

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, Councilors Frank Dennett, Russell White, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

Absent from the roll call was Vice Chairperson Charles Denault.

5. Agenda Amendment and Adoption

Chairperson Beers requested to amend Item 13f to read “The Kittery Town Council moves to discuss amendment to Title 4 Kittery Town Code regarding Planning Board and Board of Appeal appointments.”

Chairperson Beers requested to move Item 13e to Item 9a in respect to Town staff presence. The present Item 9 changed to Item 9b.

Agenda was adopted as amended.

6. Town Manager’s Report

Town Manager Granfield reviewed her written report.

Retirement – The Kittery Commissioner of Public Works, Norm Albert, is retiring on August 31, 2016 after 28 years of service. The recruitment process for that position has begun.

Sewer Betterments – After the result of the feedback in previous meetings, the sewer betterment plan is being updated and modifications will be reviewed in a workshop on July 18, 2016 in preparation for a final adoption on August 15, 2016 at 6:00 PM at Shapleigh School.

John Paul Jones Park – Staff is in the process of finalizing an update of agreement and waiting upon response from Maine Bureau of Parks. The Bureau wants to convey the park to the Town as soon as possible, but that still has not occurred.

Town Manager Search – The Eaton & Peabody consulting team will be soliciting the new Town Manager position on July 18, 2016 and soliciting citizens to assist in an interview panel beginning July 12, 2016.

PNSY Traffic – The Town Manager, Police Chief, Commissioner of Public Works, and PNSY continue to hold meetings regarding the traffic situations at the PNSY gates to include updating

the memorandum of understanding and measures for monitoring traffic related issues.

Kittery Water/Island Areas –Chief Soucy, Harbor Master, and Town Manager Granfield traveled to the harbor to observe water areas and inlet areas. They met several individuals on the tour who appreciated the additional visibility of the areas. The Police Chief anticipated having more police presence in those areas.

Parking in Foreside Area – Parking in the Foreside area continues to be a concern from local residents. Town Manager Granfield worked with the Police Chief and Town Planner to prepare a meeting in August for business owners and residents in the surrounding area to discuss possible improvements.

Employee Recognition – Employee Service Awards will be recognized once per month at Town Council meetings beginning in August.

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

KCC 2016 Revenue – Town Manager Granfield reported positive news that the Kittery Community Center exceeded their projected revenues with projected revenue of \$750,000 and actual revenue of \$813,000.

Committee – An Appointment Committee the prior Town Manager had set forth was designated to review Title 4 regarding Boards and Committees. Councilors Lemont, White, and Denault had assisted with that process, which apparently stopped in January. Town Manager Granfield anticipated reactivating that initiative.

Councilor Thomson thanked the Town Manager for the KCC 2016 budget information. He clarified that the actual total was \$814,151.29 for FY16. That's \$64,151.29 over the projected revenue.

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. (070116-1) The Kittery Town Council moves to schedule a public hearing for July 25, 2016 to ordain amendments to Title 16 of the Kittery Town Code.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING FOR JULY 25, 2016 TO ORDAIN AMENDMENTS TO TITLE 16, SECONDED BY CHAIRPERSON BEERS. MOTION CARRIED BY VOICE VOTE 6/0/0.

b. (070116-2) The Kittery Town Council moves to approve the release of funds for the Spruce Creek Sonde Collection Proposal.

Commissioner of Public Works, Mr. Norm Albert, explained the original proposal intended to utilize an alternative procurement method to FB Consulting for continued testing, which then faced issues with Council. The proposal in discussion would attempt to receive a minimum of three quotations.

Councilor Dennett asked what progress has been made. Mr. Albert explained that with further testing the creek could potentially be ready for clam fishing in 2020. If testing does not continue, there will be further testing required at that time in an effort to collect at least five years of consecutive data. The testing of DMR is called bag test that is where concentrated areas are monitored for inflows and outflows.

Councilor Spiller noted the sampling of this proposal is to identify hot spots, which helps to address the source of the problem. Mr. Albert agreed with that statement and added that once a hot spot is identified, the testing would move upstream to isolate other problematic areas.

Councilor Lemont asked how many hot spots were identified. Mr. Albert was unsure, but believed the plan included a number. Councilor Lemont noted that one hot spot was identified at the Shellfish Conservation Committee meeting, yet others located near Spinney Creek from Chickering Creek would be addressed by the sewer improvements. Mr. Albert explained that there still exist hot spots on Picott Road. Councilor Lemont felt uncomfortable expending funds until the Portsmouth plant is decided.

Councilor Spiller asked if the funds would need to return to the State if not approved. Mr. Albert replied in the negative.

Councilor Thomson noted that the report to Council did not indicate the specific source of funds. Mr. Albert replied that the funding would come from unencumbered surplus. He noted that last year it was sourced from CIP drainage fund and the year prior from the Town Manager. Chairperson Beers made a presumption that it would come from voter approved warrant article for exposure of unencumbered surplus. Councilor Thomson asked if a public hearing or account number is necessary. Chairperson Beers replied a public hearing would not be necessary as the vote had authorized Council to approve those expenditures.

Councilor White asked if a trend analysis could be conducted after receiving another year of data. Mr. Albert replied that it is necessary to have five consecutive years of data to show improvements. Mr. Albert noted that depending on the report, Peirce Island, and the manner in which the next commissioner moves, the process forward will determine the future years leading to 2020.

Councilor White stated he had heard completing the testing would avoid potential fines from EPA. Mr. Albert confirmed that statement and noted that the new full-time position could potentially conduct some of the work resulting in reduced costs.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE IN ACCORDANCE WITH THE JUNE 7, 2016 TOWN MEETING ARTICLE 4 THE RELEASE OF FUNDS FROM UNENCOMBERED SURPLUS IN AN AMOUNT NOT TO EXCEED \$10,000 TO COMPLETE THE SPRUCE CREEK SONDE COLLECTION PROPOSAL AS PRESENTED BY THE DPW, SECONDED BY COUNCILOR SPILLER.

Councilor Lemont asked the probability of the EPA imposing a fine to the Town. Mr. Albert was unsure.

Councilor Dennett stated his support for the vote, but felt there is an unclear end point in the project.

Chairperson Beers stated his opposition for the vote as the Shoreland Resource Officer conversion to full-time was intended to handle the nature of the activities in the proposal.

**ROLL CALL TAKEN WITH COUNCILOR LEMONT AND CHAIRPERSON BEERS
OPPOSED. MOTION CARRIED 4/2/0.**

10. PUBLIC HEARINGS

a. (070116-3) The Kittery Town Council moves to approve a renewal application from Tributary Brewing Company LLC, 5 Winding Brooke Lane, South Berwick, Maine, for a Special Activity Amusement Permit for Tributary Brewing Company 10 Shapleigh Road.

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

A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE A RENEWAL APPLICATION FROM TRIBUTARY BREWING COMPANY LLC, 5 WINDING BROOKE LANE, SOUTH BERWICK, MAINE, FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR TRIBUTARY BREWING COMPANY 10 SHAPLEIGH ROAD, SECONDED BY COUNCILOR THOMSON. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 6/0/0.

11. DISCUSSION

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

Kathy Hawkes, Stevenson Road

Ms. Hawkes thanked the staff and Council for continuing to work on the betterment assessments. She felt the last meeting demonstrated the need for additional consideration to the assessment fees and the rules for connection. She looked forward to the next discussion in an effort to find a fair and equitable solution. She reminded that it is important citizens have information available in a timely manner.

Jim Forbes, Mill Pond Road

Mr. Forbes noted that previous meetings stated by Forest Bell stating there is no data statistically relevant to the Spruce Creek hot spots. He wondered if the data would be relevant in 2020 and if there is an end point to the project. The DMR has determined the river is clean enough for clam fishing, except for one spot that would be addressed with the sewer improvements. The FDA has already ruled that clam fishing cannot occur until the Portsmouth site has been resolved. He hoped there be a vote for reconsideration.

D. Allan Kerr, 4 Colonial Road

Mr. Kerr felt a comment made in the previous workshop with the Rice Public Library was disingenuous. He reminded the library is not a for-profit organization, but rather a facility that provides free services generating minimal amount of revenues. He questioned the real impacts of the proposed library at the KCC site and felt there is potential for increased revenues at both buildings. Mr. Kerr thanked Mr. Albert for his service and felt the Town will miss his loss.

Barry Fitzpatrick, Rogers Road

Mr. Fitzpatrick did not mind where the library goes, but was most concerned with the library

existing in the Taylor building. He did not feel comfortable with the fact that the children's area is in the cellar of that building due to the outdated egress. For that reason, he felt the Town ought to be strongly interested in relocating the library. There are other locations that could be suitable for a proposed outdoor theatre area and library that would leave the views of the KCC from Rogers Road as they stand.

Steve Workman, Bridge Street

Mr. Workman followed up to Councilor Spiller's question in the previous workshop with the Rice Public Library. The footprint of the proposed library has not changed from its 20,000 square foot U-shape at different suggested locations. The controversy at hand is in regards to adequate land use and proper planning, which has been missing from the process. The KCC board has voted only once, which was specifically voted to reserve the capacity of the East Wing annex and avoid limiting capacity for future expansion. He felt that all should be cautious in their commentary and be aware of castigating other boards and committees. Mr. Workman felt that further guidance is required in order to proceed.

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

c. Chairperson's response to public comments

Ms. Hawkes – The staff and Council plan to take the measured time to find a solution as right as possible.

Mr. Forbes – Chairperson Beers had greater hope for the full-time Shoreland Resource Officer to handle that data.

Mr. Kerr, Mr. Fitzpatrick, and Mr. Workman – Chairperson Beers considered the previous workshop to be Town Council's first encounter with the proposal presented and now expects to seek resolution. He added that his problem arose where discussions have not occurred before Town Council, not the nature or circumstances of the decisions.

12. UNFINISHED BUSINESS

a. (070116-4) The Kittery Town Council moves to approve changes to the Eaton & Peabody Contract.

A MOTION WAS MADE BY COUNCILOR DENNETT TO APPROVE CHANGES TO THE EATON & PEABODY CONTRACT, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 6/0/0.

13. NEW BUSINESS

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

b. (070116-5) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$78,168.10.

Town accounts payable of \$12,023.34.

Town accounts payable of \$188,687.51

Sewer account payable of \$11,529.94.

Sewer account payable of \$6,125.49.

Sewer account payable of \$1,454.51
School accounts payable of \$61,736.65.
School accounts payable of \$274,624.23.
Total of all disbursement warrants of \$634,349.77.

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 6/0/0.

c. (070116-6) The Kittery Town Council moves to vote its nomination for the 2016-2018 Legislative Policy Committee (LPC).

A MOTION WAS MADE BY COUNCILOR SPILLER TO NOMINATE PERRY ELLSWORTH FOR THE 2016-2018 LEGISLATIVE POLICY COMMITTEE (LPC), SECONDED BY COUNCILOR THOMSON. MOTION CARRIED 6/0/0 BY VOICE VOTE.

d. (070116-7) The Kittery Town Council moves to schedule a public hearing for 7/25/16 to ordain and adopt the 2016-2017 Sewer Budget.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING FOR 7/25/16 TO ORDAIN AND ADOPT THE 2016-2017 SEWER BUDGET, SECONDED BY COUNCILOR BEERS. MOTION CARRIED 6/0/0 BY VOICE VOTE

e. (070116-8) The Kittery Town Council moves to discuss amendment to Title 4 Kittery Town Code regarding Planning Board and Board of Appeal appointments.

Chairperson Beers noted that this is solely a discussion for consideration; that his handout was not a recommendation. It was one way, not the only way, and maybe not the best way, but was intended to provide focus on the language needing consideration.

Councilor Spiller appreciated Chairperson Beers' work. She recommended that the document be reviewed by the committee on appointments.

Councilor Thomson noted that Town Manager Granfield intended to have this reviewed by the Appointment Committee. Chairperson Beers stated his support for that notion. Councilor White felt it is a suitable first order of activity for the Appointment Committee.

Councilor Dennett noted that at line 50 a semicolon be added after "appointment" and to add a period at the end.

Councilor Thomson suggested that the Appointment Committee prepare a set of questions for interviewers of various boards and committees. He remembered that the initial provision of the Title intended it have the interview conducted outside the Council vote. Councilor Spiller remembered it as being more efficient to conduct the interview and voting in the same session.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont asked if an individual representing the Town was supposed to be present at the last Port Authority meeting. Town Manager Granfield explained that based on correspondence with the Port Authority, it was decided a representative from the Town would not be necessary. Councilor Lemont asked if the meeting was to discuss whether Wood Island pay fees. Chairperson Beers explained that the Town exempts itself from paying itself fees and the consideration was for the Port Authority to view it as a Town project on Town property to transit materials. Also, WILSSA is the Town's agent for administration of contracts, therefore, a WILSSA member being present is representing the Town. However, it was learned that the WILSSA member did not deal with matters in a clear fashion.

Councilor Lemont asked if the responsibility for resolution of the library plans falls on the Council. Chairperson Beers sought that an agenda item at next meeting arise for discussion.

Councilor Spiller asked when the line striping on Rte. 103 will occur. Mr. Albert replied that line striping for the whole Town is scheduled for the third to last week of July.

Councilor Thomson requested that the workshop items for July 15, 2016 be moved to the regular meeting on July 25, 2016 and the workshop with the Parks commission be moved to the regular meeting on August 8, 2016.

Councilor Thomson stated he has received several concerns regarding the time required for the gates at the bridge to move up and down. He asked that the information be researched and provided to the Town. Mr. Albert noted that this issue was a major discussion at the last DOT meeting held at the KCC. The bridge is wired in that manner that would require extensive rewiring to operate all gates at the same time. The new Sarah Mildred Long Bridge will operate in that fashion. Councilor Thomson suggested to ask whether a discussion with City of Portsmouth City Manager, Mr. Bohenko, is in order.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Beers cited an announcement from Eaton & Peabody. The announcement includes details of a volunteer opportunity for citizens to interview for a 7-9 person citizen panel on Tuesday, September 13, 2016 from 8:00am – 5:00pm. This citizen panel will help to select the new Town Manager. Applications will be made available at the Town Clerk's office and Town website. The submission deadline for applications is no later than August 12, 2016.

Chairperson Beers requested that Town Council hold a workshop to discuss sewer betterment assessment fees on July 18, 2016, which should provide valuable information to serve as the basis for the proposed plan and Council needed to provide direction to the Town Manager.

A Town Council and Parks Commission workshop to discuss address dogs and chickens is postponed to a date to be determined.

Chairperson Beers requested that Town Council meet with the Economic Development Committee, as requested on August 8, 2016, which is before the sewer betterment proposal plan adoption.

b. Committee Reports – None.

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR WHITE TO ADJOURN THE MEETING AT 8:06 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6/0/0.

Submitted by Marissa Day, Minutes Recorder, on July 14, 2016.

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>.