

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

Item 13a. was moved under Unfinished Business. Agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

**Annual Stormwater and General MS4 Permit** – This information regarding the Town's stormwater management efforts required no action by the Council.

**Title 4 Review and Revision** – Town Manager Amaral presented the goals in reviewing and revising Title 4 based on a document review and asked for Council's feedback.

**Government Street Pier** – A structural assessment was conducted by Baker Design Consultants. It identified deficiencies need to be addressed and advised the live load to be restricted to 3.5 tons. In anticipation of the repairs, the Capital Improvement Plan includes a request for \$50,000 in FY2018 and \$50,000 in FY 2017. She noted that 3 ½ tons is about the weight of a half-ton pickup.

**Memorial Circle** – The bids received totaled approximately \$81,000 over budget for construction. A request to KACTS for additional funding was submitted. The total project costs about \$2.3 million and Town is responsible for 10%. Thus far, the Town has spent about \$92,000 on the project and would be liable to pay about \$300,000 if the project was cancelled.

**Dineen Cases** – The judge made clear that he intends to find in the Town's favor and has asked the Town counsel to draft a proposed order. The demolition of Mary's Store begins on Wednesday and should not take more than two days.

**Library Working Group** – A survey has been released and approximately 221 responses have been received. It is available online, at the Library, Town Hall and the Kittery Community Center.

**General Recognition** – The Department of Public Works and Police and Dispatch were recognized in a number of efforts that enhance service to the Town and advance skills.

**Upcoming Dates** - The following upcoming events were announced:

- Polling – Tuesday, June 13<sup>th</sup>, 8AM to 8PM, Kittery Community Center
- Foreside Study Public Presentation – Thursday, June 15<sup>th</sup>, 6PM at Traip Academy Library
- Kittery Block Party – Saturday, June 17<sup>th</sup>, 10AM to 4PM
- National Night Out – Tuesday, August 1<sup>st</sup>, 6PM to 8PM, Kittery Community Center

The Council concurred with the Title 4 goals presented by the Town Manager.

Town Manager Amaral noted the Memorial Circle project would start in approximately one month. She replied to Councilor Spiller that the project has passed the design phase and modifications to the plan cannot be made.

Councilor Lemont commented on what the Town of Wells, ME has done in an effort to expand their public library.

7. Acceptance of Previous Minutes

The minutes of the May 22, 2017 regular meeting were adopted, as presented.

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. – None.

10. PUBLIC HEARINGS

a. (060117-1) The Kittery Town Council moves to hold a public hearing on a renewal application from Capitol Video Corporation, 44 Bedson Rd, Cranston, RI for a Viewing Booth License for Amazing. Net, 92 Route 236.

Notice of this public hearing was posted on June 2, 2017. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

**COUNCILOR DENNETT MOVED TO ACCEPT THE APPLICATION, SECONDED BY COUNCILOR PELLETIER.**

Vice Chairperson Denault noted there was discussion about revising the Ordinance related to this business use and stated his concern that it has not been addressed yet. Councilor Lemont echoed this statement.

**THE MOTION PASSED BY A ROLL CALL VOTE 5/2/0 WITH VICE CHAIRPERSON DENAULT AND COUNCILOR LEMONT OPPOSED.**

b. (060117-2) The Kittery Town Council moves to hold a public hearing on an application from Suzanne's Village Café & Bistro LLC, 436 US Rte. 1, ME for a Special Activity Amusement Permit for Misto! 436 US Rte. 1.

Notice of this public hearing was posted on June 2, 2017. Chairperson Beers opened the floor for

public comment. Hearing none; Chairperson Beers closed the public hearing.

**COUNCILOR THOMSON MOVED TO ACCEPT THE APPLICATION, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

c. (060117-3) The Kittery Town Council moves to hold a public hearing to receive comments on Town Meeting Articles 2 through 7 for the June 13th Election.

Notice of this public hearing was posted on May 19, 2017. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

d. (060117-4) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.06 (3) of the Kittery Town Charter and hereby ordains and adopts the 2017-18 Municipal and Adult Education budgets.

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

**COUNCILOR THOMSON MOVED TO IN ACCORDANCE WITH SEC. 6.06 (3) OF THE KITTERY TOWN CHARTER AND HEREBY ORDAINS AND ADOPTS THE 2017-18 MUNICIPAL AND ADULT EDUCATION BUDGETS, SECONDED BY COUNCILOR PELLETIER.**

**VICE CHAIRPERSON DENAULT MOVED TO INCREASE THE FIRE DEPARTMENT LINE ITEM BUDGET BY \$20,000, SECONDED BY COUNCILOR LEMONT.**

Discussed was had to acknowledge the need for additional resources to the Fire Department and whether or not this was the appropriate time to recommend revisions to the budget line item. Some Councilors felt that professional consultation would be necessary and suggested that it be considered in the next fiscal year budget proposal.

**THE MOTION TO INCREASE THE LINE ITEM FAILED TO PASS BY A ROLL CALL VOTE 2/5/0, WITH COUNCILOR DENNETT, PELLETIER, THOMSON, SPILLER, AND CHAIRPERSON BEERS OPPOSED.**

**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)

Holly Zurer, Government Street

Ms. Zurer questioned the manner in which a Councilor requested information and encouraged process improvements for fact finding.

Bruce Flaherty, President of Spirit of America Foundation Chapter

Mr. Bruce Flaherty sought participation from the Town in a volunteer recognition program. He provided additional details regarding the program.

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

c. Chairperson's response to public comments

In response to Ms. Zurer, he acknowledged her concerns. In response to Mr. Flaherty, he asked him to contact the Town Manager for consideration.

12. UNFINISHED BUSINESS

(060117-5) The Kittery Town Council moves to receive a donation in the amount of \$50 from the Kittery Maine Improvement Foundation to be deposited in account #5007-43600 Thresher Memorial Fund.

This motion was moved and seconded in the May 22, 2017 meeting.

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

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(060117-6) The Kittery Town Council moves to receive a donation in the amount of \$200 from M Akmal and Mary Kahn to be deposited in account #2063-43600 KCC Donations.

**COUNCILOR THOMSON MOVED TO ACCEPT THE DONATION, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

(060117-7) The Kittery Town Council moves to receive a donation in the amount of \$100 from Matmarket, LLC to be deposited in account #2063-43600 KCC Donations.

**COUNCILOR THOMSON MOVED TO ACCEPT THE DONATION, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

(060117-8) The Kittery Town Council moves to receive a donation in the amount of \$2,000 from Newburyport Five Cents Savings Bank to be deposited in account #2063-43600 KCC Donations.

**COUNCILOR THOMSON MOVED TO ACCEPT THE DONATION, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

b. (060117-9) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$127,264.37.

Sewer account payable of \$30,654.79.

School accounts payable of \$311,267.25.

Total of all disbursement warrants of \$469,186.41.

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

**COUNCILOR THOMSON MOVED TO APPROVE THE DISBURSEMENT**

**WARRANTS, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

c. (060117-10) The Kittery Town Council moves to approve a renewal application from Suzanne's Village Café & Bistro, LLC, 373 Southside Rd., York, ME 03909 for a Malt, Spirituous and Vinous Liquor License for Misto! Café Bar and Bistro, 436 US Route 1.

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

d. (060117-11) The Kittery Town Council moves to approve a renewal application from Blind Pig Provisions, LLC 623 Greenland Road Portsmouth, NH 03801 for a Malt, Spirituous and Vinous Liquor License for Blind Pig, 2 Badgers Island West.

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

e. (060117-12) The Kittery Town Council moves to accept the resignation from Richard Brooks from the Parks Commission.

**COUNCILOR DENAULT MOVED TO ACCEPT THE RESIGNATION FROM RICHARD BROOKS, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

f. (060117-13) The Kittery Town Council moves to accept the resignation from Dudley Bierau from the Board of Assessment Review.

**COUNCILOR SPILLER MOVED TO ACCEPT THE RESIGNATION FROM DUDLEY BIERAU WITH THANKS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

g. (060117-14) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview Alan Rindler for his appointment from an alternate to a full member to that board until 12/31/20.

**COUNCILOR DENNETT MOVED TO APPOINT ALAN RINDLER WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

h. (060117-15) The Kittery Town Council moves to appoint Shaye Robbins to the Economic Development Committee as a Citizen Representative until 12/31/20.

**COUNCILOR THOMSON MOVED TO APPOINT SHAYE ROBBINS, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**14. COUNCILOR ISSUES OR COMMENTS**

Councilor Spiller noted the speed trailers are out and asked whether or not the Town plans to

collect and analyze the data from it.

Vice Chairperson Denault asked for a list of roads that are private.

Councilor Thomson expressed thanks to the community for sharing their memories of Mary's Store property. He expressed concerns regarding the vehicle traffic and potential safety issues imposed on the community.

Councilor Pelletier spoke in support of Councilor Spiller regarding her statements made in the previous workshop about her connection to a nonprofit organization.

Chairperson Beers announced that Good to Go won a \$50,000 for presenting in a Launch Pad competition and recognized their efforts.

**15. COMMITTEE AND OTHER REPORTS**

a. Communications from the Chairperson – None.

b. Committee Reports

The York River Study Committee is pursuing a buildout study proposal funded by the Maine Coastal program and sponsoring an archaeological dig from June 24-27<sup>th</sup>.

**16. EXECUTIVE SESSION**

a. (060117-16) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (E) to discuss a legal matter.

**COUNCILOR SPILLER MOVED TO GO IN TO EXECUTIVE SESSION AT 8:00 P.M. WITH THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S. §405 (6) (E) TO DISCUSS A LEGAL MATTER, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**COUNCILOR DENAULT MOVED TO COME OUT OF EXECUTIVE SESSION, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

b. (060117-17) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (D) to discuss labor negotiations.

**COUNCILOR THOMSON MOVED TO GO IN TO EXECUTIVE SESSION WITH THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S. §405 (6) (D) TO DISCUSS LABOR NEGOTIATIONS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**COUNCILOR PELLETIER MOVED TO COME OUT OF EXECUTIVE SESSION, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**17. ADJOURNMENT**

**COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 8:15 P.M.,**

**SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A  
UNANIMOUS VOICE VOTE 7/0/0.**

Submitted by Marissa Day, Minutes Recorder, on June 20, 2017.

*Disclaimer: The following minutes constitute the author's understanding of the meeting. While every effort has been made to ensure the accuracy of the information the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*