoreland and the rest with Enforcement. It has been a part-time position and could warrant a full-time position.
- Library expect the usual maintenance for only normal operations and maintenance
- Recreation has accomplished a lot with the Kittery Community Center. The increase in part-time staff and has been absorbed within department.
- Port Authority consists of general operations, maintenance, and replacement of facilities
- Resource Recover Facility has decreased by about \$30,000. This was based on an assessment of what was actual spent in years past.
- Debt and school debts shows expirations expected in the years 2024, 2027, and 2028.
- Single family tax bill has been \$15.22 in FY13, \$15.52 in FY14, \$15.67 in FY15 per \$1,000 assessed value.
- Summary
 - The proposed budget is fairly balanced.

Vice Chairperson Denault inquired on the part-time positions that were requested to be full-time and expressed his concern for one situation in particular. Town Manager Granfield clarified that all the positions discussed were requested, but not recommended. Vice Chairperson Denault mentioned there is a position currently without a job description. Chairperson Beers recommended that the situation be raised outside the meeting to allow Town Manager Granfield enough time to properly respond. He added that the Shoreland Resource Office position was established in 2010. Town Manager Granfield responded that she can research the situation. She suggested that revising the process would be positive. She felt that a position in human resources is imperative for the size that the Town is. Whether the position in question was added the proper way would be best answered by the hiring officials at that time. Chairperson Beers felt that the technical protocol should be followed.

Councilor White thanked Town Manager Granfield for the good budget proposal.

Councilor Thomson equated the tax increase to 1.4%.

Chairperson Beers noted that the portion of the school budget was nearly 70% and now it is 56%. In the past, this department experienced no decreases, where the town had. The school would receive the funds they requested which is a positive situation.

Chairperson Beers stated that Kittery accounts for the lowest number of Town employees per capita in Maine. His calculations suggest that an additional 38 employees would be necessary to meet the average ratio. He felt the Town has an understaffed and overburdened workforce that still provides quality services. In his opinion, this shows that the Town is in need of more staff assistance.

10. PUBLIC HEARINGS

- a. (050116-2) The Kittery Town Council moves to hold a public hearing on the

application of Fahrenheit 225 LLC, 183 Webber Ae, Lewiston, Maine for a Victualer's for Fahrenheit 225, 10 Shapleigh Road, Post Office Square.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public comment.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE APPLICATION OF FAHRENHEIT 225 LLC, 183 WEBBER AE, LEWISTON, MAINE FOR A VICTUALER'S FOR FAHRENHEIT 225, 10 SHAPLEIGH ROAD, POST OFFICE SQUARE, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

b. (050116-3) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2016-2017."

Notice of the public hearing was posted on April 21, 2016. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND HEREBY ORDAIN IN ACCORDANCE WITH THE SEPARATE APPROVAL REQUIREMENT OF TITLE 20-A, SECTION 671-A(5)(B) THAT \$3,067,988.80 BE RAISED AND APPROPRIATED IN ADDITIONAL LOCAL FUNDS, WHICH EXCEEDS THE STATE'S ESSENTIAL PROGRAMS AND SERVICES ALLOCATION MODEL BY \$2,815,855.99 AS REQUIRED TO FUND THE BUDGET RECOMMENDED BY THE SCHOOL COMMITTEE, SECONDED BY CHAIRPERSON BEERS. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

c. (050116-4) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2016-2017."

Notice of the public hearing was posted on April 21, 2016. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE AND HEREBY ORDAIN AN ORDINANCE ENTITLED "ORDINANCE APPROVING SCHOOL BUDGET FOR FISCAL YEAR 2016-2017" IN THE TOTAL AMOUNT OF \$16,197,842.91 WITH ALL ELEVEN SUB CATEGORIES ORDAINED AS PRESENTED, SECONDED BY COUNCILOR DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

d. (050116-5) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts."

Chairperson Beers asked whether, with \$0.00 to be transferred, the ordinance is a technical necessity. Superintendent Hutton responded affirmatively.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers

closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND HEREBY ORDAIN THAT THE SUM OF \$0.00 BE TRANSFERRED FROM THE SCHOOL'S AUDITED 2014-2015 FISCAL YEAR UNDESIGNATED GENERAL FUND BALANCE AND BE EXPENDED AS PRESENTED.

A MOTION WAS MADE BY COUNCILOR THOMSON TO POSTPONE THE APPROVAL AND ORDAINMENT ENTITLED ORDINANCE THAT THE SUM OF \$0.00 BE TRANSFERRED FROM THE SCHOOL'S AUDITED 2014-2015 FISCAL YEAR UNDESIGNATED GENERAL FUND BALANCE AND BE EXPENDED AS PRESENTED TO REGULAR MEETING MAY 23, 2016 OR JUNE 13, 2016 IF ADDITIONAL PUBLIC NOTICE IS NECESSARY, SECONDED BY CHAIRPERSON BEERS. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO RECONSIDER ITEM 10D, SECONDED BY COUNCILOR WHITE. THE MOTION MADE BY COUNCILOR THOMSON RETURNED TO THE FLOOR.

The school superintendent clarified that the audit report read that the remaining funding from FY15 was carried forward which resulted in the \$0.00 balance. She thanked the Town Council for their perseverance.

ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

11. DISCUSSION

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

Tricia Robillard

Ms. Robillard thanked the Town Council for holding the Sewer Betterment Public Forum. She understood that the budgeting cycle is underway and reminded the need for additional funding towards the sewer project. She hoped that Town Council keep the public informed of any information regarding the grant application referenced at the public forum. She was encouraged by Town Council for re-evaluating the allocation.

Kathryn Hawkes

Ms. Hawkes felt the Sewer Betterment Public Forum was a productive meeting. She appreciated the clarification that bills will not be sent until the situation is addressed. It is important to keep the budget in line with what was discussed at the forum. The timing of the budget and sewer project discussions may pose an opportunity for a solution to be had.

Shawn Harris

Mr. Harris clarified his statement in the April 25, 2016 Town Council meeting that the focus of attention to the strengths and weaknesses ought to be geared towards the Town employees. He felt that if one fails to learn from their failure, they are doomed to repeat their failures.

Mr. Harris questioned the bid processes utilized in the past and highly encouraged competitive bidding. He requested a breakdown of past projects and how many were special procurement or

competitive bid.

Mr. Harris suggest that there be a well-established formula for the betterment fee. Once the costs are finalized, the best methods for containing costs is to continuously adjust. He felt that the project should have been monitored as it evolved, rather than at the end. The efficient method would be the application for progress methods.

Brett Costa

The feedback from the citizens is good and not good. Mr. Costa stated his wish that the hearing process should start tonight. He thanked the Town Council for their work involving the matter.

- b. Response to public comment directed to a particular Councilor – None.
- c. Chairperson’s response to public comments

Chairperson Beers responded to Ms. Robillard noted that during the budgeting process one of the voted items was the warrant article. As a result of the enactment of that bond referendum, which stated it would not increase the taxes or sewer rate, allocating appropriations from the annual budget to the sewer project is not in order. Over 20 years of that bond, we have means in annual capital improvement and debt service profile to address in an improved fashion. He appreciated the sentiment for the Town Council giving attention to working a solution.

Chairperson Beers informed Mr. Harris that the selection of the Town Manager received three proposals from three different firms. Town Council will have a brief special meeting on Monday, May 16, 2016 to respond to questions. He added that the sewer project included 33 companies on the invitation to bid of which 23 responded and 7 submitted a bid. Of all the sewer projects since 1984, a total of 12 were competitively bid. The cost details are readily available and can be provided by the Finance Department.

Chairperson Beers thanked Mr. Costa for his comment.

- 12. UNFINISHED BUSINESS – None.
- 13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition – None.
 - b. (050116-5) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$93,612.16.
Sewer account payable of \$19,626.22.
School accounts payable of \$364,045.62.
Total of all disbursement warrants of \$477,284.00.

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. MOTION
CARRIED BY VOICE VOTE 7/0/0.**

c. (050116-6) The Kittery Town Council moves to approve a renewal application from WLH Management Corp., 149 Mendums Landing, Barrington, NH for a Malt, Spirituous and Vinous Liquor License for Warrens Lobster House, 11 Water Street.

A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE A RENEWAL APPLICATION FROM WLH MANAGEMENT CORP., 149 MENDUMS LANDING, BARRINGTON, NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WARREN'S LOBSTER HOUSE, 11 WATER STREET, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

d. (050116-7) The Kittery Town Council moves to approve a renewal application from Chios Pizza Inc., 49 Griffin Road, Portsmouth, NH for a Malt Liquor License for Town Pizza Restaurant, 15 Wentworth Street.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM CHIOS PIZZA INC., 49 GRIFFIN ROAD, PORTSMOUTH, NH FOR A MALT LIQUOR LICENSE FOR TOWN PIZZA RESTAURANT, 15 WENTWORTH STREET, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

e. (050116-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the KCC Board of Directors to interview Kent Stephens for his re-appointment to that board until 12/31/2019.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT KENT STEPHENS FOR HIS RE-APPOINTMENT TO THAT BOARD UNTIL 12/31/2019 WITHOUT THE BENEFIT OF A RE-INTERVIEW, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

f. (050116-9) The Kittery Town Council moves to appoint David Lincoln to the Economic Development Committee as a citizen representative until 12/31/2016.

A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT DAVID LINCOLN TO THE ECONOMIC DEVELOPMENT COMMITTEE AS A CITIZEN REPRESENTATIVE UNTIL 12/31/2016, SECONDED BY COUNCILOR THOMSON. ROLL CALL TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION CARRIED 6/1/0.

g. (050116-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 a.m. and the closing at 8:00 p.m. for the June 14, 2016 State Primary, Town Meeting, and School Budget Validation Referendum Elections as recommended by the Town Clerk.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT JOYCE TOBEY AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN AND THE OPENING OF THE POLLS AT 8:00 A.M. AND THE CLOSING AT 8:00 P.M. FOR THE JUNE 14, 2016 STATE PRIMARY, TOWN MEETING, AND SCHOOL BUDGET VALIDATION REFERENDUM ELECTIONS AS RECOMMENDED BY THE TOWN CLERK, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR.

MOTION CARRIED 7/0/0.

h. (050116-11) The Kittery Town Council moves to sign the warrant for the June 14, 2016, School Budget Validation Referendum Election.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN THE WARRANT FOR THE JUNE 14, 2016, SCHOOL BUDGET VALIDATION REFERENDUM ELECTION, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

i. (050116-12) The Kittery Town Council moves to sign the warrant for the June 14, 2016, Annual Town Meeting/Secret Ballot vote.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN THE WARRANT FOR THE JUNE 14, 2016, ANNUAL TOWN MEETING/SECRET BALLOT VOTE, SECONDED BY COUNCILOR DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

j. (050116-13) The Kittery Town Council moves to schedule June 13, 2016 for a public hearing to vote on the FY'17 Municipal and Adult Education Budgets.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE JUNE 13, 2016 FOR A PUBLIC HEARING TO VOTE ON THE FY'17 MUNICIPAL AND ADULT EDUCATION BUDGETS, SECONDED BY CHAIRPERSON BEERS. MOTION CARRIED 7/0/0 BY VOICE VOTE.

k. (050116-14) The Kittery Town Council moves to approve Kittery Community Market's request to hang two banners: one at Post Office Square from May 23, 2016 to October 5, 2016; and, one over Rogers Road in front of the Kittery Community Center, on or about May 23, 2016, for the season, to be replaced as necessary for other approved banners; and, its request to place directional signs at 20 locations around Kittery and Kittery Point, to direct people to the Market each week from June 4, 2016 to October 2, 2016.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE KITTERY COMMUNITY MARKET'S REQUEST TO HANG TWO BANNERS: ONE AT POST OFFICE SQUARE FROM MAY 23, 2016 TO OCTOBER 5, 2016; AND, ONE OVER ROGERS ROAD IN FRONT OF THE KITTERY COMMUNITY CENTER, ON OR ABOUT MAY 23, 2016, FOR THE SEASON, TO BE REPLACED AS NECESSARY FOR OTHER APPROVED BANNERS; AND, ITS REQUEST TO PLACE DIRECTIONAL SIGNS AT 20 LOCATIONS AROUND KITTERY AND KITTERY POINT, TO DIRECT PEOPLE TO THE MARKET EACH WEEK FROM JUNE 4, 2016 TO OCTOBER 2, 2016 SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor White suggested that the consultants for the Comprehensive Plan 2015-2015 schedule with Town Council a presentation as soon as possible since it will eventually come back to Council for approval later in the year.

The next Comprehensive Plan 2015-2015 Public Forum will be held on Saturday, June 11, 2016 at 10:00-12:30 in the Kittery Community Center STAR Theater. Councilor White hoped for an excellent turnout and noted that the draft plan will be provided for public review.

Councilor White anticipated inquiring about the water quality problem, but acknowledged that it had been dealt with already.

Councilor White felt that the additional administrative assistant part-time position previously discussed is an urgent issue.

Councilor Thomson expressed concern in regards to the signage on 99 State Road. The issue was brought to his attention by local residents and questioned whether the signage is within the ordinance. He asked that the Code Enforcement Officer investigate further.

Vice Chairperson Denault was informed by a citizen that the defibrillators in Town Hall have a key lock. He mentioned his request from a few years ago to provide training for using the equipment. It would be beneficial to revisit that request given the continuous risk for an emergency. He also requested that it be kept unlocked.

Vice Chairperson Denault wished that the Sewer Betterment Workshop was captured on Channel 22. He reminded that the Fire department had one live feed installed for serious emergencies. Another at the Kittery Community Center to assist with plays as well as Memorial Field, Shapleigh field, and Town Hall. He commended Town Manager Granfield for supporting the initiative and working with Comcast.

Councilor Spiller echoed Councilor White's statement to find administrative assistance for the staff.

Councilor Lemont thanked Town Manager Granfield for her expedited response to the crosswalk request.

Councilor Lemont felt that Mr. Forbes was not entirely satisfied with the answers received and will be contacting him for clarification.

Councilor Lemont asked if Town Manager Granfield can propose a timeline for resolution to the sewer betterment issues. Chairperson Beers agreed and felt that Town Manager Granfield planned to provide that information soon.

Chairperson Beers cited President Obama's memorandum regarding transparency and open government in that "Government should be participatory. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge." Chairperson Beers concluded that the result of the Sewer Betterment Public Forum was a major step in that direction and hoped that level of communication continues.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Beers cited a letter received May 2, 2016 from Bruce and Thomasine Piche thanking Chief David O'Brien and his staff for their quick response to a 9/11 call on April 23,

2016 at 178 Whipple Road.

Chairperson Beers responded to Ms. Susan Johnson's suggestion from the last Town Council meeting in that providing free Fort Foster passes for the elderly has been referred to the parks commission.

Chairperson Beers responded to Ms. Johnson's suggestion that free adult education classes for elderly is outside the Town Council purview and it has been referred to the school department for consideration.

Chairperson Beers responded to Ms. Johnson's suggestion that trash pick-up services be provided by the Town. This was reviewed in 2011 and concluded that the cost was over \$1,500,000 per year and determined at the time not reasonable for tax payers to bear.

Chairperson Beers added that the Southern Maine Agency on Agency was established in 1973 and provides various services for elderly. There are other programs available and details can be found on the Maine Department of Health and Human Services website. The opportunity alliance has provided for over 50 years information, referrals, and emergency support services for anyone by dialing 211.

The May 23, 2016 special meeting will have representatives from Eaton Peabody and MRI present, but MMA will be unable to attend. Any questions directly for MMA should be forwarded to Town Manager Granfield prior to the meeting.

The Town Council reached a consensus to meet with the Comprehensive Planning Committee on Wednesday, June 1, 2016.

b. Committee Reports

Town Manager Granfield and Chairperson Beers had a positive meeting with the National Parks Program Manager, Elyse LaForest. The updates were provided in the agenda materials. The next working group meeting with WILSSA is scheduled for Wednesday, May 11, 2016 at 2:00pm in Town Hall and the agenda has been posted.

Councilor Thomson indicated that he cannot attend the May 11, 2016 special meeting. Chairperson Beers postponed that meeting to a date yet to be determined.

16. EXECUTIVE SESSION

(050116-14) The Kittery Town Council moves to go in to executive session with the Town Manager in accordance with 1 M.R.S. §405(6)(D) to discuss contract labor negotiations.

A MOTION WAS MADE BY COUNCILOR THOMSON TO GO INTO EXECUTIVE SESSION WITH THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S. §405(6)(D) TO DISCUSS CONTRACT LABOR NEGOTIATIONS, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

The Council moved to so into the executive session at 8:52 P.M. and the live broadcast of the meeting was closed and Council would return only to come out of Executive Session and no other business would be conducted, except adjournment.

A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF EXECUTIVE SESSION, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7/0/0.

Council came out of Executive session at 9:17 P.M.

17. ADJOURNMENT

IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR SPILLER TO ADJOURN THE MEETING AT 9:18 P.M. ALL WERE IN FAVOR BY A VOICE VOTE.