

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, Jeffrey Thomson, Judith Spiller and Kenneth Lemont.

5. Agenda Amendment and Adoption.

Regarding item 13-A, Chairperson Beers requested the first name read "Richard E & Ardyce L Wyman". Regarding item 13-C, after the date, Chairperson Beers requested it be changed to read "on a proposed Town Code - Title 15, Code of Ethics" striking amendments 2. Councilor Spiller requested the addition of Item 9-B to read "Kittery Town Council moves to approve an amendment to the Rice Public Library Non-Binding Referendum ballot explanation". Councilor Dennett clarified that Item 9-B would become 9-C.

The agenda was approved as amended, without objection.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

**LD-1 Levy Limit** – In establishing the LD-1 Levy Limit for FY18, Amaral noted that there is no certified LD-1 for the past few years on file. Because of this, she referred to the 2012 LD-1 as it is the last one the Town Council voted on to increase the budget over the LD-1 levy limit. Calculations were completed for each year since 2012 to determine that this year's fiscal 18 budget appropriation is \$200,000 under the LD-1 levy limit and does not require the Town Council to vote to increase it.

**Joint Land Use Study with Navy** – Letters of interest have been submitted to OEA, the entity handling granting, to be reviewed. The next step is to bring in a project manager to complete a site tour of Kittery and identify potential challenges prior to submitting a full application. If the grant is received, it would be based on a particular scope which would include developing solutions to mitigate the traffic

impacts of the Navy Yard on municipal roads and to better manage peak traffic times moving forward. If granted, there is potential for a follow-up investment in infrastructure by the Navy.

**USS New Mexico** – Kittery has been selected as the host community for the USS New Mexico submarine, arriving at the Naval Shipyard. A plaquing ceremony is scheduled for September 27, 2017. The Town is looking forward to hosting the crew, and having them be part of the community during their time here.

**Website Conversion** - Staff members are finalizing content edits with intentions to launch the new website on September 22, 2017. The new site will be easier to navigate, and provide increased content organization and efficiency for services offered.

**Upcoming Dates** – The following upcoming dates were noted:

- Safford School Future Discussion - September 12<sup>th</sup>, 6 p.m. at the First Christian Church.
- Completed Nomination Forms Due - September 25<sup>th</sup>, 6 p.m.
- Library Working Group Information Session - October 16<sup>th</sup>, 6 p.m., at Traip Academy.

Town Manager Amaral also recognized and congratulated Michelle McDonald of the Planning Department for passing the Tax Assessor's test for the state of Maine.

Councilor Kenneth Lemont asked if a timeframe has been established regarding the Joint Land Use Study with Navy, to which Amaral responded that she anticipates the Project Manager to be in Kittery by late Fall/early Winter, and getting started by Summer 2018, once the application has been completed.

#### 7. Acceptance of Previous Minutes

There were no minutes to be approved.

#### 8. Interviews for the Board of Appeals and Planning Board - NONE

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

- a. (090117-1) The Kittery Town Council moves to discuss questions pertaining to the November 7 ballot question on options of the future location of Rice Public Library.

Councilor Spiller stated that the referendum is non-binding and is only about the location of the library. The referendum comes from the Library Working Group, which is not a Town Council body. Regarding public concern and questions about the financial management of the Rice Public Library, she stated that the Library Board of Directors has an independent audit completed annually, with results made available at the library and given to the Town Council. The Town Council members have continually reviewed the

audits and have found no evidence of mismanagement of funds. Councilor Spiller reiterated the question of whether the Rice Public Library should become a Town department, which she advised is being discussed by the Town Manager and Rice Library Director with hopes of having recommendations to offer in early 2018. The recommendations would require approval by the Town Council as well as the Rice Public Library Board of Directors. Chairperson Beers added that the library's annual budget is presented to the Town Council and approved, as part of their annual operating budget.

- b. The Kittery Town Council moves to approve an amendment to the Rice Public Library non-binding referendum ballot explanation.

**COUNCILOR SPILLER MOVED TO APPROVE THE AMENDMENT TO ADD A SENTENCE UNDER THE EXPLANATION THAT READS "THIS IS A NON-BINDING REFERENDUM AND DOES NOT OBLIGATE THE TOWN TO ANY ACTION OR EXPENDITURE". SECONDED BY COUNCILOR PELLETIER. THE MOTION WAS PASSED BY A ROLL CALL VOTE 7/0/0.**

- c. (090117-2) The Kittery Town Council moves to establish an overlay amount of \$\_\_\_\_\_, resulting in a mill rate of \_\_\_\_\_ mills, and to charge an interest rate of 7% per annum on past due accounts and an interest rate of 3% on overpayment of property taxes, and confirms the dates of October 31, 2017, February 15, 2018 and May 31, 2018, as the due dates for property and personal property taxes.

Town Manager Amaral said the overall recommendation is to set an overlay of \$64,991.00 resulting in a tax rate of \$16.50. Town Assessor Paul McKenny discussed the Town tax rates and figures that resulted in his recommendation. He stated that his recommendation would increase the taxes on a \$300,000 home by approximately \$135.00 per year.

Councilor Dennett noted that the legislature had authorized increased funding for education but he hadn't seen any information regarding what funds the schools in Kittery received. Paul McKenny referred to Finance Director Patricia Moore who noted the increase in funding was just shy of \$200,000.00 and was factored into their calculations and recommendation.

**COUNCILOR THOMSON MOVED TO ESTABLISH AN OVERLAY AMOUNT OF \$64,991.00, RESULTING IN A MILL RATE OF \$16.50 MILLS AND TO CHARGE AN INTEREST RATE OF 7% PER ANNUM ON PAST DUE ACCOUNTS AND AN INTEREST RATE OF 3% ON OVERPAYMENT OF PROPERTY TAXES AND CONFIRMS THE DATES OF OCTOBER 31, 2017, FEBRUARY 15, 2018 AND MAY 31, 2018 AS THE DUE DATES FOR PROPERTY AND PERSONAL PROPERTY TAXES. SECONDED BY CHAIRPERSON BEERS. THE MOTION WAS PASSED BY A ROLL CALL COTE 7/0/0.**

#### 10. PUBLIC HEARINGS

(090117-3) The Kittery Town Council moves to hold a public hearing on an application from Bedrock Restaurant Enterprise, Inc., 105 Houde Road, Eliot, ME for a Victualer's License for Blue Mermaid, 10 Shapleigh Road.

Chairperson Beers stated that the Code Enforcement Officer has conducted his inspection and deemed the establishment in compliance with the Town code. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

**COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM BEDROCK RESTAURANT ENTERPRISE, INC., 105 HOUDE ROAD, ELIOT, ME FOR A VICTUALERS'S LICENSE FOR BLUE MERMAID, 10 SHAPLEIGH ROAD. SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

11. DISCUSSION

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

Gerry Burns, 114 State Road

Mr. Burns expressed concerns with the discussion of regulated marijuana in Kittery at the previous Town Council meeting. He stated that the discussions thus far have not been in line with the will of the people, who he believes, want regulated marijuana in town. He would like clarification from the Council on what they consider their primary responsibility to the citizens of Kittery and regarding their objections to the regulated marijuana discussion.

Milton Hall, Bowen Road

Mr. Hall read a definition of the Kittery Port Authority. He raised a question about changing insurance as an entity versus another classification. He also stated that a member of the Planning Board should be involved in Port Authority meetings to assist with decisions regarding land issues that apply to the Port Authority.

D. Allen Kerr, 4 Colonial Road

Mr. Kerr spoke in reference to Councilor Spiller's previous statements about the Rice Public Library and reiterated that any suggestion of financial mismanagement by the Library is outrageous and inexcusable. He also asked where things stand with the John Paul Jones Park regarding the State's earlier agreement to transfer the Park to the Town. He also asked if the State will be keeping up with maintenance to the park if it is not transferred to the Town.

Hugh Pope, Eliot

Mr. Pope stated that he felt the Town Council has acted fairly and appropriately in the past. Mr. Pope expressed hope for the possible future legalization of medicinal and recreational cannabis in Kittery and asked that the Town Council reconsider the possibility of legalization.

- b. Chairperson's response to public comment

In response to Mr. Burns and Mr. Pope, Chairperson Beers stated that medical marijuana is permitted in Kittery as a home occupation. Prohibition of marijuana according to the present Town Code has nothing

to do with recreational use of marijuana, but with retail marijuana. In response to Mr. Burns' question about the Town Council's primary responsibility, he stated that there is a revision proposal to the Council rules that expand Town Council duties and responsibilities, which will be workshopped the following week. He also stated that there are many unanswered questions regarding marijuana and state law which are still being addressed in the legislature. He said there is no barrier for any Town Councilor bringing forth any questions in the future once additional insight is gained.

Town Manager Amaral spoke in response to the questions about John Paul Jones Park and the process being stalled. She stated both she and Councilor Lemont have reached out to the Governor's office and confirmed the Governor has to sign the document that transfers the park to the Town. She stated that she has reached out to the State to ask them to continue maintenance and upkeep of the park, including the flagpole and benches.

Chairperson Beers asked Mr. Hall to cite the source of the passage he offered during public comment. Mr. Hall stated that the passage was from a March 3<sup>rd</sup>, 2006 Port Authority History. Chairperson Beers stated that Mr. Hall's other question is on the ballot and will be decided on by the voters.

Councilor Thomson stated that the John Paul Jones park benches were installed by the Lions Club, and they may be a resource regarding repair.

**12. UNFINISHED BUSINESS - NONE**

**13. NEW BUSINESS**

**a. Donations/gifts received for Council disposition.**

(090117-4) The Kittery Town Council moves to accept the following donations to be deposited in account #2063-67500 KCC Donations in memory of Richard Ogilvie:

Richard E. and Ardyce L. Wyman	\$25.00
Ida E. and Roger C. Raymond, Jr.	\$100.00
David M. and Carol A. Ogilvie	\$100.00

**COUNCILER THOMSON MOVED TO ACCEPT THE DONATIONS IN THE AMOUNT OF \$25.00 FROM RICHARD E. & ARDYCE L. WYMAN, \$100.00 FROM IDA E. AND ROGER C. RAYMOND, JR. AND \$100.00 FROM DAVID M. & CAROL A. OGILVIE TO BE DEPOSITED IN ACCOUNT #2063-67500 KITTERY COMMUNITY CENTER. SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

**b. (090117-5) The Kittery Town Council moves to approve the disbursement warrants.**  
Town accounts payable in the amount of \$98,317.18  
Town accounts payable in the amount of \$13,208.56

Sewer accounts payable in the amount of \$58,110.64  
School accounts payable in the amount of \$113,465.63  
Total of all disbursement warrants in the amount of \$283,102.01

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

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

- c. (090117-6) The Kittery Town Council moves to schedule a public hearing on September 25, 2017 on proposed Town Code to Title 15 Code of Ethics.

Councilor Thomson expressed concern for scheduling the public hearing so close to the workshop that was scheduled for the following week regarding the proposed Town Code to Title 15 Code of Ethics and suggested holding off until October.

**CHAIRPERSON BEERS STATED THAT ITEM C HAS BEEN WITHDRAWN.**

- d. (090117-7) The Kittery Town Council moves to authorize Fuel & More to hang a banner across Rogers Road from October 2nd through October 22nd to advertise the Foreside for Fuel.

**COUNCILOR PELLETIER MOVED TO APPROVE THE REQUEST. SECONDED BY COUNCILOR THOMPSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

- e. (090117-8) The Kittery Town Council moves to amend Title 11 General Assistance Appendices A-D for the period of October 1, 2017 – September 30, 2018, as required and provided by the State of Maine.

**COUNCILOR SPILLER MOVED TO APPROVE THE REQUEST. SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

- f. (090117-9) The Kittery Town Council moves to discuss traffic issues on Picott and Manson Roads.

Vice Chairperson Denault stated that he and Councilor Lemont met with residents who had voiced complaints about traffic issues on Picott and Manson Roads. While visiting with residents on Mason Road for approximately 30 minutes, Vice Chairperson Denault noted over 200 vehicles on the road. He stated that it seemed their GPS units were sending them onto side roads, to avoid Rte 1 and Rte 95. Vice Chairperson Denault stated that this is a safety issue and suggested that an official traffic study be

conducted on Picott, Stevenson, Martin and Dana. Councilor Lemont agreed that the issue was a serious safety issue. Councilor Lemont stated the Town Council should discuss this issue further and do a traffic survey at the minimum. Chairperson Beers stated that he believes the issue is properly in the hands of the Town Manager. Town Manager Amaral agreed that traffic issues should be reviewed and solutions be determined. She reiterated her earlier statements, suggesting the need to engage experts in order to implement changes to the roads both properly and safely. Councilor Spiller stated that some of the issue could be attributed to speed, and suggested increased speed enforcement may be something to consider. Councilor Thomson stated that requesting additional state police presence and inviting the Maine Department of Transportation and Maine Turnpike Authority to discuss the issue may be a good place to start. Councilor Thomson also suggested the addition of signage urging drivers to stay on the highway. Vice Chairperson Denault agreed with Councilor Thomson that discussions with Maine DOT and the MTA, along with signage would be a good idea.

#### **14. COUNCILOR ISSUES OR COMMENTS**

Councilor Thomson apologized for his tardiness, and stated that the monthly lecture series will be back at the Kittery Community Center, beginning September 20<sup>th</sup>.

Vice Chairperson Denault voiced a complaint from a former business owner in Kittery who feels the Town is not business friendly. The former business owner suggested having a Town code representative working with business owners from project inception to completion, assisting to shorten the process of applications and permits. Vice Chairperson requested a list of roads that still need to be paved in regards to the paving bond. Vice Chairperson Denault asked residents to refrain from personally addressing traffic on "Local Traffic Only" roads and suggested they contact the Police Department if they experience an issue. Vice Chairperson Denault asked Town Manager Amaral for an update on the Aroma Joe's intersection, to which she replied that a traffic count has been completed and that the Town is working in collaboration with the Town of Eliot to apply for transportation funding to make intersection improvements. Vice Chairperson Denault stated that he took some J1 students from Jamaica flying, and they expressed their appreciation for the kindness they've received while in Kittery and that they are looking forward to coming back the following year.

Councilor Lemont stated that he was contacted by residents on Pine Street as they believe people from the Naval Shipyard are parking on the street throughout the day. Councilor Lemont asked the Town Manager to take a look into this matter.

Chairperson Beers stated that the Whipple Road Sidewalk Improvement meeting will be held Wednesday, September 13<sup>th</sup> at 5:00 PM in Council Chambers. Chairperson Beers also noted a recent newspaper article stating that Rye, NH now has a penalty for dog waste on their beaches. Chairperson Beers recognized Tammy Brown for sponsoring removal of trash and dog waste on Seapoint Beach.

#### **15. COMMITTEE AND OTHER REPORTS**

- a. Communications from the Chairperson

Chairperson Beers noted that the Town Council Workshop – Proposed Town Title 15 Code of Ethics and Town Council Rules Procedure Manual is scheduled for September 18<sup>th</sup> at 6:00 p.m.

b. Committee Reports – NONE

16. EXECUTIVE SESSION - NONE

17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 8:02 p.m., SECONDED BY VICE CHAIRPERSON CHARLES DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

Submitted by Suzanne Esposito on December 12, 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 the 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/stream.php?location\\_id=68&id=8123](http://www.townhallstreams.com/stream.php?location_id=68&id=8123)