

**Kittery Town Council  
Regular Meeting  
September 10, 2018 – 6:00 p.m.  
Council Chambers**

1. Call to order: Chairperson Lemont called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Lemont read the introductory.
3. Pledge of Allegiance: Chairperson Lemont led those present in the Pledge of Allegiance.
4. Roll call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Gary Beers, Matthew Brock, Vice-Chair Charles Denault and Chairperson Kenneth Lemont.
5. Agenda Amendment and Adoption: There were no adjustments. Chairperson Lemont cast one vote to accept the agenda as presented.
6. Town Manager's Report:

Town Manager Amaral provided an update on the stray/feral cat issue on Pocahontas Road. She said there were a number of questions raised, but the Police Dept. was able to gain permission from the property owners and have started to trap the cats. She said they are working with an organization that can trap, spay or neuter the cats and get veterinary care so they can be adopted. She said some have been adopted, but some of the cats will be returned to the site. She said the cats will be spayed or neutered, and this will help prevent growth of the population. She said that Chief O'Hallorhan has reached out to this organization as back-up support so that is the organization they are working with.

Town Manager Amaral said as part of the Capital Improvement Plan for FY'20, the Fire Pumper is scheduled for replacement. She said it is estimated at \$601,000 and takes approximately a one-year turnover. She said in order to make sure we get in line for it to be built and delivered early, and because of the cost going up with the price increase in tariffs, if we waited until Sept. to go out to bid, Chief O'Brien went out for bid this summer. She said the winning bid came in at \$557,964, saving the town money. She said she brought this up to prove that the CIP works, which was set up a number of years ago. She said she signed the notice to proceed, taking advantage of the pre-payment opportunity and will be paying a portion in this fiscal year and the remainder in the next.

Town Manager Amaral said that Councilor Thomson asked for information about Legion Pond. She said she reported last year that there were cyan bacteria on the pond and testing was not good. She said the water was tested and they found that higher levels of fecal chloroform bacteria is causing the discoloration.

Town Manager Amaral said that Jessa Kellogg identified the issue is related to geese in the pond, and what they leave behind, pet waste, and how people treat their lawns, allowing the algae to have an opportunity to bloom. She said this past Spring, they did some training programs to help people find other ways to maintain their lawns in a more user-friendly way. She said they looked at pest control and they are working with a company who will spray the water which is safe, other than for the bacteria. She said in order to bring it back to life, they are going to need to aerate the pond, but that will be costly to install. She said they are going to try this initial step first.

Town Manager Amaral said that at the last meeting she reported there was only one candidate for two seats on the School Committee. She said that two declared write-in candidates have come in since the deadline so there will be three candidates for two seats going forward with the election.

Town Manager Amaral updated Council that she met with the Kittery Port Authority last Thursday to discuss the bids for the replacement of the Government Street Wharf, \$450,000 was set aside based on the June referendum voter approval. She said \$520,000 was the lowest bid and the price went up from there. She said she met with the Port Authority to talk about options and what they should do next.

Town Manager Amaral said it was agreed that Bruce Crawford, who did most of the engineering work on the bid proposal, will speak to the lowest bidder for potential value engineering and try to reach an agreement on that. She said they will also be reaching out to the State to see if there is any funding that will help to offset the cost as well. She said delaying the project will only increase the cost, so they are trying to balance the cost with what they have to work with.

Town Manager Amaral said upcoming dates: Kittery Port Authority Workshop is the 17<sup>th</sup> and Councilor Beers and Councilor Dennett did some review with them; Candidate Night is October 9<sup>th</sup>, changed from the 10<sup>th</sup> because the Town Council meeting was scheduled on Monday, the Columbus Day Holiday.

Chairperson Lemont asked if there was any discussion.

Councilor Thomson addressed the Town Manager, through the Chair that with Legion Pond, he is having a tough time accepting this argument. He said no lawns are being treated that are even remotely coming close to abutting this body of water. He said he agreed with the Town Manager geese are #1 issue, and pet waste, and so forth. He said this changed drastically about five years' ago they treated Memorial Field and there is a clear path to some wetlands at the end of the field, but you have the road and overgrown brush around that body of water. He said again, he is having a difficult time with that as the primary cause.

Councilor Thomson said, with the Foreside pier, he has a little hesitation spending \$500,000 of the people's money for a commercial, single use. He said there has to be some civilian pleasure use, some pleasure of the public needs to be part of the design.

Councilor Brock said he has a question for the Manager through the Chair regarding the feral cat issue. He said he appreciates the fact that Officer Hackett has gotten permission from the property owner and is working with the organization or whichever organization that is trapping the cats and having them spayed or neutered. He said it is his understanding that the owner was denying ownership of the cats.

Councilor Brock said that the cats being returned to the wild on Pocahontas Road does not seem to be the correct remedy. He said it does not seem like a solution to him. He said the NHSPCA is a no-kill shelter as is Animal Welfare Society in Kennebunk and they should be looking for places for the cats to go to other than in the woods.

Councilor Brock said that he saw three kittens in the road the other day and when he came back by two days later, one of the kittens was dead. He said this is a real problem and the people said it was and he thinks the town needs to go further to find a remedy for this issue.

Vice-Chairperson Denault said, through the Chair, it was brought up there is a pond on Martin Road that has a similar problem and he was hoping that would be addressed. He said he did not see anything in the Town Manager's report regarding an article that was in the Portsmouth Herald that West

Nile Virus was found in the area of Memorial Field - whether or not you want to believe it. He said that pond is a great place for mosquitoes to breed.

Vice-Chairperson Denault said this has gone beyond general Council concerns and is becoming a health issue.

Chairperson Lemont asked if there was any more discussion from Councilors.

7. Acceptance of Previous Minutes: none
8. Interview 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. – none
10. PUBLIC HEARINGS:

a. (090118-1) The Kittery Town Council moves to hold a public hearing and ordains amendments to Title 8 – Public Health and Safety.

Chairperson Lemont said if anyone wishing to speak to, for or against, may do so at this time and opened the public hearing at 6:15 p.m.

Councilor Thomson said before they get to the public comment, asked if the Chairperson or the Town Manager could give a two-minute explanation of what we are trying to do here. He said it may be helpful for the public.

Chairperson Lemont asked Town Manager Amaral for her comments.

Town Manager Amaral said they need to make some minor adjustments to Title 8, which covers how they manage permits to the Resource Recovery Facility, affectionately called the dump to streamline the process. She said there is a paper process with a lot of paper storage required that is not necessary. She said also what is required for the decal is not clear.

Town Manager Amaral said some property owners' vehicles are owned by their companies and someone should have access to the dump with a decal, so in order to make sure the sticker is easier to read, they are changing the layout of the design. She said the ordinance is specific as to what is on the sticker, so they can determine if someone is in there on an expired sticker.

Town Manager Amaral said they are also addressing temporary passes, if a neighbor needs someone to help out to get her trash, as a one-time need, and they are taking a look at that. She said temporary passes are allowed in the code. She said the Dept. of Public Works and the Town Clerk are trying to clarify that language. She said it falls in line with the Town Council Goals to be more effective in our services.

Chairperson Lemont asked who gets credit for drafting this?

Town Manager Amaral responded the Town Clerk.

Norm Lemoine, One Saltwater Creek, residents since 2010. He said along with himself, other residents have grave concerns with plans for an Eliot-based Shellfish company.

Chairperson Lemont said this hearing is specific to Title 8.

Mr. Lamoine said he will be back.

Chairperson Lemont closed the public hearing at 6:20 pm.

**COUNCILOR BEERS MOVED, IN ACCORDANCE WITH TITLE 30-A, §3001, AND SEC. 2.07(3) OF THE TOWN CHARTER THAT THE TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO TITLE 8 – PUBLIC HEALTH AND SAFETY AS PRESENTED, SECONDED BY COUNCILOR THOMSON. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

## 11. DISCUSSION

### a) Discussion by members of the public

Chairperson Lemont said anyone wishing to speak may do so at this time and asked if they would please respect the three-minute timeframe.

Norm Lemoine, One Saltwater Creek Way, said the Shellfish Co. is over-commercializing the Spinney Creek operation. He said a proposal was submitted to the Dept. of Marine Resources for an experimental lease and, on the Kittery side, there will be 800 floating metal cages and over 1600 floatation devices occupying an area the size of three football fields. He said that three years from now this company will be eligible to apply for a standard commercial lease which will occupy 100 acres.

Mr. Lemoine said this will impact on the navigation recreation and safety on, which, essentially is a land-locked saltwater pond; (2) have an overwhelmingly effect on the community, including noise, odor and more power boat activity; (3) transformation of a serene, picturesque environment to a commercial body of water; (4) Destruction of scenic vistas; (5) devaluation of our homes and (6) and what is the long-term and short-term impact on the eco-system.

Mr. Lemoine wanted to know who empowered this private company to be in charge of Spinney Creek? He asked who is overseeing this project? He said this company controls the opening and closing of the tidal gate on Spinney Creek.

Mr. Lemoine said this Shellfish Company seeds the creek bed, rakes and harvests the bed and farmed the surface of the creek bed with 180 cages. He said they purchase and process shellfish from other companies. He said this will affect 50 residents of Kittery. He said that a public hearing will be held next week on the 16<sup>th</sup> at the Rice Library with the Dept. of Marine Resources.

Mr. Lemoine said he is asking Council for their representation and vocal support or any advice they can offer between now and then. He said save Spinney Creek!

Kathy Lemoine, One Saltwater Creek Way, handed photographs of what they are talking about to Chairperson Lemont, who thanked her.

Mrs. Lemoine said she would read her position, in the interest of time and asked who are the stewards of Spinney Creek? She said when they were notified that the hearing will be in Kittery, they were surprised because it is an Eliot-based company. She said they were told by the Dept. of Marine Resources that the apparatus would be installed in Kittery. She said during their search for Kittery

officials to speak with someone on the Board or Committee who would oversee the creek, they came up empty-handed. She said they have spoken to devoted and well-meaning town representatives in both Kittery and Eliot only to learn that Spinney Creek was not under their jurisdiction.

Mrs. Lemoine said they spoke with the Clam Warden, Harbor Master, the Water Dept., Great Bay Water Keeper and the Kittery Port Authority and apparently there is no town agency or board that can affect anything that goes on in Spinney Creek. She said there are two government agencies, Maine Dept. of Marine Resources and the Federal Army Corps. Of Engineers.

Mrs. Lemoine wanted to know who are the caretakers, and where is the system of checks and balances for this special body of water? She said in order for them to prepare a response to the dispute, they were given strict State statutes and regulations, i.e. how does this affect navigation, but the regulations do not consider the uniqueness of approximately 120 acres of this land-locked saltwater pond. She said there is no way in or out of Spinney Creek.

Mrs. Lemoine said there are no local, Federal or State officials who can get access to the creek to peruse the pond, the ecology of the pond or even rescue someone and adding over 2000 obstacles into the water will only increase the chances of an unthinkable accident. She wanted to know who is responsible and who is liable to allow a commercial business to intentionally or unintentionally result in harming the creek as well as the humans who live near and recreate in or on this body of water. She asked for recommendations from the Town Council on how to affect this quagmire?

Mrs. Lemoine thanked the Council for their consideration.

Judy Spiller, Rosellen Drive, said she is here in her capacity as your representative to the York River Study Committee and wanted to give an update and sort of an outline on the next steps of what they are considering. She said first, she would start with clarification. She said she was surprised to read in the Portsmouth Herald editorial of Aug. 28<sup>th</sup> or 29<sup>th</sup> that said Kittery voters were going to weigh in on the York River designation this November. She said we are not.

Ms. Spiller said there was some confusion at the August 27<sup>th</sup> Council meeting, when the Town Council moved to place the Comprehensive Plan on the ballot. She said buried in the Comp. Plan there is a section which refers to designating the York River as a wild and scenic river.

Ms. Spiller said she was at a previous Council meeting but there was a lengthy public comment and she had to be at the Select Board meeting in York so she had to leave. She said someone in the public comment mentioned the Comprehensive Plan supported the York River designation. She said one of the comments was an action item by the Town Council to place the Comp. Plan on the ballot which is different from saying the town endorsed the designation.

Ms. Spiller said following the public comment, some of the Select Board members seemed confused about the Comprehensive Plan's status. She said some public members disrupted the deliberative session. She said she read in the Portsmouth Herald they asked for clarification. She said that they would be happy to come back and attend a workshop with the Town Council in October. She said they had a public comment on the Stewardship Plan and have the final plan on their website:  
[www.yorkrivermaine.org](http://www.yorkrivermaine.org)

Ms. Spiller said they agreed a year ago to designate the York River as a watershed and not just a river. She said they cannot protect the river without controlling what goes into it. She said that 10% of the river is a watershed in Kittery or 34 square miles and they have found endangered species of fish in Libby Brook and Cutts Ridge Creek as well as archeological artifacts dating back to 3,000 years B.P.

and the Revolutionary War. Ms. Spiller said the river is relatively healthy and they got funding to do research on the water quality and an archeological study.

Ms. Spiller said the Board of Selectmen from the Towns of Eliot and York will be voting on the designation in the stewardship plan and, if they approve the plan and the designation, they will come back to the Kittery Town Council and the South Berwick Town Council to consider a resolution of support. She said she will ask you, as the legislative body, to issue a resolution for support. She said if they are interested to contact her and that this is a partnership to designate York River as a wild and scenic river under the U.S. National Parks Service.

Ms. Spiller said the designation requires no Federal taking of land or change in the existing land use. She said what it does is to create a four-community Stewardship Committee, two members from Kittery, four from York, two from Eliot and one from South Berwick. She said if there is any sort of change, the Stewardship Committee comes up with protection or use if necessary and it would have to go to each town's governing body for approval.

Chairperson Lemont asked Ms. Spiller if the vote is successful in November, do the other towns, Kittery and South Berwick, also have to do this?

Ms. Spiller replied that, because they are the Town Council, they should consider a resolution of support. She said when the Lamprey River was designated, the Town of Epping Board of Selectmen initially voted against it, but subsequently they voted for it.

Chairperson Lemont asked if any other members of the public wished to speak?

Paul Sickamore, 40 Meadow Lane, Eliot, said he has concerns about the aquaculture lease. He thought this project, the scope and plan of it, is really out of place with such a small body of water. He said this project is really unique and typically they do projects in larger bodies of water. He said he understands that Spinney Creek's water turnover is every month, but any mistakes will be detrimental. He said he is concerned about how out of place and larger this plan is than what folks would think.

Mike Dahwing, 44 Meadow Lane, Eliot said he has concerns about the water quality and navigating the creek. He said over Labor Day weekend, it was crowded and the applicants are placing 3 football-size fields moorings in the shallow part of the creek. He said since you can't go within 150 ft. of a mooring, it basically restricts the entire creek and navigation is massive. He said in the winter, they want to sink the cages. He said he has a major concern about safety since people ice skate on the creek and if they fall through the ice and get entangled with the cages, they will not have a way out.

Mr. Dahwing said he does not know the ecological affects which cannot be measured. He said the applicants have the ability to make it more of a tidal body but because of the gate, which they open every 4-6 weeks, they have had testing done and found high levels of E-coli and chloroform. He asked for Council's support

Robert Mercilier, 20 Bayview Lane, opposes the aquaculture lease. He said they were out there over Labor Day water skiing. He said if the applicants get the permit, it will cut the lake in half. He said they bought their home four years' ago and in the last three years the Howells have added more cages and now they want to increase the number to 800, which is way out of scale for the size of this body of water. He said he will be there on the 19<sup>th</sup> and he is asking for the Council's help or oversee what can be done.

D. Allen Kerr, 4 Colonial Road, said this is a different topic. He said he understands and appreciates the spot the town is in regarding the bus crash investigation and the confidentiality of the employee in question. He said he is not really satisfied with the findings so far. He said he does not think there is much question throughout the town, at the very least, that the employee's medical history was known at the Kittery Community Center. He said his question is, if this winds up getting to lawsuits, where the legal fees are expended by the town, would we be made aware of the amounts being spent to resolve these suits?

Mr. Kerr said since this a Navy town, he wanted to let everyone know that Saturday is Navy History Day at Albacore Park from 10:00 a.m. until 3:00 pm.

Chairperson Lemont asked if anyone else wished to speak, and seeing none, closed the public discussion segment at 6:45 p.m. He said he would address the speakers, last to first.

c) Chairperson's response to public comments:

Chairperson Lemont thanked Mr. Kerr and told him that the residents will know the amounts of the lawsuits, if it winds up that way.

Chairperson Lemont thanked Judy Spiller for her information and said they will schedule a workshop with the Town Council.

Chairperson Lemont said he heard five people speak about the Spinney Creek Shellfish expansion. He said he was contacted by a couple of the abutters in August, neither of whom are here tonight, when he was unaware of what was going on. He said he reached out to the owner of the Shellfish Company and she was more than receptive to have a public hearing in the community.

Chairperson Lemont said he was informed by one of the people that the public hearing will be on Sept. 19<sup>th</sup>. He said the DMR will be conducting a public hearing at the Rice Public Library at 6:00 p.m. and it is very important that they hear your concerns. He said they are the licensing body and are only ones who can make changes or approve this lease permit.

Chairperson Lemont said they are concerned about the taxpayers in the town. He said that the Kittery Port Authority has oversight on navigation and he will reach out to the Chair and hopefully there will be a representative at the public hearing from the Port Authority.

Councilor Brock said he appreciated hearing the range of comments made this evening, but, as the Chair indicated, they are not the decision-making body. Having said that, he heard about the regulations and Statutory factors that the Dept. of Marine Resources will be considering.

Councilor Brock said he heard navigable waters and the testing and water quality of the creek, and those factors will be looked at. He advised the residents they should take the time to match up their concerns and comments to the DMR regulations and speak to their language.

Vice-Chairperson Denault held up a photograph that Mr. Lemoine had given him and asked if this is what the creek could look like?

Mr. Lemoine replied that is a picture of Prince Edward Island and the types of cages used, which represents 80. He said and there will be ten times that and twice as many floatation devices.

Vice-Chairperson Denault said he would like to keep one and handed the other photographs back to Mr. Lemoine.

Mrs. Lemoine showed Chairperson Lemont photos on her phone and said there are 180 cages there now.

Chairperson Lemont thanked everyone for coming and sharing their concerns.

12. UNFINISHED BUSINESS: NONE

13. NEW BUSINESS:

- a. Donations/gifts received for Council disposition
- b. The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Beers if the town and sewer payables were in due form and he replied yes, they were.

Chairperson Lemont asked Councilor Pelletier if the School payable was in due form and he replied yes, it is.

Chairperson Lemont read the warrants as follows: Town = \$358,027.38; Sewer - \$89,051.88; School = \$124,160.59 and \$479,507.35, for a total of \$1,050,747.20.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, NONE OPPOSED, MOTION CARRIES.**

c. (090118-02) The Kittery Town Council moves to establish an overlay amount of \$\_\_\_\_\_ resulting in a mil rate of \_\_\_\_ mils, 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, 2018, February 15, 2019 and May 31, 2019, as the due dates for property and personal property taxes. Chairperson Lemont asked the Town Manager if she would like to speak?

Town Manager Amaral replied she would give a quick overview, heading into FY '19 budget they were trying to keep the projected tax rate below the anticipated \$17.00 mill rate, and they were hovering about \$16.99. She said based on the growth, the actual projected mil rate is \$16.80 which is 19 cents less than what they were projecting for the fiscal year budget.

Paul McKenney said he is the Town Assessor, and informed Council that the local real estate value increased by 24 million dollars, up 1.47% from last year. He said the amount of property values changed to a change in the BETE laws which decreased that amount for taxability. He said the Homestead Exemption reimbursement was reduced to 85% this year, which is the Market Value to Assessed Value ratio. He said there was also an increase in the amount from 50 to 62-1/2 % that the State reimburses the town. He said the \$16.80 mil rate is 30 cents or 1.91% increase over last year.

Chairperson Lemont asked Mr. McKenney about the overlay amount and he started to reply, but then he addressed the Town Manager and asked her to comment.



Town Manager Amaral replied that they projected the overlay to be \$113,564 up from \$75,000 in order to manage a change in value issues, people seeking abatements and also to serve as an additional relief valve for the operating budget.

Town Manager Amaral said that Councilor Dennett had requested verification whether or not, with the proposed overlay, we would be below LD1. She said they are \$75,000 below our LD1 maximum.

**COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL ESTABLISH AN OVERLAY AMOUNT OF \$113,564, RESULTING IN A MIL RATE OF .01680 MILS AND TO CHARGE AN INTEREST RATE OF 7% PER ANNUM ON PAST DUE ACCOUNTS AND AN INTEREST RATE OF 3% ON OVER-PAYMENT OF PROPERTY TAXES AND CONFIRMS THE DATES OF OCTOBER 31<sup>ST</sup>, 2018, FEBRUARY 15<sup>TH</sup>, 2019 AND MAY 31<sup>ST</sup>, 2019 AS THE DUE DATES FOR PROPERTY AND PERSONAL TAXES. COUNCILOR THOMSON SECONDED THE MOTION.**

Councilor Thomson said every year call budget increase comes in relatively in keeping with the CPI over the 12-month period and this is the case before us. He said they live in a bedroom community and he is comfortable with adopting this mill rate.

**ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

d. (090118-3) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the November 6, 2018 Municipal and State Election.

**COUNCILOR THOMSON MOVED THE APPOINTMENTS AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

e. (090118-4) The Kittery Town Council moves to approve a request from the Traip Athletic Boosters to hang a banner in front of the Kittery Community Center from October 26<sup>th</sup> to November 11<sup>th</sup> to promote the Traip Athletic Booster Craft Fair.

**VICE-CHAIRPERSON DENAULT MOVED THE TOWN COUNCIL APPROVE A REQUEST FROM THE TRAIPT ATHLETIC BOOSTERS TO HANG A BANNER IN FRONT OF THE KITTERY COMMUNITY CENTER FROM OCTOBER 26<sup>TH</sup> TO NOVEMBER 11<sup>TH</sup> TO PROMOTE THE TRAIPT ATHLETIC BOOSTER CRAFT FAIR. COUNCILOR THOMSON SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

14. COUNCILOR ISSUES OR COMMENTS:

Vice-Chairperson Denault said he spoke with Clay McKenney whose name was mentioned as one involved with the cat issue and is quite offended by the accusation circulating around people that he captures cats. He said that Mr. McKenney brought three down to Creature Comforts and owns four cats. He said Mr. McKenney has concerns they will capture his cats. He said he wants to be very transparent that Mr. McKenney assisted in this process.

Vice-Chairperson Denault said he has been getting complaints that buses are coming back to Dineen's. He said we all know what happens since 1984 and he thought they need to start addressing this before it becomes three more months.

Councilor Brock said the Kittery Inclusionary Housing Committee is meeting with the Seacoast Workforce Housing Coalition this week and he will get more information for the next Council meeting.

Councilor Beers offered kudos to Chief David O'Brien, who drafted the original in October 2008, regarding the Purchase Order for the Fire Dept. Pumper truck. He said Chief O'Brien has been particularly diligent in his attention to details in setting aside funds in dedicated accounts that allowed the town to write a check for the pre-payment with no increase in taxes.

Councilor Thomson said it has been only two weeks and with the holiday, but wanted to know if any communication has begun from DOT regarding concerns raised by Vice-Chair Denault about the speed limit on State Road?

Town Manager Amaral responded she submitted the request to MDOT and she received a response that they are about 6-8 months out to do this speed study.

Councilor Thomson wanted to know if the Dennett Road Overpass project, which was done in Spring, is completed?

Town Manager Amaral replied she believed it is in terms of MTA repairs. She said there will be additional work that MTA will be doing as part of the High-Level bridge project.

Councilor Thomson said there is a steel beam that says Bancroft on it, which came through since 1972 and wanted to know if is going to be repainted as part of this project?

Town Manager Amaral said she didn't know but would ask DOT.

Councilor Thomson said they received correspondence from a resident on Badger's Island regarding parking issues. He said there is nothing going on at Prescott Park now, yet, he was on the road this morning and later on this afternoon and there are a lot of cars parking there. He said he is sure that the Town Manager will set up the appropriate process to move forward.

Councilor Dennett wanted to know if he heard the Chair mention during the public comments on Spinney Creek that the Kittery Port Authority has jurisdiction?

Chairperson Lemont replied yes, over navigable waters.

Councilor Dennett said someone better check it out. He said the Kittery Port Authority has authority in the Town of Kittery, but under the Federal Code, it is not navigable water. He said they it is not navigable water because it is not reachable from the ocean by continued passage. He said he wanted to make sure that if the Chair wants to get the Port Authority involved, he is on firm, legal ground.

Chairperson Lemont thanked Councilor Dennett and said he will speak with the Chair of the Kittery Port Authority.

Councilor Brock said he agreed and is not clear on what is navigable water. He asked for inclusion of the Port Authority and get their opinion on that.

Chairperson Lemont said he and Vice-Chair Denault met with the Executive Director of Fair Tide and discussed what she is trying to do with affordable workforce housing.

Chairperson Lemont said he would love to see the flagpole painted and that is one of his priorities.

Chairperson Lemont said that they have homework before them this evening as they will be doing the performance evaluation for the Town Manager. He asked Councilors to put some thought into completing the form.

Councilor Dennett asked if he could respond to the Chair with his comments on affordable housing? He said the biggest problem they have is the State of Maine and ourselves. He said several years ago, the State passed M.U.B.E.C., the Maine Uniform Building & Energy Code and that has added quite a lot of money for construction. He said he read in the Portland paper Town of Gorham passed an ordinance making a sprinkler system mandatory in all new 1-2 story dwellings at an estimated cost of \$8-10,000 per house. He said when you get requirements like that, it gets more difficult to get money for affordable housing.

Councilor Thomson wanted to know if anyone has any idea on the approximate amount of paint needed for the flagpole?

Chairperson Lemont asked the Town Manager if she could find out.

Councilor Beers wanted to know what flagpole are the Councilors talking about?

Chairperson Lemont responded the one at John Paul Jones Park.

Councilor Thomson asked, in a true bipartisan manner, how about you and I pony up for the paint and maybe the Dept. of Public Works could use the Fire Dept. equipment to get up there.

Town Manager Amaral responded she just got a text with the information. She said the State is working on getting a vendor to paint the pole. She said she was not particularly comfortable with putting Dept. of Public Works employees on a ladder where they have not been trained. She said she cannot agree with that.

Vice-Chairperson Denault asked if the John Paul Jones Park is still under the State's jurisdiction.

Chairperson Lemont replied exactly but try to move them. He said he likes Councilor Thomson's idea.

15. COMMITTEE AND OTHER REPORTS: None

16. EXECUTIVE SESSION: None

17. ADJOURNMENT:

**COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:10 P.M., SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.**

Respectfully submitted,

Barbara Boggiano  
Recording Secretary

Approved 10-22-18