



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

June 24, 2019

Kittery Town Council
Regular Meeting
6:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes –
8. Interviews for the Board of Appeals and Planning Board -
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.
10. PUBLIC HEARINGS –
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS –
 - a. (060219-2) Kittery Town Council moves to reschedule the Public Hearing for Title 16 – ADU's to the October 28th meeting.
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition.

(060219-3) The Kittery Town Council moves to accept donations in the amount of \$103.19 from the following to be deposited into the Thresher Memorial Fund.

 - TD Bank
 - Jeffrey and Suzanne Berlin

- b. (060219-4) The Kittery Town Council moves to approve the disbursement warrants.
 - c. (060219-5) The Kittery Town Council moves to approve a renewal Special Activity Amusement Permit for Maine Ocean Lobster, LLC., doing business as The Pointe located at 31 Badger's Island West Kittery.
 - d. (060219-6) The Kittery Town Council moves to schedule a Public Hearing for Title 16 – A-Frame Signs for the July 8th meeting.
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- 14. COUNCILOR ISSUES OR COMMENTS

 - 15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports

 - 16. EXECUTIVE SESSION

 - 17. ADJOURNMENT

Posted: June 20, 2019



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

kamaral@kitteryme.org

Town Manager's Report to the Town Council June 24, 2019

- 1. Snow Plow Rodeo Recognition**– The outstanding team of Jimmy Nightingale and Robbie Hames won this year's Snow Plow Rodeo for the state! As state champions, they are invited to compete in the national competition in Colorado this September. This is Jimmy's fourth time winning the state competition and Robbie's second. The Snow Plow Rodeo is an opportunity for public works professionals to demonstrate their safety and operating skills on public works equipment and vehicles.
- 2. Kittery Block Party** – This year's Block Party was another tremendous success for the community. We are grateful to the Organizing Committee for bringing together all the volunteers, vendors, entertainment, and organizations that make the Block Party such a wonderful event. Thank you to the Kittery Police Department, Public Works Department, KCC staff, and Library staff for all their work in supporting the event and ensuring everyone's safety.
- 3. Government Street Wharf Project** – The Government Street Wharf project is substantially complete. The project has been completed on time, and at total cost of \$492,133, approximately \$16,574 under budget. The remaining item to be done is the lighting, which will be addressed as part of our LED street light conversion project, which is kicking off now.

The success of the project is due in no small part to KPA Vice Chairperson Bruce Crawford. He developed the concept design, ensured the project was fully permitted through the various state agencies, served as resident engineer, and guided this project to a successful completion. Mr. Crawford did all of this as a volunteer.

The community is invited to join the Town Council and Port Authority for a ribbon cutting on June 25 at 1PM to mark the completion of this important project.

Upcoming Dates:

- Government Street Wharf Ribbon Cutting – June 25, 1PM
- Route 236 Public Meeting – June 25, 4PM, Council Chambers
- Library Building Committee Public Presentation – June 26, 6PM, Council Chambers
- Independence Day Celebration – June 29, 9AM at Memorial Park, Town Hall
- Senior Property Tax Credit Applications – Due July 1

Respectfully Submitted,

Kendra Amaral
Town Manager

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3 **KITTERY TOWN COUNCIL**
4 **REGULAR MEETING**
5 **FEBRUARY 11, 2019 – 6:00 P.M.**
6 **TOWN HALL – COUNCIL CHAMBERS**
7

- 8 1. Call to Order: Chairperson Spiller called the meeting to order at 6:00 p.m.
9
10 2. Introductory: Chairperson Spiller read the introductory.
11
12 3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.
13
14 4. Roll Call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey
15 Thomson, Cyrus Clark, Vice-Chair Matthew Brock and Chairperson Judy Spiller.

16 Chairperson Spiller said that Councilor Lemont was in a warmer place.

17
18
19 5. Agenda Amendment and Adoption: Chairperson Spiller proposed one amendment to the
20 agenda - to move item 9 (a) before #6, Town Manager’s Report. Hearing no other amendments, she
21 cast one vote in favor of the agenda as amended.

- 22
23 9.
24 a. (020119-1) The Kittery Town Council moves to present a proclamation honoring Ann
25 Grinnell for her years of dedication and service to the Town of Kittery.

26
27 Chairperson Spiller read the proclamation honoring the service and dedication of Ann H. Grinnell.

28
29 **COUNCILOR THOMSON MOVED THE PROCLAMATION, SECONDED BY VICE-CHAIR BROCK.**

30
31 Councilor Denault requested, through the Chair, that he read an e-mail he received from Councilor
32 Lemont, apologizing for not being in attendance and thanking Ann Grinnell for her service.

33
34 Chairperson Spiller read a letter from the Hon. Senator Susan B. Collins, expressing her warmest
35 personal wishes to Ann Grinnell, remembering how she and Ms. Grinnell marched together to save the
36 Shipyard and thanking her for her service.

37
38 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE OPPOSED, MOTION**
39 **CARRIES.**

40
41 Chairperson Spiller asked the Councilors to join her in presenting the proclamation to Ann Grinnell.
42 (the many people in attendance applauded)

43
44 Ms. Grinnell accepted the proclamation and said it was her honor to serve the Town of Kittery.

45
46 Chairperson Spiller asked if she would like to say a few words, to go to the podium.

47
48 Ann Grinnell, 5 Stimson St., Kittery said she is honored and asked everyone not to worry about her,
49 what will be, will be. She said she pulled the short stick and that it is sadder for everyone else than it is
50 for her. She said she will fight it and that she appreciated everyone’s support.

- 51
52 6. Town Manager’s Report:

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54 Town Manager Amaral welcomed Brenda Fox-Howard, the new Finance Director.

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Ms. Fox-Howard approached the podium, saying that she recently came on board from Peterborough, originally from Connecticut and that she was happy to be in Kittery. She said she looks forward to working for the Council.

Chairperson Spiller and the Councilors welcomed Ms. Fox-Howard and thanked her for coming.

Town Manager Amaral said there is a copy of the Memorandum of Understanding between the Town and the Rice Public Library Board of Trustees. She said that she hoped they have time to review it, it has been a process, with many years in the making. She would like Councilors to send her comments.

Town Manager Amaral said that citizens have made her aware about a ripple in the road approaching the Memorial Circle, coming from the Kittery Community Center. She said that Dave Rich is taking a look at the road settling.

Town Manager Amaral said, regarding the Adopt-A-Road Program, they updated the checklist and what the Conservation Commission had proposed and made the necessary adjustments. She said the application is online and encouraged anyone to go on the website to learn more on how they can adopt a road.

Town Manager Amaral said that senior property taxpayers can get a credit and residents 70 and older are eligible. She said that they can receive a \$1,000 credit on the tax bill and they are accepting applications now for the next fiscal year. She said there is information on the website for other exemptions.

Town Manager Amaral said they are seeking candidates for Boards, Committees and Commissions and to check the website. There are openings on the Parks Commission, Conservation Commission and the Shellfish Conservation Committee.

Town Manager Amaral said, for upcoming dates, the property tax bill is due Feb. 15th, and Feb. 15th is the Family Valentine Dance at the KCC, April 5th at the Regatta Room is the KCC Silent Auction.

7. Acceptance of Previous Minutes – January 14, 2019 Regular Meeting

Chairperson Spiller cast one vote to accept the minutes of January 14, 2019 as amended.

8. Interviews for the Board of Appeals and Planning Board: Planning Board (one appointment to fill an unexpired term until 12/31/19) Robert J. Kaszynski and Stephen J. Bellantone

Chairperson Spiller said she will ask a few questions of each candidate, relating to skills and experience he could bring as a member of the Planning Board, if he understood “conflict of interest” and if he had attended any Planning Board Meetings and for Mr. Kaszynski to give a brief response to each question.

Mr. Kaszynski said he is a resident of Kittery and in 2000 was on the Personnel Board as well as the Board of Appeals. He said he is able to assist in the community and would like to offer his services in any way possible.

Mr. Kaszynski replied he is a retired Federal law enforcement officer with 5 years active military service in the Army and 22 years in the reserve., that he had not attended any Planning Board meetings, but he did understand “conflict of interest.”

Chairperson Spiller asked the Town Clerk if Stephen Bellantone had been contacted.

109 Ms. Maurice replied yes.

110

111 Chairperson Spiller said that cannot act on the appointment until Mr. Bellantone has been interviewed
112 and wanted to know if Mr. Kaszynski could stay a little longer.

113

114 Councilor Thomson said he had a question on Mr. Bellantone's application – it looked like it was date-
115 stamped February 15th.

116

117 Chairperson Spiller thought that it is stamped February 5th. She said they will hold off on the
118 appointment to the Planning Board.

119

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

122

123 b. (020119-2) The Kittery Town Council moves to receive a presentation from the Town
124 Manager on the 2020-2024 Capital Improvement Program.

125

126 Town Manager Amaral gave an overview of the program and the process on the 20-24 CIP plan. She
127 denoted what they expect to spend on new and existing capital assets. She said they are taking steps
128 to take care of what we have invested in. She said Councilor Denault is the Council representative on
129 the CIP Committee and long-standing members Chris Perkins and Jeff Clifford are in the audience
130 tonight.

131

132 Town Manager Amaral said they are working on a detailed asset management plans for the Police
133 Dept. and Kittery Community Center equipment. She said the Harbor Master went through the plan
134 and identified when things need to be replaced and is helping to develop a schedule but she does not
135 have a detailed plan of when the servers and the computers need to be replaced.

136

137 Town Manager Amaral said the net CIP amount is \$1,913,517 and they are proposing \$1.988 million
138 dollars in capital projects. She said this is a 40% increase and will not impact the tax rate. She said
139 between 1.8 and 1.9 million dollars is the stabilizing number to maintain their assets and does not
140 include expanding the building.

141

142 Town Manager Amaral said the Reserve approach has worked. She said they are able to absorb the
143 FY'20 funding requests to meet their needs as they come up.

144

145 Town Manager Amaral discussed the FY'21 Emery Field Improvement Phase 2 \$300,000 project. She
146 said that questions have been raised whether or not this is a good site for affordable workforce housing.

147

148 Town Manager Amaral said that Chief O'Brien had put out an RFP for the LED street light project in the
149 amount of \$240,000 with a return on investment of 2.6 years. She said that they anticipate spending
150 \$500,000 in total on the Library renovation and have signed with Scott Design Architects. She said the
151 project will begin in January and she will seek bond authorization in November. She said if the bond is
152 not passed, they will hold off and they are trying to be strategic in planning for this project.

153

154 Chairperson Spiller asked if the Council had any questions or comments.

155

156 Councilor Thomson said the members of the CIP committee are citizens who have been with the
157 committee for a number of years. He said the document is complete and is a wonderful road map.

158

159 Chairperson Spiller wished to echo Councilor Thomson's comments and said they did a great job.

160

161 At 6:42 p.m. Stephen Bellantone arrived.

162

163 Chairperson Spiller asked Mr. Bellantone what skills and experience he could bring as a member of the
164 Planning Board, whether he was aware of “conflict of interest” and if he had attended any Planning
165 Board Meetings.

166
167 Mr. Bellantone replied he has an undergraduate degree in Civil Engineering and a Master’s in
168 Education and taught at Philip Exeter Academy, but is retired, as well as owning and operating his own
169 surveying engineering company. He said he was on the Planning Board in Chichester, NH and is
170 aware of the process and rules and regulations, as well as being aware of the conflict of interest but
171 has not attended any Planning Board meetings.

172
173 Mr. Bellantone thought that he had to be here tomorrow night.

174
175 Chairperson Spiller said they have two candidates for the Planning Board and asked for nominations.

176
177 **COUNCILOR PELLETIER MOVED TO NOMINATE ROBERT KASZYNSKI FOR THE OPEN**
178 **PLANNING BOARD SEAT, SECONDED BY COUNCILOR THOMSON.**

179
180 Chairperson Spiller asked if there were any other nominations.

181
182 Councilor Denault said this is a tough one – we have two experienced people.

183
184 **COUNCILOR DENAULT MOVED TO NOMINATE STEPHEN BELLANTONE TO FILL THE**
185 **UNEXPIRED TERM ON THE PLANNING BOARD AS WELL, SECONDED BY CHAIRPERSON**
186 **SPILLER.**

187
188 **ROLL CALL VOTE WAS TAKEN ON NOMINATION OF ROBERT KASZYNSKI TO FILL THE**
189 **UNEXPIRED TERM ON THE PLANNING BOARD, AND VOTED 4-2 (COUNCILOR CLARK AND**
190 **VICE-CHAIR BROCK VOTING IN OPPOSITION). MOTION CARRIES.**

191
192 **ROLL CALL VOTE WAS TAKEN ON NOMINATION OF STEPHEN BELLANTONE TO FILL THE**
193 **UNEXPIRED TERM OF THE PLANNING BOARD UNTIL 12/31/19 AND WITH ALL VOTING IN**
194 **FAVOR, 6-0, NONE OPPOSED, MOTION CARRIES.**

195
196 Chairperson Spiller told Mr. Bellantone that he has been appointed to fill the unexpired term on the
197 Planning Board until December 31, 2019.

198
199 Councilor Denault wanted to know, through the Chair to the Town Manager, if Mr. Kaszynski could stay
200 in the pool since he has a lot of experience.

201
202 Chairperson Spiller thanked both and said the Council is aware that Mr. Kaszynski wants to stay in the
203 pool.

204
205 10. PUBLIC HEARINGS

206
207 a. (020119-3) The Kittery Town Council moves to hold a public hearing and ordain
208 amendments to Title 4- Boards, Commissions and Committees and to amend Council Rules.

209
210 Chairperson Spiller asked the Town Manager to give Council a quick overview.

211
212 Town Manager Amaral said this was on the “to do” list when she arrived. She said they have
213 committees that no longer exist which was changed in the Town Charter in 2017. She said there was
214 expressed frustration in the process and some may have not been consistent with the Charter. She
215 said some Boards had financial responsibility.

216

217 Town Manager Amaral said they looked at the work done by prior Town Managers and Title 4
218 addresses all the issues that were raised and creates clarity. She said the appointment process for the
219 Town Council has been changed and it adds two Committees created by the Town Council: the
220 Sustainability Committee and the Comprehensive Plan Update Committee. She said that they
221 recommend changes to the Council rules.

222
223 Chairperson Spiller opened the public hearing at 6:49 p.m.

224
225 Tracy Hodgman, 4 Cromwell St. wanted to talk about Emery Field.

226
227 Chairperson Spiller said the public hearing is about amendments to Title 4 and she could come up
228 when it is public discussion.

229
230 **COUNCILOR THOMSON MOVED, IN ACCORDANCE WITH TITLE 30-A MRS, §3001 AND TOWN**
231 **CHARTER, §2.07(3), THE KITTERY TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO**
232 **TITLE 4 OF THE KITTERY TOWN CODE, AS PUBLICLY HEARD AND PRESENTED THIS**
233 **EVENING, SECONDED BY COUNCILOR PELLETIER.**

234
235 Chairperson Spiller asked if Council had any comments or questions.

236
237 Vice-Chair Brock said that line 36, reads: Except for Planning Board and Board of Appeals applicants,
238 the Council may waive the interview requirement for reappointments, alternates applying for full
239 membership, and full members applying for alternate status, which is the current practice. He said the
240 Town Charter requires all members be interviewed.

241
242 Town Manager Amaral said that all candidates be interviewed at once for re-appointments, so we still
243 have to interview according to the Town Charter.

244
245 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE OPPOSED, MOTION**
246 **CARRIES.**

247
248 13. PUBLIC DISCUSSION:

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250 a. Discussion by members of the public:

251
252 Chairperson Spiller opened the meeting for public discussion and asked if people's comments could be
253 kept to three minutes.

254
255 Bill Pagum, 8 Cromwell St., said he saw a flatbed truck and men taking soil samples at Emery Field.
256 He said he was surprised because he attended a meeting at the Kittery Rec Center where they were
257 told the playground was being upgraded for the children as well as the athletic field and a lot of money
258 has been spent on Emery Field. He said they put down levels of grass seed. He said his concern is
259 that it will be changed to something different – like affordable workforce housing.

260
261 Mr. Pagum said that the area is congested and parking is congested and there are drainage problems.
262 He said in the newspaper there has been discussion on 45 Woodlawn and 2 Cole Street for affordable
263 housing. He said they have open space and a playground, which are vital assets to our neighborhood
264 and to the town. He said he prefers to have that than more houses in a congested neighborhood.

265
266 Tracy Hodgman, 4 Cromwell Street, said she is an abutter and her concern is they cannot enhance
267 their house because of the sewer issue, and they do not have the capability to serve more houses with
268 electricity but if they are allowed to do that, she would like the opportunity to enhance her property and
269 a lot more we can do to the neighborhood.

270

271 Ms. Hodgman wanted to know if there would be any more information that will come out?

272

273 Chairperson Spiller replied once everyone is done speaking, she would answer questions.

274

275 Ms. Hodgman said she is trying to find out if she will have the opportunity to exercise her democratic
276 right to have this brought forward to a town vote.

277

278 Susan Emery, 5 School Lane, said she does not live in Admiralty Village, which is the town's first
279 planned subdivision with Emery Field as open space. She said that parking is minimal by the Rec.
280 building with wetlands.

281

282 Ms. Emery said that in 2009, saving Emery Field included a court case. She said the town was putting
283 a rec center on that field and she thinks it is better a site where it is. She said the town removed
284 permitted use of the school facility or the hospital and there are numerous special exceptions which
285 includes multi-unit residential dwellings, which were eliminated.

286

287 Ms. Emery said she supports the Village residents and their concerns and encouraged Phase II so this
288 area would evolve into a great area for the whole town. She said the town should consider flooding the
289 field in the winter for ice skating and urged the Affordable Housing Initiative to look elsewhere.

290

291 Carol Lombardi, 105 Manson Ave., said she is an abutter and loves Emery Field. She showed a street
292 map of Admiralty Village and urged the Town Council to protect Emery Field – which is not a site for
293 affordable housing. She said it was a World War II housing project, owned by the United States of
294 America and 250 single and duplex houses were built to house over 400 families and it was intended
295 that Emery Field would be a recreational space. She said all the houses are still there and the
296 neighborhood has grown with 3 dozen apartment buildings and two rows of three-story condos are at
297 the end of Boush Street.

298

299 Ms. Lombardi said she understands that workforce housing is needed but Admiralty Village should be
300 left out. She said Emery Field is our sanctuary and we need to preserve this site as they way in which
301 it was originally intended.

302

303 Faye Gourley, 21 Woodlawn, said they have always had difficulty with drainage. She said it comes
304 from the basal stone on the ledge. She said that the fragmites denote wetland and the fragmites used
305 to fill the field until the town dumped excess snow removal and salt there. She said there is still
306 drainage issues there and that this is not a well-chosen site (for more housing).

307

308 Ms. Gourley said the town should think of the families who live there and they may not have air-
309 conditioning but they do have a field within walking distance.

310

311 Ms. Gourley said she loved the idea of a skating rink.

312

313 Chairperson Spiller said she received a letter from Suzanne Johnson and said she would read part of it.
314 She said that Ms. Johnson wanted to be on the Library Transition Committee, and applied, but did not
315 hear back from anyone. She said that Ms. Johnson did not support affordable housing by Emery Field.

316

317 c. Chairperson's response to public comments

318

319 Chairperson Spiller said that most of the comments were about Emery Field and wanted to let people
320 know that the affordable housing project is a long, long way off. She said there has to be a feasibility
321 study, maps of the wetland, taking soil samples and she does not think it is going to happen.

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323 Chairperson Spiller said that Vice-Chair Brock may want to comment since he is the head of the
324 Committee and knows more about it than she does.

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Vice-Chair Brock said he appreciated their concerns but at this point there is no plan. He said the Affordable Workforce Housing Committee has been tasked to go and look at the old recreation building and we will do that. He said if they determine it is potentially feasible, he will be able to come forward and comment on it.

Councilor Denault said the Affordable Workforce Housing group is looking at the building, not Emery Field.

Vice-Chair Brock said that is his understanding.

Councilor Denault said he wanted to make sure that people understand and do not get panicky that it is about the field.

Vice-Chair Brock said he recalled discussion about green space in Admiralty Village and there is property at the rec center and to see if it is feasible.

Chairperson Spiller said regarding Suzanne Johnson's question on the Library – there will be an opportunity for residents to vote on whether or not they want to spend the money.

Councilor Clark said he spoke with the Affordable Workforce Housing group and asked if they could up a duplex house. He said his understanding is that it could be for two families, not 100 families. He said it could be used for putting up 50 units, but people should not get freaked out about this. He said he loved the idea of a skating rink.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition.

- The Kittery Town Council moves to accept a Donation from York Hospital in the amount of \$9,250 to be deposited into account # 5003-43600 York Hospital Scholarship Fund.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL ACCEPT A DONATION FROM YORK HOSPITAL IN THE AMOUNT OF \$9,250 TO BE DEPOSITED INTO ACCOUNT # 5003-43600 YORK HOSPITAL SCHOLARSHIP FUND, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE. MOTION CARRIES.

b. (020119-4) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Spiller read the warrants: Town payable in the amount of \$228,668.91 and Sewer in the amount of \$10,091.38.

Chairperson Spiller asked Councilor Clark if he reviewed the town and sewer payables and if they are in the format for approval.

Councilor Clark replied yes, they are.

Chairperson Spiller read the School payable in the amount of \$335,821.77.

Chairperson Spiller asked Councilor Pelletier if he had reviewed the School payable and is it in the format for approval.

376 Councilor Pelletier replied yes, it is.

377

378 **COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS READ,**
379 **SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 6-0.**
380 **MOTION CARRIES.**

381

382 c. (020119-5) The Kittery Town Council moves to approve the 2020-2024 Capital
383 Improvement Program in accordance with Town Charter Section 6.05 as presented.

384

385 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE 2020-**
386 **2024 CAPITAL IMPROVEMENT PROGRAM IN ACCORDANCE WITH THE TOWN CHARTER, AS**
387 **PRESENTED AND WITH THANKS FOR EFFORTS EXPENDED, SECONDED BY COUNCILOR**
388 **DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE**
389 **NEGATIVE. MOTION CARRIES.**

390

391 d. (020119-6) The Kittery Town Council moves to approve the fiscal year 2020 Capital
392 Improvement Program budget in accordance with Town Charter Section 6.04(2) in the amount of
393 \$1,988,517.

394

395 **COUNCILOR THOMSON MOVED THE TOWN COUNCIL APPROVE THE FISCAL YEAR 2020 CIP**
396 **BUDGET IN THE AMOUNT OF \$1,988,517 AS PRESENTED IN ACCORDANCE WITH TOWN**
397 **CHARTER SEC. 6.04(2), SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS**
398 **TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE. MOTION CARRIES.**

399

400 e. (020119-7) The Kittery Town Council moves to affirm that requests for MMA Legal
401 Services are restricted as presented.

402

403 Chairperson Spiller asked if the Town Manager could give Council a quick overview.

404

405 Town Manager Amaral said she received a phone call and they have been receiving requests from
406 people that did not have a list and were seeking clarification. She said they added a couple of positions
407 and updated the list for them.

408

409 **COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVES AND AFFIRMS THE**
410 **LIST OF REQUESTS FOR MMA LEGAL SERVICES ARE RESTRICTED AS PRESENTED BY THE**
411 **TOWN MANAGER, SECONDED BY COUNCILOR PELLETIER.**

412

413 Chairperson Spiller asked if Council wished to discuss this.

414

415 Councilor Thomson said, through the Chair to the Town Manager that the School Dept contacted MMA.

416

417 Town Manager Amaral said they are separate and have their own contact.

418

419 Vice-Chair Brock said in the event the Town Council determined they wanted a legal opinion on an
420 issue, they would have to ask the Town Manager and she would have to forward our request to MMA.

421

422 Town Manager Amaral said that is how it has historically been done – all requests go through the Town
423 Manager.

424

425 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE.**
426 **MOTION CARRIES.**

427

428 f. (020119-8) The Kittery Town Council moves to appoint David Batchelder to the Library
429 Building Committee with a term ending with the completion of work of that board.

430 **COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPOINT DAVID BATCHELDER TO**
 431 **THE LIBRARY BUILDING COMMITTEE WITH A TERM ENDING WITH THE COMPLETION OF THE**
 432 **WORK OF THAT BOARD, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS**
 433 **TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE. MOTION CARRIES.**
 434

435 g. (020119-9) The Kittery Town Council moves to appoint George Dow as an associate
 436 member to the Parks Commission to a term expiring on 12/31/19.

437
 438 Chairperson Spiller said he is currently a full member and would like to move to the associate level.
 439

440 **COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPOINT GEORGE DOW AS AN**
 441 **ASSOCIATE MEMBER TO THE PARKS COMMISSION FOR A TERM TO EXPIRE ON 12/31/19,**
 442 **SECONDED BY COUNCILOR PELLETIER.**
 443

444 Councilor Thomson had a question and asked if they need to unappoint him as a full member.
 445

446 Chairperson Spiller asked the Town Manager to explain this.
 447

448 Town Manager Amaral said she did not believe they needed to do that.
 449

450 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE.**
 451 **MOTION CARRIES.**
 452

453 h. (020119-10) The Kittery Town Council moves to appoint a representative to meet with
 454 the Chair of the Parks Commission to interview Shaye Robbins to be appointed to that board to fill an
 455 unexpired term ending 12/31/19.
 456

457 **COUNCILOR THOMSON MOVED THE KITTEERY TOWN COUNCIL APPOINT SHAYE ROBBINS TO**
 458 **THE PARKS COMMISSION AS A FULL MEMBER, WITHOUT BENEFIT OF AN INTERVIEW, FOR A**
 459 **TERM TO EXPIRE ON 12/31/19, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE**
 460 **WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE, MOTION CARRIES.**
 461

462 i. (020119-11) The Kittery Town Council moves to approve a request from the Kittery
 463 Harbourside Garden Club to place signage throughout Kittery, seven to ten business days prior to the
 464 event, to advertise their annual plant sale to be held on May 25, 2019.
 465

466 **COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE**
 467 **REQUEST FROM THE KITTEERY HARBOURSIDE GARDEN CLUB TO PLACE SIGNAGE**
 468 **THROUGHOUT KITTEERY, 7-10 BUSINESS DAYS PRIOR TO THE EVENT, TO ADVERTISE THEIR**
 469 **ANNUAL PLANT SALE TO BE HELD ON MAY 25, 2019. COUNCILOR PELLETIER SECONDED**
 470 **THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE**
 471 **NEGATIVE. MOTION CARRIES.**
 472

473 j. (020119-12) The Kittery Town Council moves to approve a request from the Kittery
 474 Rotary After Hours to place 10 signs at various locations throughout Kittery to advertise their St.
 475 Patrick's Day Dinner at the Kittery Fire Station on Sunday, March 17, 2019. Signs will be placed March
 476 1, 2019 and removed on March 19, 2019.
 477

478 **COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE**
 479 **REQUEST FROM THE KITTEERY ROTARY AFTER HOURS TO PLACE 10 SIGNS AT VARIOUS**
 480 **LOCATIONS THROUGHOUT KITTEERY TO ADVERTISE THEIR ST. PATRICK'S DAY DINNER AT**
 481 **THE KITTEERY FIRE STATION ON SUNDAY, MARCH 17, 2019, TO BE PLACED MARCH 1-19,**
 482 **2019. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN**
 483 **WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE, MOTION CARRIES.**

484 k. (020119-13) The Kittery Town Council moves to approve a request from Kittery Little
485 League to hang a banner over Rogers Road in front of the Community Center from February 25, 2019
486 until March 8, 2019 to promote open registration for the League.

487
488 **COUNCILOR THOMSON MOVED THE KITTEY TOWN COUNCIL APPROVE THE REQUEST**
489 **FROM THE KITTEYLITTLE LEAGUE TO HANG A BANNER OVER ROGERS ROAD IN FRONT OF**
490 **THE COMMUNITY CENTER FROM FEBRUARY 25, 2019 UNTIL MARCH 8, 2019 TO PROMOTE**
491 **OPEN REGISTRATION FOR THE LEAGUE. COUNCILOR PELLETIER SECONDED THE MOTION.**
492 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, MOTION CARRIES.**

493
494 l. (020119-14) The Kittery Town Council moves to approve a request from the Kittery Land
495 Trust to hang a banner across Rogers Road from March 17, 2019 until March 31, 2019 to coincide
496 with their annual March membership drive.

497
498 **COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL APPROVE A REQUEST**
499 **FROM THE KITTEY LAND TRUST TO HANG A BANNER ACROSS ROGERS ROAD FROM**
500 **MARCH 17-31, 2019 TO COINCIDE WITH THEIR ANNUAL MARCH MEMBERSHIP DRIVE.**
501 **COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL**
502 **VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE, MOTION CARRIES.**

503
504 m. (020119-15) The Kittery Town Council moves to approve a request from the Project
505 Graduation Committee to hold a dump toll on Saturday, April 20, 2019 from 9am to 5pm with a rain
506 date on Saturday, May 4, 2019 from 9 am until 5 pm, and to place signage.

507
508 **COUNCILOR PELLETIER MOVED THAT THE KITTEY TOWN COUNCIL APPROVE THE**
509 **REQUEST FROM THE PROJECT GRADUATION COMMITTEE TO HOLD A {VOLUNTARY} TOLL**
510 **AT THE RESOURCE RECOVERY FACILITY ON SATURDAY, APRIL 20, 2019 FROM 9:00 A.M. TO**
511 **5:00 P.M. WITH A RAIN DATE ON SATURDAY, MAY 4, 2019 FROM 9 AM UNTIL 5 PM AND TO**
512 **PLACE SIGNAGE. COUNCILOR THOMSON SECONDED THE MOTION. ROLL CALL VOTE WAS**
513 **TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE IN THE NEGATIVE, MOTION CARRIES.**

514
515 14. COUNCILOR ISSUES OR COMMENTS

516
517 Councilor Denault said he received a noise complaint from Richard Balano, Ox Point Drive, which the
518 Town Manager may have already received. He said they do have a noise ordinance on record as well
519 as a sound ordinance, a junk yard ordinance and an ordinance regarding litter on homeowner's
520 properties, and we have to make sure that they are seriously enforced.

521
522 Councilor Denault said that NH plates are still here in town and we have rules. He said they need to
523 make sure that we are staying on top of them. He said years ago, he stayed on top of this, especially
524 litter on properties.

525
526 Councilor Denault said he would like to thank Jeff Clifford and Cliff Perkins on the CIP Committee, who
527 have brought so much – as Councilor Thomson has mentioned before – institutional knowledge with
528 them. He said it has been phenomenal.

529
530 Councilor Denault said he would like to speak on behalf of Team Alex, a Kittery resident, Traip
531 graduate, who works at the Kittery Animal Hospital and has helped with the stray cat program. He said
532 she has been fighting a serious ailment and was in need of surgery in Boston for an ovarian cyst. He
533 said she is no longer eligible for health care insurance under her parents and they have set up a Go
534 Fund Me page. He said they have to raise \$250,000.

535
536 Councilor Denault said he will be donating his next Council check of \$250 to Team Alex and urged
537 other Councilors to join him. He said people can find out more about it at the Kittery Animal Hospital.

538

539 Councilor Thomson said he would like to piggyback Councilor Denault's comments regarding Alex. He
540 said he has spoken with her many times at the Kittery Animal Hospital as he has four cats. He said her
541 case is a compelling reason why this country needs universal health care.

542

543 Councilor Thomson said last Fall, he received complaints about parking during the summer months on
544 Badger's Island. He said we, as a body, need to do something about the parking on Badger's Island.
545 He said this needs to be looked at.

546

547 Town Manager Amaral said they starting an outreach on this project and have a contact. She said they
548 will meet with businesses and residents separately to hear comments and do a site tour with the Police
549 Dept. and Public Works so they can develop a plan to address this issue.

550

551 Councilor Thomson said that tomorrow, February 12th, is our 16th President's birthday, and wished
552 Abraham Lincoln happy 210th birthday. He said that he ranks as top of his list of favorite Republican
553 presidents, which is a very short list. He added that February 22nd the country's first President's
554 birthday, George Washington, who will be 287 years old. He said there was a time when every school
555 age child knew those two dates, but now it is Presidents' Day in place of their birthdays, which was
556 contrived by the automobile industry dealerships and ski resorts in order to have a three-day weekend.

557

558 15. COMMITTEE AND OTHER REPORTS

559

- 560 a. Communications from the Chairperson
- 561 b. Committee Reports

562

563 16. EXECUTIVE SESSION - NONE

564

565 17. ADJOURNMENT

566

567 **COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 7:34 P.M., SECONDED BY**
568 **COUNCILOR THOMSON. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 6-0. MOTION**
569 **CARRIES.**

570

571 Respectfully submitted,

572

573

574 Barbara Boggiano
575 Recording Secretary

**Kittery Town Council
Regular Meeting
February 25, 2019 – 6:00 p.m.
Council Chambers**

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- 1. Call to Order: Chairperson Spiller called the meeting to order at 6:00 p.m.
- 2. Introductory: Chairperson Spiller read the introductory.
- 3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.
- 4. Roll Call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Kenneth Lemont, Vice Chair Matthew Brock and Chairperson Judith Spiller.
Chairperson Spiller said that Councilor Clark claims he is watching, but he is not here, he is in Colorado.
- 5. Agenda Amendment and Adoption: Chairperson Spiller said she would like to add “h” under “New Business” – The Kittery Town Council moves to appoint Councilor Brock and Councilor Spiller to the Kittery Climate Adaptation Committee. Hearing no other changes, Chairperson Spiller cast one vote to adopt the agenda as amended.
- 6. Town Manager’s Report: Town Manager Amaral said to welcome Tim Babkirk as the new Sewer Superintendent replacing George Kathios, who retired. She said he comes to us from Portsmouth NH where he was Chief Plant Operator and has a tremendous amount of experience. She said he received his Grade 4 Sewer Wastewater license and operates two plants including overseeing the construction project on Pierce Island.
Town Manager Amaral said there will be a joint meeting of the Port Authority, Planning Board and Board of Appeals on March 4th at 6:30 pm at the Kittery Community Center. She said Councilors are invited to attend to discuss the recodification of Title 16, the Land Use and Development Code. She said this workshop offers everyone an opportunity for input on ways to improve the ordinance and the public outreach process will be reviewed.
Town Manager Amaral said, effective March 1st, boaters will be able to pay their mooring fees online and register their boats. She said payments and permits will also be processed at the Town Hall and the renewal for moorings runs from March 1st through April 15th.
Town Manager Amaral said that AARP will be at the Kittery Community Center through April 11th to assist residents with the tax return preparation and the KCC Silent Auction will be held on April 5th at the Regatta Room in Eliot.
- 7. Acceptance of Previous Minutes: January 28, 2019 Regular Meeting
Chairperson Spiller said she will cast one vote to accept the minutes of January 28th as amended.
- 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.
- 10. PUBLIC HEARINGS - None

54 11. DISCUSSION

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

56

57 Bill Pagum, 8 Cromwell St., said he is an abutter to Emery Field. He said he is concerned with the
58 Phase II project for Emery Field which h include parking, sewer drainage and congestion. He said the
59 town needs accessible field for athletics, but what good is having a field if it is not accessible to the
60 public.

61

62 Mr. Pagum said he had some ideas and rather than having a Workforce Housing area overdeveloped,
63 wanted to know what about other places on Route 1 going north? He said another idea is to
64 encourage the landlords to rent the units below the market rate and they will get a tax benefit for
65 property taxes.

66

67 Mr. Pagum said the town needs fields and the Village needs open space, and he would like the town to
68 move ahead with the original Phase II plan.

69

70 Councilor Thomson said, before the next speaker, and he respects Mr. Pagum's right to speak, but we
71 need to be careful not to state misinformation. He said the Workforce Housing Committee is involved
72 with looking at the existing site where the original Recreation Center is housed. He wanted to know
73 what are we dwelling on that point.

74

75 Jerry Burns, 6 Wallingford Square, referred to a couple of points made at the "Marijuana Workshop"
76 and thought they were past certain things from their former discussion. He said it is important to
77 approach this subject as dispassionately as possible.

78

79 Mr. Burns said that Councilor Lemont had said there would be huge financial obligations for the town,
80 but he has not heard of that. He said the data did not infer that although a breath-o-lyzer for the Police
81 Dept. was mentioned.

82

83 Mr. Burns said going forward, it looks like the town would benefit from the tax rate, and the revitalization
84 of the mall area. He said it is the will of the people to have a retail marijuana establishment in town and
85 the question is whether Town Council is going to decide to listen or implement this.

86

87 Jim Knowles, Kittery ME said there is a hearing on the 28th on the tidal water and the State owns it. He
88 said this whole thing started when they were discussing Spinney Creek Shellfish Company's
89 aquaculture lease. He said the hearing is at 1 p.m. in the Cross Building, Room 214.

90

91 Filomena Knowles, 2 Estuary Drive, read the proposed bill. She said Rep. Rykerson wants to give this
92 land to the State and he is supposed to be representing the people. She said that she and her
93 husband will be going to Augusta.

94

95 George and Carol Lombardi, 105 Manson Ave., said they came to the last Town Council meeting and
96 voiced their concerns regarding Emery Field. She said it is important to address the issue early on –
97 this is not a suitable site (for Workforce housing).

98

99 Mrs. Lombardi said she showed the map of Admiralty Village before and it is packed. She said there
100 are 250 duplex homes and 39 apartment buildings which house 200 families. She said the largest
101 single property is lot 140, Emery Field, and the old Rec. Center, from Woodlawn to Manson Avenue.
102 She said the State deeded this property to the town in 1949 for public use only with no other use
103 whatsoever. She said the town is bound by commitment to use Emery Field for recreational purposes
104 in perpetuity. She said that many the field is important for the younger children, who want to run and
105 play while their siblings are at practice. She urged Council to honor the deed.

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Mr. Lombardi said the (old Rec.) building was supposed to be torn down and parking put there. He said there is no parking down there.

Susan Emery, 5 School Lane, said she was at the February 11th meeting and supports the residents. She encouraged the Town Council to continue with the Phase II plan, which utilizes the entire area, including the former building site, for all the citizens of the town rather than for affordable workforce housing.

Ms. Emery said that for the Village residents Emery Field is the only spot where recreational use is allowed. She did not think that the Town Code for that zone should be changed for a particular project or development and that the zones exist to protect all the properties within them. She said the town should reconsider this site and support the zoning.

Ms. Emery said that once before, in November 1997, the town tried to change the zoning, and it was rejected by the voters. She said she does not understand why the Planning Board and Town Council included a few such units approved for a 55+ age group and 12 family units at the former Homestead property on Route 1 and the Business Park zone. She said the town does have nice affordable housing in Woodland Commons and perhaps Route 1 could support another development like that.

c. Chairperson's response to public comments:

Chairperson Spiller said, as Councilor Thomson noted, they are moving ahead with the Phase II project at Emery Field. She said the proposal indicates they are interested with old Recreational building and Route 1 is an alternate site. She said this is all within the scope of the Workforce Housing Committee. She said she heard their concerns about Admiralty Village – and the importance of community space – and adequate parking around the fields.

Chairperson Spiller addressed Vice-Chair Brock and asked him if there was anything he would like to add?

Vice-Chair Brock said the Town Council authorized the Workforce Housing Committee to examine areas throughout the town. He said, with respect to Admiralty Village, he heard the points that were raised at the last Council meeting as well as their concerns, which are largely premature. He said the Committee was asked to examine the old Recreation Center site but they have no plan and there is no recommendation at this point. He said they will review the site and will do what the Town Council has asked the Committee to do.

Vice-Chair Brock said they are not looking at development on any of the green space in Admiralty Village and he did not think it was helpful to suggest otherwise.

Chairperson Spiller addressed Susan Emery and said the Workforce Housing Committee is looking at possible changes in zoning.

Councilor Lemont, through the Chair to the Vice-Chair, asked Councilor Brock if someone could address their concerns.

Vice-Chair Brock replied they will come to the Town Council first and added that the Committee does want public input, but they are not at that point yet.

Chairperson Spiller addressed Councilor Thomson and wanted to know if he was on the Council and did he remember the proposal for the recreation center.

159 Councilor Thomson responded unfortunately, he was absent at that time from the Town Council and
160 returned in 2006.

161
162 Vice-Chair Brock said that the Workforce Housing Committee will be looking at that site but if there was
163 a conflict it would preclude development.

164
165 Chairperson Spiller addressed Mr. Burns' comments regarding the retail marijuana stores and said
166 Council has heard but they want to move ahead cautiously. She said they are concerned about the
167 financial obligations to the town. She told him that he may not see them as significant the way the
168 Council sees them, but adding more staff will impact the budget.

169
170 Chairperson Spiller said that the Council appreciates the town vote in favor of the marijuana stores, and
171 at some point, they may see that happening.

172
173 Chairperson Spiller spoke to Mr. Knowles and said she did not think that Council will be attending the
174 hearing. She asked the Town Manager whether or not Council had jurisdiction over this matter.

175
176 Town Manager Amaral replied if it is inter-tidal waters.

177
178 Chairperson Spiller said with that, they will move on.

179
180 Councilor Thomson added regarding the will of the people, he suggested that Mr. Burns read the
181 Federal paper #10 and #51 by (the late) President Madison.

182
183 12. UNFINISHED BUSINESS - None

184
185 13. NEW BUSINESS

186
187 a. Donations/gifts received for Council disposition.

188
189 b. (020219-1) The Kittery Town Council moves to approve the disbursement warrants.

190
191 Chairperson Spiller read the town warrant \$113,827.82. She said there were no Sewer or School
192 payables and asked if Councilor Clark had reviewed the warrants.

193
194 Town Manager Amaral responded that they did not have anyone review the warrant.

195
196 Councilor Thomson wanted to know if a motion could be made to pay the disbursement warrant after
197 review by the second Councilor on the list, time-wise? He said he would make a motion.

198
199 **COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANT BE PAID AFTER**
200 **REVIEW BY THE SECOND COUNCILOR LISTED ON THE POLICY, SECONDED BY COUNCILOR**
201 **DENAUT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE OPPOSED,**
202 **MOTION CARRIES.**

203
204 c. (020219-2) The Kittery Town Council moves to present a proclamation honoring Barbara
205 Millar as the Boston Post Cane Recipient.

206
207 Chairperson Spiller read the proclamation - that Barbara Millar will be celebrating her 102nd birthday on
208 June 20th and is the oldest resident in the Town of Kittery.

209
210 **COUNCILOR THOMSON MOVED THE PROCLAMATION BY THE TOWN COUNCIL**
211 **ACCLAMATION HONORING BARBARA MILLAR AS THE RECIPIENT OF THE BOSTON POST**

212 **CANE AWARD, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH**
213 **ALL VOTING IN FAVOR, 6-0, NONE OPPOSED, MOTION CARRIES.**
214

215 d. (020219-3) The Kittery Town Council moves to appoint a representative to meet with the
216 Chair of the Economic Development Committee to interview Drew Fitch to be appointed to that board
217 as a regular member until 12/31/21.
218

219 **COUNCILOR THOMSON MOVED THAT COUNCILOR DENAULT BE APPOINTED AS COUNCIL**
220 **REPRESENTATIVE TO MEET WITH THE CHAIR OF THE ECONOMIC DEVELOPMENT**
221 **COMMITTEE TO INTERVIEW DREW FITCH FOR HIS APPOINTMENT TO THAT BOARD AS A**
222 **REGULAR MEMBER UNTIL 12/31/21. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL**
223 **CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE OPPOSED, MOTION**
224 **CARRIES.**
225

226 e. (020219-4) The Kittery Town Council moves to appoint a representative to meet with the
227 Chair of the Board of Trustees of Trust Funds to interview Brad Hirst to be appointed to that board as a
228 regular member until 12/31/22.
229

230 **COUNCILOR THOMSON MOVED THAT COUNCILOR LEMONT BE APPOINTED AS COUNCIL**
231 **DESIGNEE TO CONDUCT SAID INTERVIEW WITH THE CHAIR OF THE BOARD OF TRUSTEES**
232 **OF TRUST FUNDS AND BRAD HIRST FOR HIS APPOINTMENT TO THAT BOARD AS A**
233 **REGULAR MEMBER UNTIL 12/31/22. COUNCILOR DENAULT SECONDED THE MOTION. ROLL**
234 **CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, MOTION CARRIES.**
235

236 f. (020219-5) The Kittery Town Council moves to appoint a representative to meet with the
237 Chair of the Board of Trustees of Trust Funds to interview Diane L. Harvey to be appointed to that
238 board as a regular member until 12/31/22.
239

240 **COUNCILOR THOMSON MOVED THAT COUNCILOR PELLETIER BE APPOINTED AS COUNCIL**
241 **REPRESENTATIVE TO MEET WITH THE CHAIR OF THE BOARD OF TRUSTEES OF TRUST**
242 **FUNDS TO INTERVIEW DIANE HARVEY FOR HER APPOINTMENT TO THAT BOARD AS A**
243 **REGULAR MEMBER UNTIL 12/31/22, SECONDED BY COUNCILOR PELLETIER.**
244

245 Councilor Denault, through the Chair, wanted to know if this was the Mary Safford Wildes Trust.

246 Chairperson Spiller said that this has been re-named.

247
248
249 Town Manager Amaral said they always wanted the name to be Trustees of the Trust Funds, and
250 added yes, it has been re-named.
251

252 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE OPPOSED, MOTION**
253 **CARRIES.**
254

255 g. (020219-6) The Kittery Town Council moves to waive a Victualers License in accordance
256 with 5.3.4 of the Town Code for food trucks; Magical Mystery Heroes, Lia’s Lunpia, Creole Queens and
257 Big Stuff, to participate in a one-day event located at Shapleigh School.
258

259 Chairperson Spiller said that a copy is in Council’s packet and asked the Town Manager to tell Council
260 what this is all about.
261

262 Town Manager Amaral said the School Dept. is doing a “Food Truck Challenge” at Shapleigh School
263 and this is a Special Event, which is allowed under Town Code.
264

265 **COUNCILOR PELLETIER SO MOVED, SECONDED BY COUNCILOR THOMSON FOR**
266 **DISCUSSION.**

267
268 Councilor Thomson wanted to know, through the Chair to the Town Manager, the date of the event or is
269 that a secret.

270
271 Town Manager Amaral answered they do not have an exact date yet.

272
273 Councilor Denault through the Chair to the Town Manager said this is the first Council has heard about
274 it and asked if they know if there is an agreement with the company.

275
276 Town Manager Amaral replied she was made aware by the Superintendent, and did not know if they
277 had those conversations. She said they can store the truck at the Kittery Community Center for a rental
278 fee.

279
280 Councilor Denault said he is concerned that the parents would want to know if it came before the Town
281 Council.

282
283 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, NONE OPPOSED, MOTION**
284 **CARRIES.**

285
286 14. COUNCILOR ISSUES OR COMMENTS

287
288 Chairperson Spiller asked for any comments by Council, beginning with Councilor Lemont.

289
290 Councilor Lemont said he wanted to follow up on the testimony given by Mr. and Mrs. Knowles on LD
291 723 and that he is disappointed in our Legislative delegation and one Legislator in particular who
292 sponsored the bill, but there was no courtesy given to contact the Town Manager on a bill that affects
293 not only Kittery, but the entire coast of Maine. He encouraged everybody who felt passionate about this
294 issue to testify at the hearing in Augusta.

295
296 Councilor Lemont said he heard a lot about Emery Field and the Town Council is way overdue at taking
297 a look at the Master Field Plan and prioritize it. He said they had a presentation but did not take action
298 to adopt the plan. He said he was a member of that Committee and has a lot of data. He feels that
299 field is under-utilized. He said they do not have the funding to do the entire Field plan, but felt they
300 should take a look at it and prioritize.

301
302 Councilor Lemont said he wanted to thank whomever provided him with the ad hoc Town Council list
303 but he had one minor change, on the Comprehensive Plan Update Committee, they have listed one
304 Council rep and the Town Council actually have two representatives.

305
306 Chairperson Spiller agreed with Councilor Lemont and said they need to take a look at the Master Field
307 Plan. She said they never did approve it.

308
309 Councilor Denault said after he spoke about the food truck, he got an e-mail from a parent that said it
310 was today at the school. He said if this happened before Council approved it, someone did something
311 wrong and he is just giving them fair warning...

312
313 Councilor Denault said he watched when the Master Field Plan was brought forth and this was a \$2
314 million-dollar venture that was never approved and Council did not act on. He said we need to do due
315 diligence to make sure we are not doing something we should be doing. He said he will be attending
316 the hearing.

317

318 Councilor Denault spoke about the “Alex Challenge” and said that her family has set up a “Go Fund
319 Me” page. He said they have raised \$8,825 so far, but people can also go to TD Bank North or the
320 Kittery Animal Hospital or look up “Team Alex” on Facebook. He said thank you to Councilor Lemont
321 and Councilor Clark who have helped in this matter.

322
323 Councilor Denault acknowledged the passing of some local residents and said that he and Councilor
324 Lemont would be attending the wake of Ronald Lawrence at J.S. Pelkey until 8:00 p.m.

325
326 Councilor Thomson said it is time for the J1 students to be coming to the Seacoast for the summer.

327
328 Councilor Thomson said 120 students from foreign countries will be working at 20 different sites. He
329 said that a couple of years ago they welcomed them as they bring diversity to the community and he
330 wanted to welcome them again.

331
332 Councilor Thomson said the State of Maine has lost 14% of its High School population and the
333 workforce has historically felt this impact.

334
335 15. COMMITTEE AND OTHER REPORTS

336
337 a. Communications from the Chairperson

338
339 Chairperson Spiller said she did get contacted by a citizen who asked why we are not enforcing the “no
340 idling” rule at the Transfer Station.

341
342 Chairperson Spiller said another note is that the Climate Adaptation Committee is on the website and
343 they are looking for five citizens to apply.

344
345 Vice-Chair Brock wanted to know if the application and process on the website as well.

346
347 Chairperson Spiller responded yes, that the Town Clerk had updated the site.

348
349 b. Committee Reports

350
351 16. EXECUTIVE SESSION - NONE

352
353
354 17. ADJOURNMENT

355
356 **COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 6:55 P.M. SECONDED BY**
357 **COUNCILOR THOMSON. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 6-0, NONE OPPOSED,**
358 **MOTION CARRIES.**

359
360 Respectfully submitted,


361
362
363 Barbara Boggiano
364 Recording Secretary

5-13/110 7522

JEFFREY C. BERLIN
SUZANNE T. BERLIN
 12 PAYNETON HILL ROAD
 YORK, ME 03909

June 6 2019

Pay To
 The Order Of USS Thresher Memorial Fund | \$ 20.00

Twenty and 00/100 Dollars  Security Features Included: Details on Back.

BANK OF AMERICA
 ACH R/T 011000138

For _____ Jeffrey C Berlin MP

OFFICIAL CHECK

10430439 PRINT

RE: **KITTERY MAINE IMPROVEMENT FOUN** DATE: **06/06/2019**

PAY TO THE ORDER OF **** TOWN OF KITTERY ***** **\$78.18**

Seventy Eight AND 18/100

DRAWER: TD BANK, N.A.

Kelley Gray
 AUTHORIZED SIGNATURE



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road
Kittery, Maine 03904
Phone 207-474-1328 Fax 207-439-6806

APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT
(Pursuant to 28-A M.R.S.A. Sec. 1054)

Name, address and legal status of individual(s) or entity seeking to hold permit:

Maine Ocean Lobster, LLC D/B/A The Pointe
301 US Route 1, P.O. Box 904, Kittery, ME 03904

Name and mailing address of the premises where the special activity/amusement will occur:

The Pointe, 31 Badgers Island West
P.O. Box 904, Kittery ME 03904

Mailing address and telephone number of owner of the real estate: P.O. Box 904

Kittery, ME 03904 207-229-0335

Describe the specific portion of the premises where the special activity/amusement will occur:

on the deck

Set forth the specific time periods between which the special activity/amusement will occur:

7:00 PM - 10:00 PM Monday - Sunday

Describe the specific activity or type of amusement for which the permit is requested:

1-2 Man Acoustic Bands

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? Yes No

If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

Give any additional information to support your request for the permit sought herein:

This is a renewal of Permit # 06

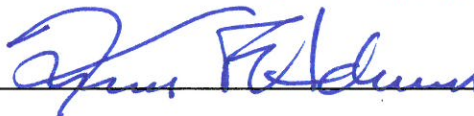
As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

OWNER of The Pointe Restaurant

NOTE: In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.

DATE OF APPLICATION: 6-12-2019

SIGNATURE OF APPLICANT: 

APPLICANT'S NAME: Kevin F. Adams
(please print)

ADDRESS: 301 us Rt 1, Kittery ME 03904
(please print)

TELEPHONE NUMBER: 207-229-0335

FEE: \$20.00 per year Must be renewed annually with liquor license.

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: June 24, 2019
From: Kendra Amaral, Town Manager
Subject: Title 16 – A-Frame Signs
Council Sponsor: Chairperson Judy Spiller

OVERVIEW

The Planning Board identified an objective for its work plan to address A-frame signs, also known as sandwich board signs for business use in various zones in town.

The proposed ordinance amendment was developed to allow businesses the option to use temporary A-frame signage to advertise items for sale, services, and events, without impeding the safe use of public sidewalks and ways.

The Planning Board recommended adoption of the ordinance amendment at their March 28, 2019 meeting, following a public hearing. There were no public comments at the public hearing. A workshop is not recommended for this matter.

ATTACHMENTS

- Proposed Amendment to Title 16 – A-Frame Signs
 - Proposed Enactment
- Video of the March 28, 2019 Planning Board Meeting is available at kitteryme.org

ADD: A-FRAME SIGN TO DEFINITION as follows:

A-FRAME SIGN - A freestanding sign located on the ground but not permanently attached. Also called a “sandwich board.”

ADD ITEM U to ARTICLE 10 Signs Allowed Without a Sign Permit as follows:

§ 16.8.10.9 Signs allowed without sign permit.

The following types of signs, in sizes and under conditions stated, are allowed without a Town sign permit, but must conform with all other provisions of Article X of this chapter except for the provisions restricting the number of signs (§§ 16.8.10.4 and 16.8.10.5), limiting the total sign area (§ 16.8.10.6) or as otherwise provided for in § 16.8.10.9.

S. A-frame signs. The following provisions govern temporary A-frame signs which are permitted in the Business-Local (B-L), Business-Local 1 (B-L1), Commercial (C-1, C-2, C-3), Mixed-Use (MU), Mixed-Use - Badgers Island (MU-BI), Mixed-Use – Kittery Foreside (MU-KF), and Mixed-Use – Neighborhood (MU-N) zones:

(1) One A-frame sign per business shall be permitted for the purpose of advertising specials, other items for sale, services, or events being offered.

(2) Sign area shall be limited to twelve (12) square feet per face and a maximum height of forty-eight (48) inches.

(3) Location requirements:

(a) Mixed-Use – Kittery Foreside Zone (MU-KF). The location shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than 15 feet from the building’s main entrance. The sign shall be located on the sidewalk or walkway only in locations where the sidewalk is wide enough to allow five feet for passage. All A-frame signs must be removed prior to a snow event to allow municipal snow removal efforts on roads and sidewalks in the zone.

(b) Mixed Use – Badgers Island (MU-BI), Mixed-Use – Neighborhood (MU-N), Business – Local (B-L), and Business – Local 1 (B-L1) zones. The location shall be limited to no less than two (2) feet from the right-of-way edge.

(c) In all other Allowed Zones. The location shall be limited to in front of or on the premises of the business. No sign shall be located within 10 feet of the right-of-way edge.

[1] A-frame signs may not be located within 12 feet of another A-frame sign.

[2] A-frame signs may not be located within 5 feet of a side street or side lot line.

(4) Materials and graphics. The sign shall be constructed of durable, weather resistant material and finish, shall have no moving appurtenances, and shall not be electrified or illuminated. The sign shall be maintained in a neat and clean appearance. All signs shall be constructed to assure rigid support and so they do not create a hazard.

(5) Signs shall only be displayed during the hours the business or use is open for customers or visitors.

(6) Signs shall be taken in each day before the close of business.

37 **DELETE ITEM D.5.C from Article 16.3 Kittery Foreside Mixed Use – MU-KF as follows:**

38 (5) Signage. Display of signboard and/or products for sale may be placed on a Town sidewalk only if:

39 (a) Products for sale displayed outside the building are limited to an area extending no greater than two
40 feet from the front facade of the building;

41 (b) Signboards and/or products for sale must be removed from the sidewalk at the close of each business
42 day;

43 ~~(c) An annual permit must be obtained from the Code Enforcement Officer. Permits are issued for a~~
44 ~~calendar year or portion thereof, to expire December 31 of each year. Sign permit application fee,~~
45 ~~reference Appendix A.~~

**KITTERY TOWN CODE –
TITLE 16 – A-FRAME SIGNS**

1 **AN ORDINANCE** relating to the municipality's authority for Town governance to give due and
2 proper attention to its many demands pursuant to the Town Charter, Federal law, and Maine
3 Revised Statutes, and more particularly where set forth in Maine Revised Statutes Title 30-A,
4 Municipalities and Counties.

5 **WHEREAS**, the Kittery Town Council is authorized to enact this Ordinance, as specified in
6 Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its powers
7 that authorize the town, under certain circumstances, to provide for the public health, welfare,
8 morals, and safety, and does not intend for this Ordinance to conflict with any existing state or
9 federal laws; and

10 **WHEREAS**, the Town wishes to regulate the standards, use, and placement of temporary a-
11 frame signs; and

12 **WHEREAS**, the proposed amendments provide clear regulations that protect the public access
13 to sidewalks and public ways;

14 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN
15 CHARTER §2.14, THE TOWN OF KITTERY HEREBY ORDAINS TITLE 16, LAND USE and
16 DEVELOPMENT CODE, SIGNS AMENDMENTS OF THE TOWN CODE, AS PRESENTED.

17 **INTRODUCED** and read in a public session of the Town Council on the ____ day of _____,
18 20____, by:_____ {NAME} Motion to approve by Councilor
19 _____ {NAME}, as seconded by Councilor _____ {NAME} and
20 passed by a vote of _____.

21 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,
22 Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

23 **Attest:** {NAME}, _____Town Clerk