

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, Jeffrey Thomson, Judith Spiller, Kenneth Lemont.

5. Agenda Amendment and Adoption

Chairperson Beers proposed item 9 to read as “The Kittery Town Council moves to receive a brief introductory presentation on the 2015-2025 Comprehensive Plan Project”. Councilor Spiller proposed to change item 13f and 13g under New Business to 13a and 13b, respectively. Agenda was adopted as amended.

6. Town Manager’s Report

Town Manager Puff reviewed her written report.

The Capital Improvement Committee has completed their work and seeks to conduct a workshop with the Town Council on Monday, February at 6:30.

The Police, Fire, and Dispatch departments have been working intensively for the renovations of their new communications equipment which was featured on WMTW.

Town Manager Puff informed the council of an unofficial notice from The Land and Water Conservation Fund received indicating the \$187,000 grant request for improvements to Emery Field is progressing forward to award. The Kittery Athletic Improvement Committee is currently developing the master plan and Norm Albert, DPW Commissioner will be leading the project.

The Comprehensive Plan Public Forum will be held on Saturday, March 12, 2016 from 10:00 AM – 12:30 PM at the Kittery Community Center Star Theatre.

Town Manager Puff reviewed items not found on her written report that have elapsed since February 8, 2016.

The Town is working with an attorney on the Dineen v. Town of Kittery case to receive a date

before the court regarding the original dangerous building order and allegations of being contempt of court for violating several provisions of the judge.

Town Manager Puff contacted the Kittery Water Department to receive a copy of their policy to remove obstructing water pipes no longer in use. A letter from Mike Rogers, superintendent of the Kittery Water District, is forthcoming.

The Kittery Community Center east wing experienced a pipe burst on Monday, February 15, 2017 unrelated to past pipe incidents. Fortunately, the problem was immediately addressed within minutes by employees and the Kittery Fire Department resulting in a minimal level of damage.

The Kittery Rotary After Hours Club reached out to Town Manager Puff expressing their interest in sponsoring the Citizen of the Year Award.

The Town is requesting proposals for a project manager to oversee the renovation of the Kittery Community Center's east wing. Proposal submissions are due to Town Manager Puff by March 2 at 2:00 PM.

The Town is working on releasing a Request for Proposal (RFP) for audit services soon. A presentation of the FY15 Annual Town Audit is scheduled for March 14, 2016.

The NH Sound published a great article on February 17, 2016 written by Ellen Foord commending the Kittery Community Center's Eyes of the World Discovery Center program.

Chairperson Beers added to Town Manager Puff's report of the Dineen v. Town of Kittery Case. He noted that a civil suit to Maine Superior Court has not been heard of in a year and a quick resolution to that situation does not seem highly probable.

7. Acceptance of Previous Minutes – 1/25/16 Special Meeting

The minutes of 1/25/16 were approved.

8. Interviews for the Board of Appeals and Planning – None.

9. The Kittery Town Council moves to receive a brief introductory presentation on the 2015-2025 Comprehensive Plan Project.

Daphne Politis, Principal Consultant of Community Circle
Ms. Politis' administered her presentation.

Ms. Politis stated this beneficial project provides an opportunity for the community to collectively identify the future of Kittery. This entails identifying what the community wants to preserve, improve and change. The public forum will not be the only opportunity for the community to join together in formulating these goals. Currently, Ms. Politis' staff is working with the Town of Kittery residents and officials to articulate their goals, assess the current situation, and begin framing a forward action plan.

10. PUBLIC HEARINGS - None

11. DISCUSSION

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

Seeing none; Chairperson Beers closed the public discussion.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

- a. (020116-6) The Kittery Town Council moves to accept the resignation of Town Manager, Nancy Colbert Puff effective March 17, 2016.

A MOTION WAS MADE WITH REGRET BY COUNCILOR DENNETT TO ACCEPT THE RESIGNATION OF TOWN MANAGER, NANCY COLBERT PUFF, SECONDED BY VICE CHAIRPERSON DENAULT. A ROLL CALL WAS TAKEN WITH COUNCILOR THOMSON OPPOSED. MOTION CARRIED 6/1/0.

- b. (020116-7) The Kittery Town Council moves to discuss the replacement and search process for a Town Manager and an Interim Town Manager.

Councilor White asked if Town Manager Puff has any recommendations for the replacement and search process. Town Manager Puff highly recommended the firm used previously for her appointment and stated said company has already expressed an interest in assisting with her replacement. She felt it is ideal to acquire an interim manager with immediate action and offered to contact MRI and Eaton Peabody Consulting Group.

Councilor Spiller suggested to request an interim manager to serve for one year to incite stability then begin the search process at Month 9 of the interim manager's term. Vice Chairperson Denault feels MRI or MMA likely has candidates in place for a Town Manager so the need for an Interim Town Manager is unnecessary

Councilor White stated that filling the position is a time sensitive issue due to the number of projects that are forthcoming and the decision can be made at a later date.

Councilor Thomson agreed with Councilor Spiller pointing out three major concerns that require heavy management involvement; the FY17 budget review, the approved bond issue votes bidding and financing preparation, and the Comprehensive Plan facilitation. Thus, we should assume an Interim Town Manager only to find a Town Manager no later than July 1st. Councilor Thomson expressed various concerns that he feels need to be addressed before moving forward with searching for a replacement Town Manager.

Chairperson Beers noted the February 22, 2016 agenda will address the initiative process for examination that speaks to Councilor Thomson's concerns aforementioned. He suggested a non-competitive award under an alternative procurement method through MRI for a 6-9 month Interim Town Manager is feasible. Applications from. Interviews should be conducted by a number of employees, a selected and appointed citizen group, the the Town Council.

Chairperson Beers suggested the new Police Chief assignment be considered after the Town manager position is filled.

Town Manager Puff encouraged the Town Council to conclude a decision for her replacement as soon as possible. Councilor Thomson reminded that 16 days have passed and this is the first public meeting the Town Council convened to discuss this process.

Councilor Thomson questioned Chairperson Beers suggestion to postpone the Police Chief assignment since several applications have been received. Chairperson Beers clarified his previous statement was stated in anticipation that time would not permit Town Manager Puff to appoint a new Police Chief. Vice Chairperson Denault stated that the job announcement for the Town of Kittery's Chief of Police was improperly posted having a deadline of August 25, 2011.

Vice Chairperson Denault referenced the Town Charter which states procurements over \$5,000 require three competitive offers for evaluation. Chairperson Beers ordered a recess to examine Town Code Title 3 to establish a clear determination of the purchasing procedures. As a result, Chairperson Beers cited Town Code Title 3 Revenue and Finance Section 3.2.7 indicating that the Town Council is authorized to approve an alternative procurement method when it is in the best interest to do so. Further discussion occurred amongst the Council to determine the most favorable procurement approach.

A MOTION WAS MADE BY COUNCILOR WHITE TO AUTHORIZE THE TOWN MANAGER, NANCY COLBERT PUFF, TO ACQUIRE A REPLACEMENT INTERIM TOWN MANAGER THROUGH COMPETITIVE BIDDING. SECONDED BY COUNCILOR SPILLER. A ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

c. Donations/gifts received for Council disposition.

The Kittery Town Council moves to accept a donation in the amount of \$300 for the Kittery Fire Department and a \$300 donation for the Kittery Police Department from the Kittery Land Trust to be deposited in account #1111-43530 Miscellaneous Revenue.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT THE DONATIONS WITH THANKS. SECONDED BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 7/0/0.

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

Town accounts payable of \$132,672.34. Sewer accounts payable of \$26,179.70. Sewer accounts payable of \$405,805.69. Sewer payable of 6,755.45. School payable of \$368,202.85. Total of all disbursement warrants of \$939,616.03. 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.

e. (020116-3) The Kittery Town Council moves to authorize the Kittery Harbourside Garden Club to place 18"x24" signs on stakes along Route 1, Route 103, the Bypass, and Route 236, etc. 7-10 days before their May 28, 2016 plant sale event.

A MOTION WAS MADE BY COUNCILOR THOMSON TO INCLUDE THE REMOVAL OF SIGNS WITHIN 72 HOURS AFTER THE EVENT, SECONDED BY CHAIRPERSON BEERS, AS AMENDED. A ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

f. (020116-4) The Kittery Town Council moves to establish a Council-Port Authority, Port-Town Issues Working Group and to appoint 2 Councilors.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPOINT VICE CHAIRPERSON DENAULT AND COUNCILOR LEMONT TO THE COUNCIL-PORT AUTHORITY WORKING GROUP. SECONDED BY NONE. CHAIRPERSON BEERS CALLED FOR A NEW MOTION.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ESTABLISH THE COUNCIL-PORT AUTHORITY WORKING GROUP WITHIN THE PARAMETERS PRESENTED, SECONDED BY COUNCILOR WHITE. A ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT COUNCILOR SPILLER AND COUNCILOR THOMSON TO THE COUNCIL-PORT AUTHORITY WORKING GROUP, SECONDED BY COUNCILOR SPILLER.

Councilor Dennet asked if either Councilor Thomson or Councilor Spiller own a watercraft. Councilor Spiller advised in the affirmative and Councilor Thomson in the negative.

A ROLL CALL WAS TAKEN WITH COUNCILOR DENNETT, VICE CHAIRPERSON DENAULT, AND COUNCILOR LEMONT OPPOSED. MOTION CARRIED 4/3/0.

g. (020116-5) The Kittery Town Council moves to schedule a public hearing on a proposed amendment to Title 13 of the Kittery Town Code.

A MOTION WAS MADE BY COUNCILOR DENNETT TO HOLD A PUBLIC HEARING TO MARCH 14, 2016, SECONDED BY CHAIRPERSON BEERS. A ROLL CALL WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont inquired with the Town Manager Puff the progress of adjusting the speed limit on Whipple Road. Town Manager Puff responded that the Police Chief contacted the State and she will let him know that Councilor Lemont is pursuing the action.

Councilor Lemont stated the Kittery Rotary After Hours Club is interested in sponsoring the Citizen of the Year Award.

Vice Chairperson Denault thanked Town Manager Puff for her efforts in working with him on initiating and broadcasting Channel 22 which recently televised the basketball games and the Shapleigh Memorial School Christmas Concert. Town Manager Puff thanked also Randy Pochini for being an instrumental player in making Channel 22 what it is today.

Councilor Thomson requested reasoning behind the recent Planning Board application withdrawal. Town Clerk Place recalled that the applicant did not provide a reason for the withdrawal.

Chairperson Beers was pleased to announce the York County Special Olympics Pancake Breakfast will be held at the Kittery Lions Clubhouse, 117 State Road, Kittery, ME on Saturday, February 20, 2016 from 7:30 AM to 11:00 AM. Pancake, sausage, scrambled eggs, toast, baked beans, milk, and orange juice will be served. Adults cost \$7, children \$3 and all proceeds are donated to the York County Special Olympics.

15. COMMITTEE AND OTHER REPORTS

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

Councilor Thomson highly encouraged all to attend the Patrick Dorow Productions: Smokey Joe's Café at the STAR Theater, Kittery Community Center, 120 Rogers Road, Kittery, ME.

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

IT WAS MOVED BY VICE CHAIRPERSON DENAULT, SECONDED BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 8:09P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7/0/0

Posted March 8, 2016.