

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, Kenneth Lemont, and Jeffrey Thomson.

Absent from the roll call was Judith Spiller.

5. Agenda Amendment and Adoption

One spelling error was corrected and the agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

**Sewer Assessments** – The updated sewer betterment assessment accounts summary was provided. A notification was sent regarding the December 19<sup>th</sup> deadline to connect and to enter into a payment plan. The deadline was advertised in the Portsmouth Herald, Channel 22 bulletin, Twitter account, and the Town website. Those owners that have not paid, entered into a payment plan, or received an assessment deferral, will receive a bill for the full amount of the betterment assessment in March of 2017.

There are three hearings pending decision of which two are scheduled for the January 9, 2017 regular meeting. The other hearing is waiting for the applicant to provide additional information to the Assessor.

There are three applications for arbitration and two of which are scheduled for a hearing. The Town Clerk has been coordinating the necessary information and communication with the arbitration panelists selected to support that process.

**Open Positions** – Betsy Oulton, Human Resources Manager, has submitted her resignation effective January 5<sup>th</sup>. She has accepted another opportunity closer to her home of residence. Her dedicated service and efforts were recognized.

The Finance Director position remains vacant and is aimed to be filled by the end of January.

**Coastal Cleanup ZipTies** – The Harbormaster is going to work on educational material and distribute it during the season to try and address ZipTies are being disposed of in a proper manner.

**Dineen Court Order** – Judge Fritzsche issued a bench warrant for Mr. Dineen’s arrest since his court order was not complied with. The KPD and York Police have been working diligently to find him and it is thought that he may not be in the State. A hearing date with the Maine Supreme Court for the Mary’s Store appeal has not yet been scheduled.

**Storm Drain on US Route 1** – The storm drain issues were taken care of by DPW.

**Signage Along US Route 1 Wally’s Farm Stand** – The sign was inspected by CEO Bob Marchi. After reviewing the permit issued for the signage, he determined that it does meet the Code and the requirements put on it for the permit.

**Identification for Harbormaster** – All staff that access private property should have identification that demonstrates they are an employee. The Police Department is in the process of developing a template for general use.

**Whipple Road Improvements** – Staff met with the engineers of the project. They are working with CMP to review and revise the utility pole relocations. Once that is complete, MDOT will begin the Right-of-Way process, which generally takes nine months. Then, it will be ready for bidding and the construction is aimed to begin in 2018. The State is paying for 80% of the costs.

Councilor Spiller asked for a response to the previous requests made for bike friendly curbing.

7. Acceptance of Previous Minutes

Regular Meeting – December 12, 2016

Councilor Lemont abstained from voting on the minutes. The minutes 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

a. (120216-1) The Kittery Town Council moves to hold a public hearing on an application from Woodland Farms Brewery LLC, 1 Rowans Way, Kittery ME for a Victualer’s License for Woodland Farms Brewery, 306 US Route 1, Suite C.

Notice of this public hearing was posted on December 16, 2016 and required by Title 30-A M.R.S §3812 for their Food Service License.

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 THE APPLICATION FROM WOODLAND FARMS BREWERY LLC, 1 ROWANS WAY, KITTERY ME FOR A VICTUALER’S LICENSE FOR WOODLAND FARMS BREWERY, 306 US ROUTE 1, SUITE C, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

11. DISCUSSION

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

Brian Early, Rogers Road

Mr. Early stated he will no longer be reporting in Kittery and has enjoyed his time while covering the Town.

David Lincoln, 100 Shepard's Cove Road #307

Mr. Lincoln questioned the reasoning for the Town's expressed interest for a moratorium. He stated how many municipalities have approved or considered one. He also questioned the status of the situation regarding the Rice Library.

Milton Hall, 27 Old Ferry Lane

Mr. Hall clarified statements made in the previous Council and KPA workshop regarding agent fees and the Frisbee Wharf. He questioned whether the moorings at PNSY carry valid registrations. He suggested that the Town attorney be consulted regarding the agreement.

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

- c. Chairperson's response to public comments

Mr. Early – He wished him well and stated appreciation for his work on behalf of Kittery.

Mr. Lincoln – He deferred to Town Manager Amaral to provide a response in regards to the moratorium. Town Manager Amaral explained that a drafted moratorium ordinance will be presented to Council at the Planning Board workshop on January 9, 2017. The discussion will also consist of how retail use would be regulated. Chairperson Beers noted that further information regarding costs and zoning for the Rice Library will be presented to Council once ready.

Mr. Hall – He thanked Mr. Hall for clarifying the agent fees and noted the other observations will be addressed between the Town Manager and Chair of the Kittery Port Authority.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

(120216-2) The Kittery Town Council moves to accept a donation from James and Elizabeth Gamble in the amount of \$1,000.00 to be deposited in account # 2063001-4360 Eyes of the World.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT A DONATION FROM JAMES AND ELIZABETH GAMBLE IN THE AMOUNT OF \$1,000.00 TO BE DEPOSITED IN ACCOUNT # 2063001-4360 EYES OF THE WORLD, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

(120216-3) The Kittery Town Council moves to accept a donation from York Hospital in the amount of \$9,250.00 to be deposited in account #5003-4360 York Hospital Scholarship.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT A DONATION**

**FROM YORK HOSPITAL IN THE AMOUNT OF \$9,250.00 TO BE DEPOSITED IN ACCOUNT #5003-4360 YORK HOSPITAL SCHOLARSHIP, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

(120216-4) The Kittery Town Council moves to accept a donation from the Meetinghouse Village in the amount of \$100.00 to be deposited in account #2063001-43600 Kittery Community Center.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT A DONATION FROM THE MEETINGHOUSE VILLAGE IN THE AMOUNT OF \$100.00 TO BE DEPOSITED IN ACCOUNT #2063001-43600 KITTEY COMMUNITY CENTER, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

(120216-5) The Kittery Town Council moves to accept donations from Donald and Nicole Kerr \$60.00, Duncan and Patricia McEachern \$90.00 and Elizabeth Desjardins \$210.00 to be deposited in account # 5007-43600 Thresher Memorial Fund.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT DONATIONS FROM DONALD AND NICOLE KERR \$60.00, DUNCAN AND PATRICIA MCEACHERN \$90.00 AND ELIZABETH DESJARDINS \$210.00 TO BE DEPOSITED IN ACCOUNT # 5007-43600 THRESHER MEMORIAL FUND, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

b. (120216-6) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$518,064.01.  
Town accounts payable of \$9,669.00.  
Sewer account payable of \$13,203.75.  
Sewer account payable of \$1,172,320.81.  
School accounts payable of \$118,965.25.  
Total of all disbursement warrants of \$1,832,222.82.

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

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

c. (120216-7) The Kittery Town Council moves to approve an application from Woodland Farms Brewery LLC, 1 Rowans Way, Kittery, ME for a Malt Liquor License for Woodland Farms Brewery, 306 US Route 1, Suite C.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM WOODLAND FARMS BREWERY LLC, 1 ROWANS WAY, KITTEY, ME FOR A MALT LIQUOR LICENSE FOR WOODLAND FARMS BREWERY, 306 US ROUTE 1, SUITE C, SECONDED BY COUNCILOR PELLETIER.**

Ms. Maryann Place, Town Clerk, clarified to Councilor Dennett that another application will be submitted and placed on the next regular meeting agenda for Council approval of a Special Amusement Permit.

**THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

d. (120216-8) The Kittery Town Council moves to approve a renewal application from Tasty Thai, Inc., 599 Lafayette Road #6, Portsmouth NH for a Malt, Spirituous and Vinous Liquor License for Tasty Thai, 182 State Road.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM TASTY THAI, INC., 599 LAFAYETTE ROAD #6, PORTSMOUTH NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR TASTY THAI, 182 STATE ROAD, SECONDED BY COUNCILOR PELLETIER.**

Ms. Place clarified to Councilor Dennett that the applicant held a ME license last year.

**THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

e. (120216-9) The Kittery Town Council moves to approve a renewal application from The Ares LLC, 68 Wallingford Square, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for AJ's Wood Grill Pizza, 68 Wallingford Square.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM THE ARES LLC, 68 WALLINGFORD SQUARE, KITTERY, ME FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR AJ'S WOOD GRILL PIZZA, 68 WALLINGFORD SQUARE, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

f. (120216-10) The Kittery Town Council moves to approve a renewal application from Weathervane Seafoods, Inc., 306 US Route 1, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for Weathervane Seafoods, 306 US Route 1.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM WEATHERVANE SEAFOODS, INC., 306 US ROUTE 1, KITTERY, ME FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WEATHERVANE SEAFOODS, 306 US ROUTE 1, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

g. (120216-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Donald Moore for his re-appointment to that board until 12/31/19.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO RE-APPOINT DONALD MOORE TO THE CONSERVATION COMMISSION WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A ROLL CALL VOTE 5/0/1 WITH CHAIRPERSON BEERS ABSTAINING.**

h. (120216-12) The Kittery Town Council moves to amend the Economic Development charge to remove the sunset date.

Mr. Tom Emerson, 10 Ox Point Drive, explained how removing the sunset date on the Economic Development Committee will help them carry out implementation of the Comprehensive Plan and other value-added activities. Town Manager Amaral stated her support for continuing the Committee since economic development is an ongoing process. She does not necessarily agree with the need for a Town position dedicated to economic development, but did feel there needs to be more efforts and resources to achieve economic development in the areas where growth is desired.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO AMEND THE ECONOMIC DEVELOPMENT CHARGE TO REMOVE THE SUNSET DATE, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

The Council requested that the Economic Development Committee present a written report on the 12<sup>th</sup> of the month each year.

i. (120216-13) The Kittery Town Council moves to schedule a public hearing for January 09, 2017 to amend Title 2 of the Kittery Town Code to add Harbormaster position.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING FOR JANUARY 09, 2017 TO AMEND TITLE 2 OF THE KITTEY TOWN CODE TO ADD HARBORMASTER POSITION, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

#### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Thomson thanked Town Manager Amaral for compiling the information related to the Resource Recovery Center. He expressed concerns for the amount of expired automobile registration stickers have been seen at the Resource Recovery Center.

Vice Chairperson Denault spoke about signage at Seapoint Road that he mentioned in the previous meeting. Based on discussions with the owner, the signage cannot be posted per the Ordinance.

Vice Chairperson Denault recognized those that have recently passed as follows:

- Robert Cejka Sr.
- William L. Watson
- Richard John Smykowski
- John Crawford Hackney
- Robert W. "Bob" Young
- Edward O. "Eddie" "Ed" Barsalou
- Betty J. Chapman
- Mary E. (Goodwin) Thompson
- Rose E. (Dumont) Corliss
- Donald ("Donnie") Joseph Camden
- Jean O'Neil
- Edith Francis Meyer
- Irene L. (Sztucinski) Bellantoni

- Linda A. Dwyer-Hopfgarten
- Mary K. Murray
- Wilfred J. Fallon

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson – None.
- b. Committee Reports

Councilor Thomson asked if there will be a budget meeting with the School Committee.  
Chairperson Beers asked Town Manager to discuss further with Superintendent, Allyn Hutton.

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 7:36 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

Submitted by Marissa Day, Minutes Recorder, on January 2, 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>.*