

1. Call to Order

Chairperson Beers called the meeting to order at 7:02 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, Jeffrey Thomson, Judith Spiller, Kenneth Lemont.

5. Agenda Amendment and Adoption

Chairperson Beers proposed that two agenda items be added under New Business as follows:

Item 13i. The Kittery Town Council moves to authorize the Kittery Little League to hang a banner across Rogers Road in front of the Kittery Community Center from March 1-15, 2016, to announce their registration is open.

Item 13j. The Kittery Town Council moves to authorize the release of funds in the amount of \$1,000 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense Self-Insurance Claims, to pay the deductible associated with damage to the dispatch towers occurring during a storm on August 4, 2015.

Councilor Spiller proposed that Item 13h replace Item 13a under New Business.

Agenda was adopted as amended.

6. Town Manager's Report

Town Manager Puff reviewed her written report.

Contrary to statements from the last Regular Town Council Meeting, the Chief of Police job announcement was written properly.

Town Manager Puff received three proposals for an Interim Town Manager from Eaton Peabody Consulting Group, MRI, and MMA. She can schedule interviews for next Monday, February 29, 2016. She recommends a process that considers qualifications as the primary evaluation factor and costs as the secondary evaluation factor.

A response from the National Park Service in response to the Wood Island concession agreement indicating that the agreement would not be accepted as submitted. Justification for the denial was based on the following concerns; the agreement was too vague, agreement does not meet their criterion for public recreational use, the agreement surrenders all control and possession of property to WILSSA, and the agreement term is too long.

Wood Island sent a template agreement provided by the National Park Service to the Town officials to use. The National Park Service suggested combining the repair and concession into one agreement to consolidate the objectives of the project. Town Manager Puff advised a committee be established to formulate a revised agreement.

The Maine DOT is beginning the process for the design for improvements from Walker Ave. to Whipple Road which includes road and sidewalk paving and replace the intersection lighting. Surveys have been sent to affected property owners to gather information regarding the existing condition of the area. An initial design would follow.

The Maine DOT will be occupying the Council Chambers room on Monday, February 29, 2016 to discuss the future rehabilitation of the Piscataqua River bridge.

Town Manager Puff reviewed an item not included in the written report.

Town Manager Puff has communicated with the State regarding the transfer of John Paul Jones Park. Governor LePage has not issued an approval for the project and did not provide an estimated approval date even though it has been approved by the legislature. Maine DOT has offered to enter into a 5-year maintenance agreement.

Vice Chairperson Denault provided a statement responding to a remark made in the previous Town Council meeting. He noted that an archived Chief of Police advertisement was referenced and there exists no errors in the current Chief of Police advertisement.

The Council further discussed the concession agreement submitted to the National Park Service and how it was handled within the Council. Chairperson Beers noted that the matter could be discussed in the next agenda.

7. Acceptance of Previous Minutes – None.
8. Interviews for the Board of Appeals and Planning – None.
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
 - a. (020116-1) The Kittery Town Council moves to receive a presentation from Peter Sherr from Ransom Consulting, Inc. and to hold a public meeting to receive public comment for the EPA Brownfields Cleanup activities proposed for the Wood Island Life Saving Station.

Notice of this meeting was published in the Portsmouth Herald on February 16, 2016 with a 30-day

public comment period ending on March 17, 2016.

Mr. Kevin Trainor, Engineer with Ransom Consulting, Inc. provided the presentation on behalf of Peter Sherr which included the following statements:

- The presentation addresses solely the cleanup plan and is separate to the restoration agreement.
- Chris Redmand, Maine Department of Environmental Protection, is the primary point of contact for this project.
- Mr. Trainor provided a brief background of the project which included the following:
 - The Wood Island Lifesaving Station is located about 1 mile off Kittery Point shoreline.
 - A 2010 Southern Maine Regional Planning Commission site assessment determined the area contained; asbestos in the siding paper, flooring paper, and basement, lead paint throughout building, avian waste, and two underground storage tanks.
 - The Town Of Kittery received a Brownfields Cleanup grant through the Environmental Protection Agency in 2012-2013.
- The contract preparation process is near complete. The Analysis of Brownfields Cleanup Alternatives (ABCA) and Remedial Action Plan (RAP) is currently drafted and open for public review until March 17, 2016.
- Three alternatives proposed in the ABCA are as follows:
 1. Perform no action.
 2. Remove hazardous materials in select areas and removing underground storage tanks.
 3. Perform full cleanup which includes removing all hazardous material and underground storage tanks.
- The RAP proposes the 2nd alternative listed in the ABCA to remove lead paint and asbestos and place the remaining hazardous areas into an operations and maintenance plan that is acceptable to DEP and EPA.
- The EPA and Historic Reservation Commission concurs that the project will have no adverse impact on the land and includes signification mitigations measures to avoid destruction of the building.
- Mr. Trainor encourages public comment be directed the Town of Kittery.

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

10. PUBLIC HEARINGS – None.

11. DISCUSSION

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

Steve Borkman, 10 Bridge Street

Mr. Borkman described his troubling concerns for Dan Poletta, Charity Defense Council, at a Town Council meeting held over a year ago. Mr. Borkman recalled Mr. Poletta was treated with hostility. He discussed the behavior of the current Council is upsetting and inappropriate and is directly impacting the Town of Kittery. Mr. Borkman questioned why 16 days had passed before

the Council addressed the search and replacement process for the Town Manager position. He was glad to see it became an agenda item, but still bothered that the agenda item failed to address other key issues in its wording.

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

Chairperson Beers agreed with Mr. Borkman wholeheartedly and explained that the agenda item was stated in a categorical manner.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. (020116-8) The Kittery Town Council moves to discuss the Councilor role and process for obtaining information.

Councilor Thomson requested if the material in the packet had been reviewed.

Chairperson Beers responded in the affirmative and cited passages from 33 extracted pages of the SACO Participants' Manual pertaining to the agenda item. He emphasized roles of the municipality officials and standard procedures for conducting meetings. He summarized that "the Council is reasonably and prudently charged to ensure the Town is administered transparently, openly, and honestly". Chairperson Beers stated that Kittery's traditional practice for a Councilor seeking information is consistent with SACO guidance. He felt that the extracted 33 pages could act as guidance for behavioral conduct within the Council.

Councilor Spiller expressed her motivation for formulating the agenda item which derived from the Town Charter Section 2.11 Item 3. She proceeded to cite the passage. Her concern relates to the search process of potential candidates for open job announcements.

Councilor White felt there lies lack of transparency amongst the Council and that issues be stated in public meetings only. He noted he is currently working on a Code of Ethics document and suggested to review the oath and amend Council rules to include consequences.

Councilor Thomson responded that clarification of issues is the purpose of workshops and regular meetings. He suggested that the Council seek an outside consulting firm to assist in evaluating the current situation and formulate solutions. He cited a passage from the Town Charter regarding violations that could lead to forfeiture of office.

Councilor Lemont agreed with Councilor White and Councilor Thomson that communication centered around resolving interpersonal issues convene in a casual setting.

Chairperson Beers commended the effort by Councilor White to develop a code of ethics to act as a policy document for how a Councilor should act.

Councilor Spiller suggested that the Town Manager inquire with MMA about consulting services.

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

c. (020116-2) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$84,439.39 and \$13,087.39. Sewer accounts payable of \$11,984.05. School accounts payable of \$91,901.60. Total of all disbursement warrants of \$201,412.43. Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont stated 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.

d. (020116-3) The Kittery Town Council moves to approve the 2017-2021 Capital Improvement Program in accordance with Town Charter Section 6.05 and Council Policy, as presented.

The item requires further attention and will be rescheduled for a special meeting on Monday, February 29, 2016 at 6:00 PM. Councilor Thomson proposed the meeting be held at 5:00 PM with Chairperson Beers response to take it into consideration with Town Manager Puff.

e. (020116-4) The Kittery Town Council moves to approve the fiscal year 2017 Capital Improvement Program budget in accordance with Town Charter Section 6.04 (2) and Council Policy, in the amount of \$1,208,975.

The item requires further attention and will be rescheduled for a special meeting on Monday, February 29, 2016 at 6:00 PM. Councilor Thomson proposed the meeting be held at 5:00 PM with Chairperson Beers response to take it into consideration with Town Manager Puff.

f. (020116-5) The Kittery Town Council moves to schedule a public hearing for March 14th for a 3-year extension of MRI's assessing services contract through fiscal year 2019.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING FOR MRI SERVICES, SECONDED BY COUNCILOR WHITE. ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

g. (020116-6) The Kittery Town Council moves to authorize Tributary Brewing Co., LLC, 5 Winding Brooke Lane, South Berwick, ME, a one day extension for Tributary Brewing Company, 10 Shapleigh Road, Site A, to hold a one day event on April 2, 2016 from noon to 8:00 p.m. to serve beer under an enclosed tent in front of the establishment.

A MOTION WAS MADE BY COUNCILOR SPILLER TO AUTHORIZE TRIBUTARY BREWING COMPANY HOLD A ONE-DAY EVENT, SECONDED BY COUNCILOR THOMSON.

Chairperson Beers cited a letter received from Driscoll Reality, Inc. regarding the outstanding

performance of Tributary Brewing Co.

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

h. (020116-7) The Kittery Town Council moves to approve a renewal application from Loco Coco's Tacos Corp., 36 Walker Street, Kittery, ME for a Spirituous and Vinous Liquor License for Loco Coco's Tacos, 36 Walker Street.

A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE THE RENEWAL APPLICATION FROM LOCO COCO'S TACOS CORP., SECONDED BY COUNCILOR THOMSON. ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

i. The Kittery Town Council moves to authorize the Kittery Little League to hang a banner across Rogers Road in front of the Kittery Community Center from March 1-15, 2016, to announce their registration is open.

A MOTION WAS MADE BY COUNCILOR SPILLER TO AUTHORIZE THE KITTEY LITTLE LEAGUE TO HANG BANNER AT KITTEY COMMUNITY CENTER, SECONDED BY COUNCILOR THOMSON. ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

j. The Kittery Town Council moves to authorize the release of funds in the amount of \$1,000 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense Self-Insurance Claims, to pay the deductible associated with damage to the dispatch towers occurring during a storm on August 4, 2015.

A MOTION WAS MADE BY COUNCILOR WHITE TO AUTHORIZE THE RELEASE OF FUNDS FOR DISPATCH TOWERS DAMAGES, SECONDED BY COUNCILOR THOMSON. ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Thomson stated the Neighborhood Network Program offered through York Housing and York Hospital which is open to Kittery residents that offers numerous services and resources within the community. Town Manager Puff added that she intended to post this on the bulletin board and Town website.

A lecture series named Justice for People of the First Light: Colonial Treaties to the UN Declaration discussing the early treaties in the Portsmouth area will be held on Wednesday, March 9, 2016 at 7:00 PM in the STAR Theater, Kittery Community Center, 120 Rogers Road, Kittery, ME.

Councilor Thomson noted that the Council should consider working with Rice Public Library Board regarding the ownership of property of the proposed new library.

The York River Wild and Scenic River Study Committee will be meeting at the Grand House, York, ME on February 23, 2016 at 5:30 PM.

Vice Chairperson Denault responded to the issues regarding the interim Town Manager search and replacement process. He thanked Councilor Thomson for his advice in that process.

Vice Chairperson Denault announced the names of those who passed:

Jeanie Hill
Robert "Bob" Anthony Pomella
Ruth Hession Murphy
Charles E. Reardon, Jr.
Gerald "Jerry" John Ilaria
Joseph Moulton
Ralph "Skip" St. Hilaire, Jr.

Chairperson Beers acclaimed Councilor Spiller's initiatives to address the role of the Councilors into the agenda.

15. COMMITTEE AND OTHER REPORTS

The Comprehensive Planning committee held their 3rd meeting recently and did final planning efforts for the public forum on Saturday, March 12, 2016 from 10:00 AM to 12:30 PM at the Kittery Community Center, 120 Rogers Road, Kittery, ME.

16. EXECUTIVE SESSION

17. ADJOURNMENT

IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY VICE CHAIRPERSON DENAULT TO ADJOURN THE MEETING AT 8:13 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7/0/0.

Posted: March 8, 2016.