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3 1. Call to Order

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5 Chairperson Beers called the meeting to order at 7:00 p.m.
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7 2. Introductory

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9 Chairperson Beers read the introductory.
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11 3. Pledge of Allegiance

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13 Chairperson Beers led those present in the Pledge of Allegiance.
14

15 4. Roll Call

16
17 Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault,
18 Councilors Frank Dennett, Russell White, Jeffrey Thomson, Judith Spiller, and Kenneth
19 Lemont.
20

21 5. Agenda Amendment and Adoption

22
23 Councilor Dennett requested that original Item 9 be marked as Item 9b and current Item 13n be
24 marked as Item 9a to more accommodate the Finance Director.
25

26 Vice Chairperson Denault requested to move Item 13s to Item 13c.
27

28 Agenda was adopted as amended.
29

30 6. Town Manager's Report

31
32 Town Manager Granfield reviewed her written report.
33

34 She received four proposals in response to the solicitation for construction project management
35 services for the Kittery Community Center East Wing improvements. The proposals ranged from
36 \$30,000 to \$90,000. Two firms were interviewed and as a result DeStefano & Associates, Inc.
37 was chosen.
38

39 A request for proposal was released for Emery Field Multi-Use Fields and Pathways Design
40 Services with a proposal submission deadline of April 20, 2016 at 2:00 PM EST. She has met
41 with about half of all departments to gain a better understanding of their operations.
42

43 Japanese foreign exchange students will be visiting Kittery from April 22, 2016 to April 27,
44 2016. Town Manager Granfield scheduled a meeting on March 29, 2016 with school staff and
45 community to seek any guidance on what agenda schedules, services, or entertainment was
46 offered to those students in the past. She welcomed any suggestions from the Town Council. She
47 added that typically the Town and school did not fund this program. She requested any guidance

for alternative ways to seek funding.

The police selection committee group has been excellent and making great progress toward selecting a qualified candidate.

Town Manager Granfield is working to organize and build continuity of internal operations to ease the transition process for any new employee. That includes improving the process for Request for Information or Freedom of Information for the Town Clerk.

Pamela Plumb informed Town Manager Granfield the 4-hour council training could be administered on Saturday mornings, Monday evenings, and possibly Tuesday evenings. She confirmed availability on:

- Saturday, April 9, 2016
- Monday, May 16, 2016
- Any Tuesday, based on room availability

The training is geared towards the seven councilors plus the town manager and would be listed as a public workshop. She requested the Town Council's preferences for training dates.

Town Manager Granfield asked the Council their plan for recruitment of a new Town Manager to include what direction it will be sought and when to proceed.

In regards to tax lien properties, Town Manager Granfield suggested to consider writing off outdated tax bills because after a certain date they would not be collected.

Councilor Thomson noted the Japanese students are arriving the week of school vacation. Town Manager Granfield added that the superintendent did relay the message this was poor timing. She suggested in the future their trip dates be scheduled outside a vacation week and school examinations. Councilor Thomson mentioned that Council involvement was very minimal in years past. Town Manager Granfield questioned how the program was founded and Councilor Thomson responded that Judy and Mori Mitsui, Kittery residents, helped found the program. Councilor White added that Shapleigh teachers and community members collaborated to initiate this effort. He offered to attend the welcome dinner scheduled for this year to represent the Town Council. Chairperson Beers planned on attending the Saturday ceremony as well. He was surprised to learn that funding for this program is solely voluntary and asked that the Town Manager research the possibility of using Town discretionary funds to sponsor the program in part.

After discussion amongst the Town Council, it was requested that confirmed availability for the Plumb training session on any Tuesday be provided by e-mail and fax.

Chairperson Beers asked the Council whether the discussion of town manager replacement be postponed until the training or addressed in a future agenda. Vice Chairperson Denault suggested that the process be started as soon as possible. Councilor Spiller suggested that the council training be conducted and then used as the foundation for determining the plan for town manager replacement. Councilor Thomson concurred with Councilor Spiller and noted his understanding was this discussion would begin after the budget season concluded. Chairperson Beers responded to Town Manager Granfield that this topic be postponed until after the training is conducted.

Councilor White expressed the budget is top priority. Other priorities he identified included the search for a new Chief of Police renovations at the Kittery Community Center, ongoing projects under active contract management, Emery field, and more.

Vice Chairperson Denault added to Councilor White's recommendations to consult with Randy Buccini on Channel 22 initiatives identified by former Town Manager Puff.

Chairperson Beers asked that the Sewer Betterment Fee issue be clarified so that those involved have a better understanding of what that entails.

7. Acceptance of Previous Minutes

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Hearing no corrections; the minutes were adopted, as amended. Councilor Lemont requested that the record reflect his abstention as he was not present for that meeting.

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. (030316-19) The Kittery Town Council moves to authorize the acceptance of funds in the amount of \$3,424.08 from USAA General Indemnity Co. and to appropriate said funds to be paid out of account #101740-68427 Expense Self-Insurance Claims, to pay the costs associated with damage to the pedestrian crosswalk signal at the intersection of Whipple Road and Woodlawn Ave occurring on February 5, 2016.

Ms. Cindy Saklad, Kittery Finance Director, noted her memorandum addressed the purpose for the proposed motion as it pertains to an outside insurance agency paying for insurance damages. She requested guidance on whether it is appropriate to bring forth this type of action and entertained any questions.

Councilor Dennett stated his understanding of Ms. Saklad's memorandum to expense outside insurance claims into the Expense Self-Insurance Claims account and no Council action would be necessary. The standard deductibles would have to be appropriated from surplus, and then be handled by the Finance department. This could all be managed internally which expedites the current process. The Council concurred with this notion.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO APPROVE CURRENT
AGENDA ITEM 9A, SECONDED BY COUNCILOR THOMSON. MOTION CARRIED
7/0/0 BY VOICE VOTE.**

b. (030316-1) The Kittery Town Council moves to receive a presentation from Forrest Bell of FB Environmental Associates on the 2016 Spruce Creek Sampling Proposal.

Mr. Bell's presentation included the following statements:

- The content in the one-page fact sheet provided was covered in the presentation.
- The 2016 Spruce Creek Sampling Proposal handles the 10-square mile Spruce Creek watershed which makes up half the Town of Kittery. Its outlet flows into the Piscataqua River.
- Mr. Bell explained why the proposal is necessary. Spruce Creek is federally-listed as impaired due to Nonpoint Source (NPS) pollution. As a result, a marine fishery has been compromised. The federal government and Maine DEP could begin to pressure the Town and other stakeholders to put the creek into attainment. The work of Mr. Bell's team has been working toward that goal.
- He identified the main problem to be bacteria due to several human factors.
- Mr. Bell recalled the Council gave his team a charge to return the results of their findings. He presented the following diagnostic tests that took place to address the NPS pollution:
 - Since 2009, both action and baseline oriented monitoring has been conducted to detect hotspots in streams and outfalls.
 - DNA testing and canines have helped to identify the human-only factors attributing to the bacteria. Main channel readings of water quality have been captured every 30 minutes since 2012.
 - Physical NPS pollution surveys were completed in 2005 and 2013.
 - The Watershed Management Plan was updated in 2014.
 - Smoke and dye testing in sewers and storm waters was conducted in 2013.
 - A septic and sewer database and priority risk mapping was updated in 2016 to identify potential septic failures.
- Mr. Bell explained how his team is currently addressing the issues as follows:
 - The team worked with Maine DEP to obtain 319 grants to execute Phase 4. Total Grant Funds of \$225,300 originated from US EPA and coordinated by Maine DEP. The total match from Town and citizen volunteers amounted to \$322,118 and over 4,700 volunteer hours have been recorded.
 - 319 Grant Restoration resulted in 64 different projects installed to test best management practices. About 5 tons per year of sediment was prevented from going into the land from the creek. Phosphorus and nitrogen levels were reduced by 5 and 15 pounds per year, respectively. Each year, 567 billion bacteria colonies were eliminated.
- Mr. Bell noted the results of the 2015 water quality monitoring as follows:
 - Fecal indicators were derived from an analysis of DNA sampling. Picott Road showed only bacteria from goose fecal matter. Chicory Creek recorded human markers. Manson Avenue recorded human and canine markers.
 - Data loggers deployed in the main channel revealed dissolved oxygen levels consistent with previous years, which often is a result of excess nutrients.
- The 2016 proposal focuses on the following efforts:
 - To build continuity in data collection, especially within the main channel. It is easiest to make predictions based on a 30-40 year data set.
 - To further research other potential sources for pollution. This includes testing for bovine DNA and agricultural runoff on Picott Road and testing the upstream cross connections considering the January 2016 Kittery Wastewater Department investigation.
 - To monitor the impact of extending the Chickering Creek sewer line.
- The 2016 proposal costs \$5,000 less than the 2015 proposal. He reiterated the "tracking

and remediating pollutants in the Spruce Creek watershed will be an ongoing effort to ensure public safety, economic well-being, and environmental health”.

- He thanked all the partners and resources provided that supported his team’s efforts.

Vice Chairperson Denault asked when the last grant was received for solely Kittery. Mr. Bell responded in Fall of 2015. He confirmed to Vice Chairperson Denault that the match grant consists of volunteer hours.

Vice Chairperson Denault asked if the Planning Board’s requirements could have contributed to the positive findings of Mr. Bell’s team. Mr. Bell responded in the affirmative and noted that the results are a cumulative impact.

Vice Chairperson Denault expressed his concern that the presentation did not present any drastic changes since previous years. He asked if Mr. Bell’s team considered the swamps feeding into the Picott Road field that may have resulted in the goose markers. Mr. Bell noted that this hypothesis was tested, but he could not attest to geese being the only source.

Vice Chairperson Denault asked if Stanley Tanger, Ram Management, Kittery Trading Post, Robert’s Maine Grill and The Weathervane have been contacted regarding the work performed this year. Mr. Bell was unsure if all those businesses have been contacted this year.

Councilor Lemont expressed his understanding that the goal is to open and regenerate the clam flats of Spruce Creek. His concern is in a best case scenario the resolution would occur in two years because the Town of Portsmouth is moving from a primary to secondary sewage plant. The DMR reported that the water is clean and is ready for harvesting clams, but no action can take place until the City of Portsmouth finalizes their sewage plans. Councilor Lemont asked if Mr. Bell’s organization could provide any credence to the City of Portsmouth to support the Shellfish Conservation Committee’s arguments to that situation. Mr. Bell noted he sits in the Piscataqua Region Estuaries Partnership and recommended that a representative attend the next Kittery Shellfish Conservation Committee meeting to express their views. He expressed his personal viewpoint that pollution is coming from both the watershed and also back flushing from the treatment plants.

Councilor Lemont asked how Mr. Bell’s team was able to remove 5 tons of sediment. Mr. Bell responded that they trapped the most contaminated areas and directed the infiltration into the ground since the soil can treat the pollutants naturally. He noted that the Department of Public Works and both private and public land owners have helped to construct the setups.

Councilor Spiller realized human waste is likely due to failed septic systems, but asked where the canine markers could have come from. Mr. Bell responded that it could come from lack of canine waste removal.

Chairperson Beers expressed his satisfaction with the progress of reducing the sediment and pollutants in Spuce Creek since 2009. He noted that the 2016 proposal be incorporated into a future agenda item for Town Council approval.

10. PUBLIC HEARINGS

236

237 a. (030316-2) The Kittery Town Council moves to hold a public hearing and hereby ordains an
238 amendment to Title 13 Sewer Service System of the Kittery Town Code.

239

240 Chairperson Beers opened the floor for public hearing; seeing none the public hearing was
241 closed.

242

243 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO ORDAIN AN**
244 **AMENDMENT TO TITLE 13 SEWER SERVICE SYSTEM OF THE KITTEY TOWN**
245 **CODE, SECONDED BY COUNCILOR LEMONT. ROLL CALL TAKEN WAS ALL IN**
246 **FAVOR. MOTION CARRIED 7/0/0.**

247

248 b. (030316-3) The Kittery Town Council moves to hold a public hearing on an application from
249 Kittery Trading Post Shops, LLC, 301 US Rt. 1, Kittery, Maine for a Victualer's License for The
250 Lobster Pot, 301 US Rt. 1.

251

252 Chairperson Beers opened the floor for public hearing; seeing none the public hearing was
253 closed.

254

255 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
256 **APPLICATION FROM KITTEY TRADING POST SHOPS, LLC, 301 US RT. 1,**
257 **KITTEY, MAINE FOR A VICTUALER'S LICENSE FOR THE LOBSTER POT, 301**
258 **US RT. 1, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN**
259 **FAVOR. MOTION CARRIED 7/0/0.**

260

261 c. (030316-4) The Kittery Town Council moves to hold a public hearing on an application from
262 Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery for a Victualer's License for The Pointe, 31
263 Badger's Island West.

264

265 Chairperson Beers opened the floor for public hearing.

266

267 Edward Beevers, 27 Badger's Island West

268 Mr. Beevers commented his opposition of approving both applications from Maine Ocean
269 Lobster, LLC, on behalf of three other residents in his neighborhood. He felt that traffic
270 increased and parking was limited once The Weathervane restaurant had opened. He asked that a
271 parking and traffic study be considered during the summer months that the restaurant would be
272 open.

273

274 Mary Karalekas, 27 Badger's Island West

275 Mr. Karalekas noted she lives in the same condominium association as Mr. Beevers. She noted
276 that when The Weathervane restaurant opened they expressed their concerns for parking since
277 only 29 spaces were made available. Her other concern was deep fryer grease vented towards the
278 condominium units. The entertainment will bother the residents. The rules state the decibel levels
279 from 7:00 AM – 9:00 PM not to exceed 55 dbs. and from 9:00 AM – 7:00 PM not to exceed 45
280 dbs. Acoustic or amplified music would have to be vetted through the union.

281

282 Chairperson Beers closed the public hearing

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPROVE THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY FOR A VICTUALER'S LICENSE FOR THE POINTE, 31 BADGER'S ISLAND WEST, SECONDED BY COUNCILOR THOMSON.

Vice Chairperson Denault reviewed the complaints from Portsmouth with noise from fireworks and Prescott Park and determined that proper safeguards are in place for Code Enforcement to reinforce the town ordinance.

Councilor Thomson asked if extension of hours would require consideration by Planning Board or Board of Appeals under Expansion of Use. Chairperson Beers confirmed that according to Maine Law Court case law adding hours or days is not considered an Expansion of Use.

Councilor Thomson added that traffic and parking issues may not be solely and directly related to The Weathervane restaurant.

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

d. (030316-5) The Kittery Town Council moves to hold a public hearing on an application from Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery for a Special Activity Amusement Permit for The Pointe, 31 Badger's Island West.

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

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPROVE THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE POINTE, 31 BADGER'S ISLAND WEST, SECONDED BY COUNCILOR LEMONT.

Councilor Dennett requested that the Planning Board review the applicant's seating and parking plans.

Vice Chairperson Denault felt that the Code Enforcement inspection determined it is in compliance with Town Code.

A MOTION WAS MADE BY COUNCILOR DENNETT TO REMAND THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE POINTE, 31 BADGER'S ISLAND WEST TO THE CODE ENFORCEMENT OFFICER FOR FURTHER REVIEW, SECONDED BY COUNCILOR THOMSON.

Councilor Thompson concurred with Councilor Dennett's statement and additionally asked that live music be held inside the establishment to provide a sound barrier. He questioned the deck's ability to handle the proposed activity.

Chairperson Beers concurred with Councilor Thomson, but noted that decibel levels are enforceable. It is unlikely that a live, outdoor band could achieve the 55 dbs. requirement.

Vice Chairperson Denault noted that The Weathervane restaurant did obtain special permits in the past to host events of this nature and is in support of the previous motion.

Councilor Lemont did not feel it is appropriate to question the Code Enforcement inspection.

Councilor Thomson emphasized that the motion only requests more information.

Councilor Lemont asked when this information could be earliest available. Chairperson Beers suspected the information would be available before April 11, 2016 Town Council meeting.

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

e. (030316-6) The Kittery Town Council moves to hold a public hearing on an application from The Dance Hall, 7 Walker Street, Kittery for a Special Activity Amusement Permit for The Dance Hall, 7 Walker Street.

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

A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT THE APPLICATION FROM THE DANCE HALL, 7 WALKER STREET, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE DANCE HALL, 7 WALKER STREET, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

11. DISCUSSION

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

Willie Goodson, Martin Road

Mr. Goodson received a bill along with 152 of his neighbors which amounted to an average \$18,000 in individual sewer betterment assessment fees. He couldn't recall in the original voting a statement requiring the homeowner's responsibility for sewer betterment costs. He expressed his opinion that these fees are wrong and imposes financial hardship to several of the residents at llarge. He felt that the 10-year payment plan does not help the situation since it equates to payments per month of about \$180. He questioned why the Town of Kittery is not fully responsible for costs he considers to be Town improvement.

Mr. Goodson provided a letter to Town Council composed by the association of the homeowners and invitation to the association's next meeting.

Jim Forbes, Mill Pond Road

Mr. Forbes recited excerpts from Normal Albert's, Commissioner of Kittery Public Works, cover

letter which endorsed the efforts of FB Environmental Associations. He noted that last year Councilor Denault requested more data and Councilor Thomson asked if an endpoint was foreseen. Mr. Forbes wondered what kind of science does not include trend data. He asked if the water and shellfish is more or less polluted than in years past and where the data lies to support those answers. He asked if the identified areas of serious pollutants have been fixed yet. He asked whether there have been reported sicknesses from the shellfish from the pollution.

George Dow, Bartlett Road

Mr. Dow's statement addressed Item 13l regarding Wood Island sub-committee appointment. He encouraged Chairperson Beers to have a working group with Councilor Spiller and Councilor White based on 4/3/0 vote to proceed with the concession agreement. The town attorney was not given the opportunity to raise his concerns.

Mr. Dow believed that Chairperson Beers inadvertently separated himself from seeing the matter fairly. He encouraged Chairperson Beers to consider that prior to making a decision.

Don Gagnon, 33 Pinkhams Lane

Mr. Gagnon statement addressed Item 13c regarding Fort Foster Passes for Kittery school employees. He mentioned the school employees were excited and appreciative to find the topic became an agenda item. He thanked Vice Chairperson Denault for initiating that action. Mr. Gagnon felt it is a luxury for Town employees and should be for school employees as well.

Mr. Gagnon expressed his concern that residents are soliciting their homes for 1-3 night stays resulting in serious parking issues. He witnessed one evening roughly 30 cars parked near his home. He has not contacted Code Enforcement personally since he would rather open the discussion up to public forum. He felt this issue will continue to worsen and that other residents have been told by Code Enforcement it is not in their purview to be addressed.

Niles Pinkham, 25 Pinkhams Lane

Mr. Pinkham's statement advocated Mr. Gagnon's stance. He noted that traffic has become dangerous and noise levels have increased on these occasions. He sought guidance from Code Enforcement and was told they had larger issues to handle. He is concerned that the homes are advertised to sleep 20 people at \$400 per night which is only encouraging boisterous parties instead of families for longer stays.

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

c. Chairperson's response to public comments

Chairperson Beers requested that Mr. Forbes provide a written list of his questions and that Town Manager Granfield work with FB Environmental Associates and Mr. Albert to formulate a response to Mr. Forbes' questions.

Chairperson Beers responded to Mr. Dow that it is evident in the work group proposal what he authored as his opinion to establish three positions: Chairperson of the Town Council, President of the Wood Island Life Saving Station Association and the National Parks Service Program Manager. This work group would meet and examine issues, then report back to their respective

bodies. It is nothing more than examination and an information gathering effort with results to be reviewed by the concerned parties.

Chairperson Beers noted that school Fort Foster passes is on the current agenda.

Chairperson Beers responded to Mr. Gagnon that over a year ago he advised Mr. Pinkham of various violations the circumstances represent in the Pinkhams Lane neighborhood which are clearly code enforcement issues. Chairperson Beers asked Town Manager Granfield to examine the issues with the Code Enforcement and Police Department to ensure the advertised homes have an approved inn use permit by the Kittery Planning Board.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

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

b. (030116-5) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$148,863.10. Sewer account payable of \$14,167.78. School accounts payable of \$313,007.03. Total of all disbursement warrants of \$476,037.91. 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.**

c. (030316-24) The Kittery Town Council moves to discuss providing Fort Foster stickers to School employees.

**A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO DISCUSS
PROVIDING FORT FOSTER STICKERS TO SCHOOL EMPLOYEES, SECONDED BY
COUNCILOR SPILLER.**

Councilor Thomson felt this process should follow the appropriate channels. The Town Code states the Town is to provide one free annual pass to Fort Foster to employees. He reminded that the Town Code applies to only municipal government. He noted that the attachment accompanying the agenda item is directed towards the Horace Mitchell Primary School which does not encompass all Town of Kittery school employees. He added that it is unsuitable precedent to action in response to a petition. He proposed that school employees approach the school committee to unanimously vote on requesting a Town Council agenda item.

Chairperson Beers noted that the motion called for only discussion of the topic.

Councilor Dennett cited two sections of the Town Code:

- Title 2.3.17.20 Use of Facilities. The Town is to provide employees with one free annual

pass to Fort Foster.

- Title 2.3.3 Scope and Coverage. A. The provisions of the personnel classification and compensation plan apply to all positions in the Town except as follows: 2. Employees under the control of the school committee;

Councilor Dennett felt that any action granting school employees a free annual pass to Fort Foster would be illegal under the personnel ordinance.

A MOTION WAS MADE BY COUNCILOR THOMSON TO POSTPONE ANY ACTION ON PROVIDING ONE FREE ANNUAL PASS TO EACH SCHOOL EMPLOYEE UNTIL SUCH TIME COMMUNICATION IS RECEIVED FROM KITTERY SCHOOL COMMITTEE, SECONDED BY CHAIRPERSON BEERS.

Vice Chairperson Denault drafted this agenda item and included correspondence from one school out of three received. He agreed with the merits of Councilor Thomson and Councilor Dennett, but felt that the situation has changed over time. In his experience, he has witnessed J1 students, military members, and part-time Town employees receive free Fort Foster passes. He interpreted the Town Code to read free annual Fort Foster passes be provided to all employees, not specifically municipal. The school department employees are paid for by the Town of Kittery. He recognized both viewpoints of the argument. Vice Chairperson Denault felt it wouldn't impose disservice for the Council to amend the Town Code and in the interim provide this benefit to the school employees.

Councilor Lemont served on the school committee and saw that every year free passes were requested, but could not be granted without Town Council approval. It was not a top priority in the school committee budget to fund the passes, but he emphasized that this did not negate the desire for it. He asked whether the ordinance directly prohibits the school employees. Councilor Dennett reiterated Title 2.3.3.

Councilor Dennett added that exceptions to Title 2.3.3 included all elected officials and members of boards and commissions; and positions which involve seasonal or part-time employment. He welcomed any change in this ordinance.

Councilor Thomson agreed with Councilor Dennett that a public hearing be scheduled to amend the Town Code. He proposed a more expeditious alternative solution for the Town Manager to suggest to the superintendent a request be made from the school committee.

Vice Chairperson Denault asked if the ordinance noted an exception for J1 students. Councilor Dennett responded in the negative.

Councilor White felt two possible courses of action had been identified and suggested to proceed with voting.

**ROLL CALL WAS TAKEN WITH VICE CHAIRPERSON DENAULT OPPOSED.
MOTION CARRIED 6/1/0.**

Councilor White thanked Vice Chairperson Denault for reinstating the agenda item.

d. (030316-8) The Kittery Town Council moves to approve an application from Kittery Trading Post Shops, LLC, 301 US Rt. 1, Kittery, ME for a Malt and Vinous Liquor License for The Lobster Pot, 301 US Rt. 1.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM KITTERY TRADING POST SHOPS, LLC, 301 US RT. 1, KITTERY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR THE LOBSTER POT, 301 US RT. 1, SECONDED BY VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

e. (030316-9) The Kittery Town Council moves to approve an application from Maine Ocean Lobster, LLC, 301 US Rt. 1, Kittery, ME for a Malt, Spirituous and Vinous Liquor License for The Pointe, 31 Badger's Island West.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM MAINE OCEAN LOBSTER, LLC, 301 US RT. 1, KITTERY, ME FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE POINTE, 31 BADGER'S ISLAND WEST, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

f. (030316-10) The Kittery Town Council moves to approve a renewal application from Badger's Island Pizza, LLC, 30 Remicks Lane, Kittery, ME for a Malt and Vinous Liquor License for Badger's Island Pizza, 3 Island Ave.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM BADGER'S ISLAND PIZZA, LLC, 30 REMICKS LANE, KITTERY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND AVE, SECONDED BY VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

g. (030316-11) The Kittery Town Council moves to approve amending the current Liquor License for Tributary Brewing Co., LLC, 5 Winding Brooke Ln., South Berwick, ME doing business as Tributary Brewing Co., 10 Shapleigh Road, Suite A, to extend service of beer to a permanent deck adjacent to the building.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AMENDING THE CURRENT LIQUOR LICENSE FOR TRIBUTARY BREWING CO., LLC, 5 WINDING BROOKE LN., SOUTH BERWICK, ME DOING BUSINESS AS TRIBUTARY BREWING CO., 10 SHAPLEIGH ROAD, SUITE A, TO EXTEND SERVICE OF BEER TO A PERMANENT DECK ADJACENT TO THE BUILDING, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.

h. (030316-12) The Kittery Town Council moves to authorize the Kittery Trading Post to hold three special events at their facility for their 2016 "Summer Concert Series" from 6:00 pm to 9:00 pm on August 5th, 19th and 26th.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY TRADING POST TO HOLD THREE SPECIAL EVENTS AT THEIR FACILITY FOR THEIR 2016 “SUMMER CONCERT SERIES” FROM 6:00 PM TO 9:00 PM ON AUGUST 5TH, 19TH AND 26TH, SECONDED BY COUNCILOR WHITE.

Councilor Dennett questioned why the agenda item and two following items exist since to his knowledge no requirement stands in State Law, Town Charter, or Town Code for the Town Council to authorize or reject these types of events on private property. He submitted that the items are not the purview of the Town Council.

Councilor Thomson asked if this could be considered sidewalk sales which are approved by Town Council. Councilor Dennett responded in the negative. Chairperson Beers yielded to Councilor Dennett’s statement.

COUNCILOR THOMSON PULLED THE MOTION, SECONDED BY COUNCILOR LEMONT. THIS ITEM WAS WITHDRAWN FROM THE AGENDA BECAUSE NO ACTION WAS NECESSARY.

i. (030316-13) The Kittery Town Council moves to authorize the Kittery Trading Post to hold a special event on June 11, 2016, until approximately 7:00 pm, to allow the State of Maine Inland Fisheries and Wildlife to hold its Moose Hunting Lottery.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BECAUSE NO ACTION WAS NECESSARY.

j. (030316-14) The Kittery Town Council moves to authorize Bob’s Clam Hunt to hold a special event under a tent on the lawn of the Kittery Trading Post on Thursday, June 9th between the hours of 5:00 pm and 9:00 pm to celebrate the 60th Anniversary of Bob’s Clam Hut.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA BECAUSE NO ACTION WAS NECESSARY.

k. (030316-15) The Kittery Town Council moves to authorize the Kittery Fire Station Association to post road signs at locations in the community to advertise the Annual 5K Road Race on Saturday, May 21st and Sunday May 22nd, 2016, and to hang a banner across Rogers Road advertising the 5K Road Race and a banner on York Hospital’s outside wall on the corner of Walker Street and Route 1 to advertise both events from May 1st through May 22nd.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY FIRE STATION ASSOCIATION TO POST ROAD SIGNS AT LOCATIONS IN THE COMMUNITY TO ADVERTISE THE ANNUAL 5K ROAD RACE ON SATURDAY, MAY 21ST AND SUNDAY MAY 22ND, 2016, AND TO HANG A BANNER ACROSS ROGERS ROAD ADVERTISING THE 5K ROAD RACE AND A BANNER ON YORK HOSPITAL’S OUTSIDE WALL ON THE CORNER OF WALKER STREET AND ROUTE 1 TO ADVERTISE BOTH EVENTS FROM MAY 1ST THROUGH MAY 22ND, SECONDED BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 7/0/0.

1. (030316-16) The Kittery Town Council moves to appoint a Wood Island sub-committee.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPOINT THE WOOD ISLAND SUB-COMMITTEE AS PRESENTED IN THE REPORT TO COUNCIL (RTC) DATED MARCH 15, 2016, SECONDED BY COUNCILOR WHITE.

Councilor Dennett asked to identify the members of the sub-committee. Chairperson Beers noted that the working group sub-committee would be comprised of the Chairperson of the Town Council, President of the Wood Island Life Saving Station Association and the National Parks Service Program Manager dedicated to examine, collect information and report to respective bodies as mentioned in response to public comment. Councilor Dennett expressed his concern that this council does not have authority to appoint the National Parks Service Program Manager to the sub-committee.

Councilor Thomson referenced the Wood Island Life Saving Station repair agreement dated October 18, 2013 when he requested WILSSA to follow through with the plan before discussing forward direction. Instead, the expected positive event for the community has turned muddled and personalized. The Wood Island Life Saving Station response to the January 25, 2016 Town Council Meeting voting satirized the three opposed voters. He felt legal and Town guidance was dismissed in the document submitted to NPS. The document was rejected and Wood Island Life Saving Station Association publicly announced the Town Manager's withholding of information to be the cause. Councilor Thomson felt that the President of the Wood Island Life Saving Station influences any situation in the President's favor.

A MOTION WAS MADE BY COUNCILOR THOMSON THAT ANY FURTHER ACTION OF FUTURE REPAIR OR CONCESSION AGREEMENT BETWEEN THE TOWN OF KITTERY AND WILSSA BE POSTPONED UNTIL THE ACTIONS SPECIFIED IN THE OCTOBER 18, 2013 WOOD ISLAND LIFE SAVING STATION REPAIR AGREEMENT ARE COMPLETED, SECONDED BY COUNCILOR SPILLER.

Vice Chairperson Denault stated he would not support the motion.

ROLL CALL WAS TAKEN WITH COUNCILOR WHITE, VICE CHAIRPERSON DENAULT, COUNCILOR LEMONT, AND CHAIRPERSON BEERS OPPOSED. MOTION DID NOT CARRY 3/4/0.

Councilor Thomson reminded the public the story of the Trojan horse.

Councilor Spiller expressed no support for the original motion. The letter from the National Parks Service advised not to engage in further meetings and discussion.

ROLL CALL WAS TAKEN WITH COUNCILOR DENNETT, COUNCILOR THOMSON, AND COUNCILOR SPILLER OPPOSED. MOTION CARRIED 4/3/0.

m. (030316-17) The Kittery Town Council moves to appoint David Wrocklage to the Parks Commission until 12/31/19.

659
660 **A MOTION WAS MADE BY COUNCILOR LEMONT TO APPOINT DAVID**
661 **WROCKLAGE TO THE PARKS COMMISSION UNTIL 12/31/19, SECONDED BY**
662 **VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN WAS ALL IN FAVOR.**
663 **MOTION CARRIED 7/0/0.**

664
665 n. (030316-18) The Kittery Town Council moves to appoint Nanci Lovett to the Conservation
666 Commission until 12/31/19.

667
668 **A MOTION WAS MADE BY COUNCILOR WHITE TO APPOINT NINCI LOVETT TO**
669 **THE CONSERVATION COMMISSION UNTIL 12/31/19, SECONDED BY COUNCILOR**
670 **THOMSON. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

671
672 o. (030316-20) The Kittery Town Council moves to schedule a public hearing in accordance
673 with 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts for union
674 increases for salaries/wages and benefits.

675
676 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO SCHEDULE A**
677 **PUBLIC HEARING TO APRIL 11, 2016 IN ACCORDANCE WITH 6.09 (4) OF THE**
678 **KITTERY TOWN CHARTER TO TRANSFER APPROPRIATIONS BETWEEN**
679 **ACCOUNTS FOR UNION INCREASES FOR SALARIES/WAGES AND BENEFITS,**
680 **SECONDED BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 7/0/0.**

681
682 p. (030316-21) The Kittery Town Council moves to sign a Certificate of Settlement in
683 accordance with 36 M.R.S. §763, discharging Nancy Colbert Puff as Tax Collector from further
684 liability or obligation to collect the balance due for the taxable years 2006-2016.

685
686 **A MOTION WAS MADE BY COUNCILOR WHITE TO SIGN A CERTIFICATE OF**
687 **SETTLEMENT IN ACCORDANCE WITH 36 M.R.S. §763, DISCHARGING NANCY**
688 **COLBERT PUFF AS TAX COLLECTOR FROM FURTHER LIABILITY OR**
689 **OBLIGATION TO COLLECT THE BALANCE DUE FOR THE TAXABLE YEARS**
690 **2006-2016, SECONDED BY VICE CHAIRPERSON DENAULT. ROLL CALL TAKEN**
691 **WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

692
693 q. (030316-22) The Kittery Town Council moves to re-commit the 2006–2016 taxes to Carol
694 Granfield.

695
696 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO RE-COMMIT THE**
697 **2006–2016 TAXES TO CAROL GRANFIELD, SECONDED BY COUNCILOR**
698 **THOMSON. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

699
700 r. (030316-23) The Kittery Town Council moves to appoint the election clerks for the ensuing
701 two years (May 2016-2018) as nominated by the local Democratic and Republican Committees.

702
703 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT THE ELECTION**
704 **CLERKS FOR THE ENSUING TWO YEARS (MAY 2016-2018) AS NOMINATED BY**
705 **THE DEMOCRATIC AND REPUBLICAN COMMITTEES, SECONDED BY VICE**

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

14. COUNCILOR ISSUES OR COMMENTS

Councilor Lemont raised three issues as follows:

- Legion Pond property abuts the Dineen property. Two residents in the neighborhood requested to beautify the area at their own cost. He asked whether or not to direct the residents to the Town Manager for Town Council action. Chairperson Beers recalled that Eagle Scout candidate worked with Commissioner of Public Works through the Town Manager.
- Portsmouth Prescott Park will reorient the stage to divert the noise and citizens of Kittery are concerned that it will increase the volume of noise.
- There is a sidewalk that abruptly ends and pedestrians have asked Chief of Police the possibility of painting a cross walk. He asked the Town Manager to follow up with the Chief of Police if this is being pursued.

Vice Chairperson Denault provided his response to an e-mail from Ms. Rollins and Ms. Rue regarding the sidewalks on Whipple Road, landscaping, and questions directed to Vice Chairperson Denault.

Vice Chairperson Denault recognized those that have passed:

- Helen Janice Fletcher
- Alfred "Al" Poulin
- Kim Baker Fisher
- John Chick Jr.
- Pauline Brown
- Arthur Andrews
- Viola Wilson
- Joseph Levesque
- Jeffrey Rutherford

Councilor Thomson responded to Councilor Lemont that former Town Manager Puff had at least one meeting with City of Portsmouth officials regarding the repositioning of Prescott Park.

A presentation on the old, one-room Kittery school houses will be held at Traip Academy on April 12, 2016 at 7:00 PM. Former Maine state senator, Stephen Estes, will lead the discussion. Pictures and stories will be shared.

Patrick Dorow Productions Presents: Nunsense beginning Friday, April 8, 2016 at 8:00 PM in the Kittery Community Center STAR Theatre.

The Boston Post Cane selection is in progress and it was noted that Graham Alvord, a seacoast WWII veteran, is turning 100 years old this September.

Councilor Dennett strongly suggested that Town Council not proceed in any fashion with the

Fort Foster passes for school employees unless the ordinance is changed. He felt the Council cannot purposefully violate an ordinance.

St. Mark's Methodist Church is celebrating their 150th year as a congregation on Sunday, April 3, 2016.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

The Council is in possession of the School budget which will be presented by the superintendent of schools on April 11, 2016. They will be looking for a straw vote so that they may entertain new hires.

Councilor Dennett added that there was bill in the legislature that may reduce general education budget. Chairperson Beers added he received the revised legislative distribution which results in a net increase for the Town of Kittery of \$0.07.

b. Committee Reports – None.

16. EXECUTIVE SESSION

17. ADJOURNMENT

IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR WHITE TO ADJOURN THE MEETING AT 9:14 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7/0/0.