

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, Judith Spiller, and Jeffrey Thomson.

5. Agenda Amendment and Adoption

Agenda was adopted, as presented.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

Signage on Seapoint Road – There appears to be sufficient signage on Seapoint Road to indicate where parking is prohibited. It was recognized that Title 10 should be updated to ensure it covers the signed areas and those changes will be proposed in the coming weeks.

Legislative Delegation – She will be meeting with Senator Hill and Representatives Lawrence and Rykerson on March 7th in Augusta to confirm which meeting date works for all three to attend. She is going to speak about issues that impact Kittery such as the development of the budget, revenue sharing, and other state aid.

Portsmouth Naval Shipyard – The regular quarterly meetings have been reinstated with the PNSY Command staff. The first meeting on February 14th was successful and discussions were had regarding parking, transportation, events, and schedules.

Code Violations on Brave Boat Harbor Road – There were building code violation issues at the requested location for inspection. The owner is being fully cooperative to ensure the issues are addressed.

Town Manager Amaral reviewed an item not included in her written report.

Kittery Outlets Project – The Kittery Outlets Project Kickoff Meeting is Thursday, March 2nd from 8:30-10:00am at the Kittery Trading Post to introduce the project to develop a transportation plan for the Route 1 Kittery Outlet area.

Potholes – If anyone has a pothole issue, citizens can call Department of Public Works at 439-0333. The pothole complaints should be responded within 24 hours. Once the complaints are

completed, then the main roads are addressed, and then the side roads.

Vice Chairperson Denault asked the nature of the Code violations by a member of the Planning Board. Chairperson Beers sought consensus from the Council for a request from the Town Manager as to whether the violations may be a violation of the Town Charter. The Council consensus concluded the matter to be handled within administration and the Town Manager to report if a Charter violation was found. Councilor Spiller questioned the procedure for identifying Code violations. Town Manager Amaral explained that she responded to a request from a Councilor.

Councilor Thomson suggested that the new website could include a tool for reporting potholes.

Chairperson Beers felt the Code violations situation was handled appropriately.

7. Acceptance of Previous Minutes

The minutes of January 18, 2017 Special Meeting were adopted, as presented. The minutes of January 19, 2017 Regular Meeting and January 23, 2017 Regular Meeting were adopted, as amended.

8. Interviews for the Board of Appeals and Planning

Board of Appeals (one re-appointment until 03/01/20)

- April Timko

Ms. Timko responded to Councilor Spiller that the role of the Board of Appeals is to hear and decide appeals based on the laws, regulations, and Town ordinances.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO APPOINT APRIL TIMKO TO THE BOARD OF APPEALS FOR RE-APPOINTMENT UNTIL 3/1/20, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

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

- a. (020217-1) The Kittery Town Council moves to receive the Town Audit.

Mr. Ron H.R. Smith, RHR Smith & Company, presented the June 30, 2016 audit. He highlighted the Town's financial position and explained his analysis. Councilor Dennett and Mr. Smith discussed specific verbiage in the audit and felt they could be clarified later.

A MOTION WAS MADE BY COUNCILOR THOMSON TO RECEIVE THE TOWN AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2016 WITH THANKS, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

- b. (020217-2) The Kittery Town Council moves to authorize Eagle Scout, Howard Chandler Scully, III, from Troop 307, to do an Eagle Scout Project in Kittery. The project will consist of constructing and placing three American flag drop boxes at the Resource Recovery Facility, Kittery Community Center and Kittery Lions.

Mr. Scully explained the purpose of the project that intends to start in the upcoming weeks. Mr. Mel Bates, VFW District 11, spoke in favor of the project and noted that the Scouts have been taught the proper procedures.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE EAGLE SCOUT, HOWARD CHANDLER SCULLY, III, FROM TROOP 307, TO DO AN EAGLE SCOUT PROJECT IN KITTERY, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

c. 020217-1) The Kittery Town Council moves to receive a presentation and accept a donation for Star Theatre.

Mr. Steve Workman provided a brief presentation regarding the \$40,000 grant and how the Kittery Community Center plans to use that grant. It will be used to better diversify the arts and cultural program offerings that target children and youth of all ages. He noted other goals that KCC aims to achieve and one indicates that every member of the community will attend at least one KCC event each year. Currently, there are a number of staff members advertising the program, but there is not a dedicated job position for this effort. The staff felt the grant can be used to hire a contractor to focus on community outreach, marketing, and advertising to help achieve their goals.

Mr. Peter Lamb, The Philanthropic Initiative, spoke in favor of the donation and highlighted what KCC was able to accomplish with past donations. He felt that this will increase the event offerings and community participation at KCC.

Mr. Workman clarified to Councilor Dennett that the KCC Board has already made a motion to accept the first installment contingent upon the Town Council's acceptance.

The Council made comments in support of the initiative and felt this will certainly benefit the community and the KCC.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT A DONATION OF \$20,000 FROM THE OGDEN FOUNDATION FOR PROGRAMMING SUPPORT FOR THE STAR THEATRE FOR A TWELVE (12) MONTH PERIOD WITH SAID DONATION TO BE ENTERED INTO A NEW ACCOUNT CREATED FOR SUCH PURPOSE, SECONDED BY COUNCILOR SPILLER.

Mr. Workman explained that it is important to include the total amount of the grant in the motion because the KCC will request a 2-year contract for the position.

COUNCILOR THOMSON AMENDED THE MAIN MOTION TO INDICATE ACCEPTANCE OF A DONATION OF \$40,000 FROM THE OGDEN FOUNDATION, \$20,000 FOR EACH OF THE NEW TWO CALENDAR YEARS, SECONDED BY COUNCILOR SPILLER.

COUNCILOR THOMSON AMENDED THE MAIN MOTION TO STRIKE THE PREVIOUS REVISION AND INDICATE ACCEPTANCE OF A GRANT FROM THE OGDEN FOUNDATION IN THE AMOUNT OF \$40,000 AND A CHECK FOR \$20,000 FOR THIS CALENDAR YEAR PROCEEDING, SECONDED BY COUNCILOR SPILLER.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

10. PUBLIC HEARINGS – None.

11. DISCUSSION

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

Chairperson Beers made a statement prior to opening the public discussion regarding Council meeting proceedings. He noted that the government does hold the power to impose limits on free speech in regards to time, place, and manner restrictions. He explained what types of matters are handled in an executive session and he described the nature of information that is deemed confidential.

Vern Gardner, 2 Tucker Cove

Mr. Gardner provided a brief statement regarding free speech. He explained what he thought people can say and do with respect to non-members according to Robert's Rules.

Jeff Brake, 28A Cutts Road

Mr. Brake announced that the Kittery Educational Scholarship fund will be accepting applications from March 15th through April 18th and noted that the applications are available at the Superintendent's office, Rice Public Library, and the guidance counselor's office.

Milton Hall, 51 Bowen Road

Mr. Hall questioned the term lengths of the Port Authority positions and understood that a one-year Planning Board appointment is against State statute.

Martha Petersen, 290 Haley Road

Ms. Petersen stated her concerns in response to the February 22, 2017 Council meeting. She felt other courses of action could have been taken to handle the way the meeting proceeded.

Steve Workman, 10 Bridge Street

Mr. Workman acknowledged the statements made in Chairperson Beers' explanation. He advocated methods for providing the public an opportunity to express their comments in the Council meetings.

Stephen Kosacz, Autoworks

Mr. Kosacz suggested ways to involve community bicycle groups in the planning process for Route 103.

Sarah Brown, 22 Main Street

Ms. Brown expressed her concerns regarding the way in which the previous Council meeting proceeded.

Paula Desaulnier, 2 Tuckers Cove

Ms. Desaulnier expressed concerns for the net effects from how the previous Council meeting was handled. She felt that the situation was mishandled and described the situation from her perspective.

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

c. Chairperson's response to public comments

Chairperson Beers referred to the Town Manager to follow up with the matter regarding the Port Authority term lengths and the suggestions made for Route 103 improvements.

Chairperson Beers reiterated statements made in his initial explanation regarding meeting protocols and how confidential matters are handled. He noted that a draft Code of Ethics policy is still in progress and that will be a model for appropriate behavior and demeanor in public meetings.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

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

b. (020217-3) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$117,020.92.

Sewer account payable of \$24,112.03.

School accounts payable of \$115,945.67.

Tax refunds of \$3,244.97

Total of all disbursement warrants of \$260,323.59.

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 SPILLER TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

c. (020217-4) The Kittery Town Council moves to authorize the Kittery Harbourside Garden Club to place up to 15 signs in specific locations in Kittery to advertise their annual plant sale to be held on Sunday, May 27, 2017. The signs would be placed no earlier than 10 days prior to the event and will be removed within 48 hours after the event.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY HARBOURSIDE GARDEN CLUB TO PLACE UP TO 15 SIGNS IN SPECIFIC LOCATIONS IN KITTERY TO ADVERTISE THEIR ANNUAL PLANT SALE TO BE HELD ON SUNDAY, MAY 27, 2017, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett advised the statutory limitations on placing temporary signage in Kittery.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

d. (020217-5) The Kittery Town Council moves to revise the current charge for the Economic Development Committee.

Councilor Thomson stated that several comments were received and those should be reviewed by the Council, Economic Development Committee, and Planning Board prior to revising the

current charge.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO REVISE THE CURRENT CHARGE FOR THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY COUNCILOR SPILLER.

The Council discussed how the charge be reviewed by the various entities through a workshop.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO POSTPONE ACTION ON D UNTIL AFTER A WORKSHOP IS HELD BETWEEN THE TOWN COUNCIL, PLANNING BOARD, AND ECONOMIC DEVELOPMENT COMMITTEE WITH ANY CHANGES OR CLARIFICATIONS TO THESE DOCUMENTS THAT MAY BE AGREED UPON AT SAID WORKSHOP ARE INCORPORATED INTO THOSE DOCUMENTS, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

e. (020217-6) The Kittery Town Council moves to appoint members to the Economic Development Committee as presented.

A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT GEORGE DOW UNTIL 12/31/19, STEPHEN KOSACK UNTIL 12/31/19, DAVID LINCOLN UNTIL 12/31/18, AND THOMAS BATTCOCK-EMERSON UNTIL 12/31/18 TO THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Chairperson Beers stated that during the Comprehensive Plan Update 2015-2025 presentation, it was asked whether the State would review the draft plan. He clarified that there is no longer a state planning office to review comprehensive plans. The Department of Agriculture, Conservation, and Forestry will conduct preliminary review of the draft plan.

Councilor Spiller stated that she is attending the MMA Workshop regarding marijuana on February 28, 2017 with the Town Manager, Town Planner, and a few Planning Board members. She mentioned that members of the Land Trust are compiling a series of tree identification and mitigating invasive species.

Councilor Thomson asked for an update regarding the Attorney's review of applicable Ordinance governing Amazing.net. He announced the Lecture Series: Portsmouth Naval Prison: A Brief History will be held at the STAR Theatre on Wednesday, March 1st at 7:00pm.

Councilor Pelletier provided a brief statement in response to the way the previous Council meeting proceeded, regarding the objection of a citizen during public comment. He suggested that the Council consider a motion in the next regular meeting to remand the report for further investigation to allow for the Town manager to handle the matter independently.

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

A MOTION WAS MADE BY CHAIRPERSON BEERS TO ADJOURN THE MEETING AT 8:34 P.M., SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

Submitted by Marissa Day, Minutes Recorder, on March 20, 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>.