



TOWN OF KITTERY

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

February 25, 2019

Council Chambers

WORKSHOP
Planning Board
5:00 p.m.

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 –
 - January 28, 2019 Regular Meeting
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
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 - None
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition.
 - b. (020219-1) The Kittery Town Council moves to approve the disbursement warrants
 - c. (020219-2) The Kittery Town Council moves to present a proclamation honoring Barbara Millar as the Boston Post Cane Recipient.

- d. (020219-3) The Kittery Town Council moves to appoint a representative to meet with the chair of the Economic Development Committee to interview Drew Fitch to be appointed to that board as a regular member until 12/31/21.
- e. (020219-4) The Kittery Town Council moves to appoint a representative to meet with the chair of the Board of Trustees of Trust Funds to interview Brad Hirst to be appointed to that board as a regular member until 12/31/22.
- f. (020219-5) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Trustees of Trust Funds to interview Diane L. Harvey to be appointed to that board as a regular member until 12/31/22.
- g. (020219-6) The Kittery Town Council moves to waive a Victualers License in accordance with 5.3.4 of the Town Code for food trucks; Magical Mystery Heroes, Lia's Lunpia, Creole Queens and Big Stuff, to participate in a one-day event located at Shapleigh school.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION - NONE

17. ADJOURNMENT

Posted: February 21, 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 February 25, 2019

1. **Timothy Babkirk, Sewer Superintendent** – Please help me welcome Timothy Babkirk as our new Sewer Superintendent. He will be replacing George Kathios, who is retiring after over 24 successful years in Kittery.

Mr. Babkirk was selected from over thirty applicants. He brings a wealth of experience in both the collection and treatment operations of wastewater. Prior to coming to Kittery, he served in the City of Portsmouth, most recently as Chief Plant Operator for the Pierce Island and Pease plants. In 2016, he was tasked with focusing his attention on the Pierce Island plant including overseeing the plant upgrade for the City. In his eight years in the wastewater industry, Mr. Babkirk's work ethic and commitment to environmental protection propelled his career forward from Truck Driver to Chief Plant Operator, all while successfully receiving his Grade 4 Wastewater license and Grade 2 Collection license.

2. **Title 16 Recodification Effort** – The Town Council is invited to a meeting of Elected and Appointed Officials to discuss the Title 16 Land Use Code. This meeting is part of the recodification effort, and will include various Kittery boards, commissions, and committees who deal most often with the land use and development code for the Town.

The meeting will take place March 4th at 6:30PM at the Kittery Community Center and will be an opportunity to introduce the project, review a recommended ordinance framework, and receive guidance on next steps for involving the boards, commissions, and committees throughout the drafting process. This is an opportunity to also share your thoughts on the strengths and weaknesses of the code from the perspective of a Councilor. This meeting is one step among many to gather input and vet options for the recodification of Title 16.

3. **Online Renewal of Moorings** – Beginning March 1st, boaters will be able to renew their mooring permits, wait list applications, and other harbor facility permits online. This new online service will provide 24/7 access to renew permits, pay permit fees, pay boat excise tax, and check permit status. The system also supports notifications for boaters on safety issues and other important Port Authority information. Boaters may also reserve and pay for transient slips and moorings online. The implementation of the software is part of the Town Manager's goals to improve organizational efficiency through implementation of technology and expands the Town's offering of online services. We will also begin accepting renewals at the Payment Center at Town Hall for walk-in customers.

Upcoming Dates:

- Mooring Permit Renewals – March 1 - April 15
- AARP Tax-Aide – February 6 through April 11, Kittery Community Center
- Kittery Community Auction – April 5, Regatta Room Eliot

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendra Amaral', with a long horizontal flourish extending to the right.

Kendra Amaral
Town Manager

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2
3 **Kittery Town Council**
4 **January 28, 2019 – 6:00 p.m.**
5 **Regular Meeting**
6 **Town Hall Council Chambers**

7 1. Call to Order: Chairperson Spiller called the meeting to order at 6:00 p.m.

8
9 2. Introductory: Chairperson Spiller read the introductory.

10
11 3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.

12
13 4. Roll call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey Thomson,
14 Cyrus Clark, Kenneth Lemont, Vice-Chair Matthew Brock and Chairperson Judith Spiller.

15
16 5. Agenda Amendment and Adoption: Chairperson Spiller said she had an amendment, to add as
17 13a under “New Business” “The Kittery Town Council moves to accept the resignation of Ann Grinnell
18 from the Planning Board” and to change the lettering accordingly. Councilor Lemont said he would like
19 to change the language on item “j” to read: “The Kittery Town Council moves to accept the gift of the
20 John Paul Jones Park, in principal, and authorize the Town Manager to work with the State of Maine to
21 develop the deed and transfer agreements for review and approval by the Town Council.”

22
23 Hearing no other amendments, Chairperson Spiller said she would cast one vote to accept the agenda
24 as amended.

25
26 6. Town Manager’s Report: Town Manager Amaral said that she, Chairperson Spiller and Vice-
27 Chair Brock will be meeting with the Town of York Select Board and the Town Manager of York to
28 discuss the York-Kittery boundary issue and to get a sense of what their concerns are.

29
30 Town Manager Amaral said that the Quarterly Financial Report for FY’19 is in Council’s packets, and
31 they are on track, which is a good sign. She said there is an expected overage in the Snow & Ice
32 removal budget, but she would rather over-project. She said they have had a fairly dry winter, so she will
33 be able to back the numbers down.

34
35 Town Manager Amaral said she is anticipating an increase in overtime with the Police Dept. as they are
36 sending the officers to the Police Academy and others have to fill in for their shifts. She said they have
37 had a lot of injuries and illness.

38
39 Town Manager Amaral said they have an \$85,000 deficit in their Compensation Benefits in that they
40 have had to pay out \$300,000 due to several employees retiring, which they will have to make up at the
41 end of the year.

42
43 Town Manager Amaral said she is pleased to announce new Financial Director/Acting Town Manager
44 Brenda Fox-Howard, who will be starting Thursday. She said Ms. Fox-Howard was financial manager in
45 Vermont. She said she will be serving as Acting Town Manager in her absence, which is why the title
46 was changed. She said that Ms. Fox-Howard’s salary will be the same.

47
48 Town Manager Amaral announced upcoming dates: “Coffee with the Chief” Tues., 4-6 at the KCC, Dog
49 Licenses renewal deadline Jan. 31st, and the Family Valentine’s Dance is Feb. 9th at the KCC.

50
51 Chairperson Spiller asked if there were any questions from Councilors.

53 Councilor Thomson said he had a question for the Town Manager, through the Chair, regarding the item
54 in their packets. He wanted to know if there will be an agreement, a Memorandum of Understanding
55 between the Town and Rice Public Library Board of Directors for the next meeting as they move forward
56 with them becoming a Town Dept. July 1st.

57
58 Councilor Thomson said he read it through but they are silent on the issue of how the decision of the
59 Board of Trustees will be appealed. He personally would like the Council to look at that Board's
60 decisions being appealed similarly to those of the Planning Board or Board of Appeals. He said they
61 should come before the Town Council as others do since they will be dealing with public property after
62 July 1st.

63
64 Chairperson Spiller asked the Town Manager to take a look at that.

65
66 7. Acceptance of Previous Minutes: December 10, 2018 – Regular Meeting.

67
68 Chairperson Spiller cast one vote to accept the minutes of December 10, 2018 as amended.

69
70 8. Interview for the Board of Appeals and Planning Board – none

71
72 9. All items involving the town attorney, town engineers, town employees or other town consultants
73 or requested officials.

74
75 10. PUBLIC HEARINGS:

76
77 a. (010219-1) The Kittery Town Council moves to hold a public hearing and ordain amendments
78 to Title 2 – Fire Department.

79
80 Chairperson Spiller asked the Town Manager if she could give them an overview?

81
82 Town Manager Amaral replied that the Kittery Fire Station Association is working on reviewing policies
83 and the selection of officers for the Fire Dept. She said they brought this forward as to what they wanted
84 to do internally. She said the Fire Dept. wants to select officers based on hiring, experience and training,
85 on a promotional basis and not elected.

86
87 Chairperson Spiller opened the public hearing at 6:14 p.m. and asked if anyone wished to speak to, for
88 or against the amendments. Hearing none, she closed the public hearing.

89
90 **COUNCILOR THOMSON MOVED, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND SEC.**
91 **2.07 (3) OF THE TOWN CHARTER, THE KITTELY TOWN COUNCIL HEREBY ORDAINS**
92 **AMENDMENTS TO TITLE 2, FIRE DEPARTMENT, AS PUBLICLY HEARD AND PRESENTED THIS**
93 **EVENING. COUNCILOR DENAULT SECONDED THE MOTION.**

94
95 Councilor Thomson said, in reviewing a conversation they had in 2018 with the Fire Station Association,
96 it referred to changing the Town Code and he wanted to know if that is correct and is it within their
97 purview to do so?

98
99 Councilor Denault thanked the firefighters for their service.

100
101 Town Manager Amaral replied it is.

102
103 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION**
104 **CARRIES.**

105

106 b. (010219-2) The Kittery Town Council moves to hold a public hearing to consider an
107 application from The Bistro at Pepperrell Cove LLC for a Special Activity Amusement Permit for Bistro
108 1828 located at 88 Pepperrell Road, Kittery Point.

109
110 Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and
111 has found that the establishment is in compliance with the Kittery Town Code.

112
113 Chairperson Spiller opened the public hearing at 6:16 p.m. and asked if anyone wished to speak to, for
114 or against the application. Hearing none, she closed the public hearing.

115
116 **COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE**
117 **APPLICATION FROM THE BIRSTRO AT PEPPERRELL COVE LLC FOR A SPECIAL ACTIVITY**
118 **AMUSEMENT PERMIT FOR BISTRO 1828, LOCATED AT 88 PEPPERRELL ROAD, KITTEERY POINT.**
119 **COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, WITH**
120 **SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

121
122 c. (010219-3) The Kittery Town Council moves to hold a public hearing to consider an
123 application for a Victualer's License from The Bistro at Pepperrell Cove LLC for Bistro 1828 located at 88
124 Pepperrell Road, Kittery Point.

125
126 Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and
127 has found that the establishment is in compliance with the Kittery Town Code.

128
129 Chairperson Spiller opened the public hearing at 6:17 p.m. and asked if anyone wished to speak to, for
130 or against the application. Hearing none, she closed the public hearing.

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132 **COUNCILOR THOMSON MOVED THAT THE KITTEERY TOWN COUNCIL APPROVE THE**
133 **APPLICATION FOR A VICTUALER'S LICENSE FROM THE BISTRO AT PEPPERRELL COVE, LLC,**
134 **FOR A BISTRO 1828, LOCATED AT 88 PEPPERRELL ROAD, KITTEERY POINT. COUNCILOR**
135 **DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, WITH SEVEN VOTING IN**
136 **FAVOR, NONE OPPOSED, MOTION CARRIES.**

137
138 d. (010219-4) The Kittery Town Council moves to hold a public hearing to consider an
139 application from The Bistro at Pepperrell Cove LLC for a Malt, Vinous and Spirituous Liquor License for
140 Bistro 1828 located at 88 Pepperrell Road, Kittery Point.

141
142 Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and
143 has found that the establishment is in compliance with the Kittery Town Code.

144
145 Chairperson Spiller opened the public hearing at 6:18 p.m. and asked if anyone wished to speak to, for
146 or against the application. Hearing none, she closed the public hearing.

147
148 **COUNCILOR THOMSON MOVED THE KITTEERY TOWN COUNCIL APPROVE THE APPLICATION**
149 **FROM THE BISTRO AT PEPPERRELL COVE, LLC FOR A MALT, VINOUS AND SPIRITUOUS**
150 **LIQUOR LICENSE FOR BISTRO 1828 LOCATED AT 88 PEPPERRELL ROAD, KITTEERY POINT.**
151 **COUNCILOR PELLETIER SECONDED THE MOTION.**

152
153 Chairperson Spiller asked if there was any discussion?

154
155 Councilor Thomson replied yes, he would like clarification on page 1. He said the business is listed as a
156 new owner, yet the starting date is indicated as 11-28-17. He said he assumes this business was
157 created at that time because it is not opening until next week.

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159 Town Manager Amaral said she did not know the answer to that.

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Chairperson Spiller asked if there was anyone present representing the business?

Eides Ares, General Manager of Bistro 1828, approached the podium and identified herself. She said that is when the business was created and that they were opening this weekend.

Councilor Thomson said he was channeling former Councilor Dennett this evening and noticed that, on the second page, above the signature, the application was not dated.

Chairperson Spiller asked the Town Manager and she said she would take care of it (in the absence of the Town Clerk).

Chairperson Spiller wanted to know from the Town Manager how does the draft Conditional Certificate of Occupancy pertain to the license.

Town Manager Amaral replied it is one of the draft conditions from the Board of Appeals that the Planning Board issued to this application. She said this project has brought a lot of attention and per the Town Code, everything is in order. She said that the CEO has written this up in detail and she knows that the process has not been followed.

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

11. DISCUSSION:

a. by members of the public:

Emily Flinkstrom, Director of Fair Tide, said she was here tonight with members of her Board and staff and wanted to take a few minutes to talk about affordable housing. She said that, according to the American Communities Survey, more than 30% of employees' paychecks are spent on housing costs and many employers have a hard time recruiting workers. She said there are not many options for where people can live. She said that the Comprehensive Plan mentions that many times, to look for opportunities for employees to live in town.

Ms. Flinkstrom said, at the presentation of the housing Charette, the challenges brought forward were there was not an exhaustive list of housing in town, and she thought, with the help of the town, this project can happen here.

Ms. Flinkstrom said Fair Tide is committed to bringing more housing to the area. She said they urge the Council to vote in favor of two motions on the agenda, items "c" and "d" and look forward to partnering with the Town Council.

Ms. Flinkstrom read a letter from Rebecca Hoffman, who could not be here tonight, in support of affordable housing in Kittery.

Tom Hibschiemann, Kittery Point, said he is a past member of the Comprehensive Plan Update Committee, a Fair Tide volunteer and for 68 Hours To End Hunger, as well as the food pantry, noted that it is important to have plans and there are town properties that exist now, like the Safford School, that the town could invest in. He said there are other options.

Mr. Hibschiemann said a couple of years ago, campers appeared at his house and said they were biking from Canada to Georgia and noticed there was no camping anywhere in Kittery. He said it is odd there is no place for people to camp overnight. He said the town should consider existing properties and

214 supply a solution for someone. He said maybe they could have a Bike Hostel, like the new Hampton Inn,
215 for workforce housing?
216

217 c. Chairperson's response to public comments:
218

219 Chairperson Spiller thanked Mr. Hibschmann and Ms. Flinkstrom and said they are looking at town
220 properties.
221

222 12. UNFINISHED BUSINESS: none
223

224 13. NEW BUSINESS:
225

226 a. (010219-5) The Kittery Town Council moves to accept the letter of resignation from Ann
227 Grinnell from the Planning Board effective immediately.
228

229 Chairperson Spiller said she would like to read the e-mail she received from Ann Grinnell today.
230

231 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE LETTER OF**
232 **RESIGNATION FROM ANN GRINNELL FROM THE PLANNING BOARD WITH DEEP REGRET AND**
233 **THAT STAFF PREPARE THE APPROPRIATE RECOGNITION FOR HER 20 YEARS OF SERVICE TO**
234 **THE TOWN, SECONDED BY CHAIRPERSON SPILLER. ROLL CALL VOTE WAS TAKEN WITH**
235 **SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**
236

237 b. Donations/gifts received for Council disposition: none
238

239 c. (010219-6) The Kittery Town Council moves to approve the disbursement warrants.
240

241 Chairperson Spiller asked Councilor Clark if he had reviewed the Town and Sewer payables and were
242 they in an appropriate form. Councilor Clark replied they were.
243

244 Chairperson Spiller asked Councilor Pelletier if the School Dept. payable was in appropriate form and he
245 replied it is.
246

247 Chairperson Spiller read the amounts: Town - \$227,468.65; Sewer - \$66,244.67 and School -
248 \$163,802.85, for a total of \$457,515.77.
249

250 **COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS**
251 **PRESENTED, SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE,**
252 **AYE, 7-0, NONE OPPOSED, MOTION CARRIES.**
253

254 d. (010219-7) The Kittery Town Council moves to authorize the Town Manager to work with Councilor
255 Brock and the Housing Working Group to develop recommendations for zoning amendments that
256 support the creation of workforce and affordable housing options for Kittery residents, and workers that
257 make up to 80% of the HUD Metro Fairmarket Area median income, in accordance with Comprehensive
258 Plan Goal 4.
259

260 Chairperson Spiller asked Vice-Chair Brock to give Council some background.
261

262 Vice-Chair Brock said he appreciated Fair Tide staff and Board members coming here tonight and their
263 concerns are what the Kittery Affordable Housing Committee has been working on the last 15 months.
264 He said they have benefitted from the expertise of the Seacoast Workforce Housing Coalition, which
265 made a presentation recently.
266

267 Vice-Chair Brock said the citizens passed the Comprehensive Plan and one of the priorities of that plan
268 provided for affordable housing and workforce housing. He said with all those things, for 15 months,
269 reviewing Kittery's zoning ordinance, they still cannot build workforce housing in Kittery. He said they
270 have to change the ordinance and that is where it starts.

271
272 Vice-Chair Brock said the first motion read, they are looking for authority as a policy-making body of this
273 town, on how do we change the zoning ordinance to facilitate town, or private property owners on the
274 Rte. 1 corridor and strip malls, which have run their useful life, to allow for this type of project. He said
275 something needs to be looked at and that is the context for the motion.

276
277 Chairperson Spiller asked if the Vice-Chair would like to move this motion?
278

279 **VICE-CHAIR BROCK MOVED THAT THE TOWN COUNCIL AUTHORIZE THE TOWN MANAGER TO**
280 **WORK WITH THE AFFORDABLE HOUSING WORKING COMMITTEE TO DEVELOP**
281 **RECOMMENDATIONS FOR ZONING AMENDMENTS THAT SUPPORT THE CREATION OF**
282 **WORKFORCE AND AFFORDABLE HOUSING OPTIONS FOR KITTEERY RESIDENTS, AND**
283 **WORKERS IN ACCORDANCE WITH COMPREHENSIVE PLAN GOAL #4. CHAIRPERSON SPILLER**
284 **SECONDED THE MOTION.**
285

286 Councilor Denault said he will support this, but wanted to make sure that they do not cut corners. He
287 said his concern is that they start changing some of the zoning and developers are watching. He said he
288 does not want to set a precedent, that they accomplish everything what their intent is to do and to do
289 their due diligence.

290
291 Vice-Chair Brock said he appreciated Councilor Denault's comments. He said the Housing Committee
292 e is comprised of two Planning Board and Economic Development Committee members, the Director of
293 Planning and Economic Development and the Town Manager and they have some knowledge of the
294 issue. He said this will go to KOSAC and the Conservation Commission for their review and comments
295 and then on to the Planning Board. He said they are starting Phase 2 of the process. He said they have
296 a long way to go.

297
298 Councilor Lemont said he appreciates Vice-Chair Brock, going forward. He said he will avail himself to
299 read the primary objective. He said it seems narrow, and maybe they should look at expanding this?
300

301 Chairperson Spiller said they would have to ask for reconsideration of the motion at the next meeting.
302

303 Councilor Lemont said the Town Manager is involved with everything. He said is it appropriate the Town
304 Manager has to answer or be a part of this Committee? He suggested that she not be a part of it.
305

306 Councilor Denault suggested adding "or designee." He said they could use that term.
307

308 Chairperson Spiller said she will ask the Vice-Chair and the Town Manager to discuss her role on this
309 Committee.
310

311 Town Manager Amaral replied that she thought involvement on this Committee is important, but maybe
312 with policy items for the town. She said she does want to stay involved in this.
313

314 Councilor Lemont asked Vice-Chair Brock if they could change the language to read "Town Manager of
315 designee"?
316

317 Vice-Chair Brock replied that is fine – adding "or designee" after "Town Manager."
318

319 Chairperson Spiller thought they can change the language as this group develops ideas and concepts.
320

321 Vice-Chair Brock said that was his understanding. He said the Housing Committee will draft ordinance
322 proposals and go through the process.

323
324 Councilor Thomson said he supports the sentiment; however, that only covers one piece of the overall
325 puzzle before us. He said it is being discussed broadly and in Portsmouth, the Frank Jones Conference
326 Center is incorporating this into the project and employers need to be part of this process. He said the
327 town should look at what they are paying employees and what is offered for their employees' benefits.

328
329 Councilor Thomson said for the past 30 years, there has been a pursuit of the all mighty dollar, more,
330 more, more and wanted to know when is enough, enough, like rent? He said if they are not addressing
331 this part, they will not be successful in providing living conditions for workers. He quoted, as his Dad
332 used to say, "You will never see a luggage rack on a hearse."

333
334 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION**
335 **CARRIES.**

336
337 e. (010219-8) The Kittery Town Council moves to authorize the Town Manager to work with
338 Councilor Brock and the Housing Working Group to investigate and report back on the potential for an
339 affordable/workforce housing project at 45 Woodlawn Avenue (the old Recreation Building).

340
341 Chairperson Spiller asked the Town Manager or Vice-Chair Brock to give Council some background
342 information on this.

343
344 Vice-Chair Brock said this site came out of the discussion at the Charette with the Workforce Seacoast
345 Housing Group and if there is an appropriate site, they will look at it.

346
347 Councilor Lemont said they have looked at this.

348
349 Councilor Thomson wanted to know if they should include "or designee" after "Town Manager" as well?

350
351 Chairperson Spiller said that is purely up to the Town Manager.

352
353 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL AUTHORIZES THE TOWN**
354 **MANAGER TO WORK WITH COUNCILOR BROCK AND THE HOUSING WORKING GROUP TO**
355 **INVESTIGATE AND REPORT BACK ON THE POTENTIAL FOR AN AFFORDABLE/WORKFORCE**
356 **HOUSING PROJECT AT 45 WOODLAWN AVENUE (THE OLD RECREATION BUILDING).**
357 **CHAIRPERSON SPILLER SECONDED THE MOTION.**

358
359 Chairperson Spiller asked if there was any discussion?

360
361 Councilor Lemont asked Vice-Chair Brock if he anticipated doing a Charette on this property?

362
363 Vice-Chair Brock replied no, but they will look at. He asked Chairperson Spiller if she thought the
364 Charette individuals would be available if we needed them? He said the Housing Committee will take on
365 this by itself.

366
367 Chairperson Spiller said she would value the Charette and that they would get a good sense of what the
368 process is.

369
370 **ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION**
371 **CARRIES.**

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373 f. (010219-9) The Kittery Town Council moves to approve a request from Chick-fil-A for a food
374 truck to be located at the Kittery Premium Outlets parking lot by Ecco (KPO2) on select dates.

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Chairperson Spiller said that Council has the letter from Chick-Fil-A in their packets with the dates and times.

COUNCILOR DENAULT MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM CHICK-FIL-A FOR A FOOD TRUCK TO BE LOCATED AT THE KITTERY PREMIUM OUTLETS PARKING LOT BY ECCO ON SELECT DATE(S), SECONDED BY COUNCILOR LEMONT.

There was no discussion.

ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, ONE OPPOSITION (COUNCILOR THOMSON), MOTION CARRIES.

g. (010219-10) The Kittery Town Council moves to schedule a public hearing on February 11, 2019 to discuss proposed amendments to Title 4 – Boards, Commissions and Committees and Council Rules.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING ON FEBRUARY 11, 2019 TO DISCUSS PROPOSED AMENDMENTS TO TITLE 4 – BOARDS, COMMISSIONS AND COMMITTEES AND COUNCIL RULES, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, NONE OPPOSED, MOTION CARRIES.

h. (010219-11) The Kittery Town Council moves to approve an application from JK restaurants LLC for a Malt, Vinous and Spirituous Liquor License for Rudders Public House located at 70 Wallingford Square, Kittery.

Chairperson Spiller said that the Code Enforcement Officer has conducted the inspection of the premises and found that the establishment is in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE AN APPLICATION FROM JK RESTAURANTS LLC FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR RUDDERS PUBLIC HOUSE, 70 WALLINGFORD SQUARE, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

i. (010219-12) The Kittery Town Council moves to approve an application from Loco Coco's Tacos Corp., for a Vinous and Spirituous Liquor License for Loco Coco's Tacos located at 36 Walker Street, Kittery.

Chairperson Spiller said that the Code Enforcement Officer has conducted the inspection of the premises and found that the establishment is in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE AN APPLICATION FROM LOCO COCO'S TACOS CORP. FOR A VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS LOCATED AT 36 WALKER STREET, KITTERY, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked if there was any discussion?

Councilor Clark asked when did their license expire?

Chairperson Spiller asked the Town Manager to look into that.

429 **ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION**
430 **CARRIES.**

431

432 j. (010219-13) The Kittery Town Council moves to form a “Climate Adaptation Committee” to
433 study and make recommendations addressing the impacts of warming temperatures and the rising sea
434 level on Kittery.

435

436 Chairperson Spiller said there will be an annual report on its progress five years after and an evaluation.
437 She said this comes out of the Comp. Plan – another recommendation to address the impacts on the
438 natural landscape and energy-savings activities.

439

440 **COUNCILOR THOMSON MOVED TO FORM SAID COMMITTEE WITH THE CHARGE APPROVED,**
441 **SECONDED BY VICE-CHAIR BROCK.**

442

443 Chairperson Spiller asked if any Councilors wished to discuss.

444

445 Councilor Denault said he agrees with this, but he does not think now is the time. He said it seems that
446 this is one more thing to put on her. He said she works on Fridays and stays late at night and, in his
447 opinion, it is not fair. He said Council has to be mindful of unrealistic expectations they put on the Town
448 Manager and maybe they should prioritize the issues and add “or designee” – someone else other than
449 the Town Manager we would have to pay for.

450

451 Councilor Denault said perhaps Council can reflect on the multitude of requests and let some things
452 expire before we make more committees. He said she is a Mom and has a family and Council expects a
453 lot and we get a lot from her. He said the Comp. Plan made great recommendations, but wanted to
454 know if they have to make this effective within the first couple of weeks?

455

456 Chairperson Spiller asked if there was any response from the Town Manager? She hoped that the Town
457 Manager would let Council know when they were giving her too much to do.

458

459 Councilor Denault replied that you would think she should, but she is a Super-hero, and sometimes
460 super heroes keep taking it.

461

462 Town Manager Amaral responded that she appreciated Councilor Denault’s comments and there is a lot
463 in the pipeline. She said she is trying to accomplish some big initiatives and suggested allowing
464 administration to participate as needed rather than every meeting. She said that Councilor Denault is
465 right – she is out every night at a meeting.

466

467 Chairperson Spiller said this phase is planning and they are required to report back to the Town Manager
468 on what is going on.

469

470 Town Manager Amaral thanked Chairperson Spiller.

471

472 Vice-Chair Brock said they will add “or designee” on line 98.

473

474 Chairperson Spiller wanted to know if the maker and the second agree?

475

476 Councilor Thomson said he understands Councilor Denault’s comments, but his thinking is that this is
477 going in the pile and this will be a slow role out. He said obviously the budget is at the top of the list, then
478 the Library, getting the new Finance Director/Assistant Town Manager up to speed, and finding a Sewer
479 Dept. Superintendent. He wanted to know if Jessa Kellogg would be suited for this committee?

480

481 Town Manager Amaral replied she is a Bargaining Unit member and is not non-exempt. She said she
482 would not be comfortable with assigning a staff member to this committee.

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Councilor Thomson asked what if she was available during her normal hours, could she be involved?

Chairperson Spiller said they are lucky to have community resources to bring forth this issue. She said they have a lot of ground work.

Councilor Denault said he will support this, after hearing from the Town Manager, but he hopes that, going forward, Council will reflect on what her workload is.

Councilor Lemont said he is not trying to nit-pick, but asked, on line 97, after “included” does that mean someone has to be from the fishing industry? He wanted to know wouldn’t that be an extra member?

Chairperson Spiller said 2 business owners and one would be from the fishing industry.

Chairperson Spiller said the Town Manager’s job is big and all Council brings to her is important. She said they will need to think about looking for additional resources for additional staff.

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

k. (010219-14) The Kittery Town Council moves to accept the gift of John Paul Jones Park, in principal, and authorizes the Town Manager to work with the State of Maine to develop the deed and transfer agreements for review and approval by the Town Council.

COUNCILOR THOMSON MOVED THAT THE KITTELY TOWN COUNCIL ACCEPT THE GIFT OF THE JOHN PAULJONES PARK IN PRINCIPAL AND AUTHORIZES THE TOWN MANAGER TO WORK WITH THE STATE OF MAINE TO DEVELOP THE DEED AND TRANSFER AGREEMENTS FOR REVIEW AND APPROVAL BY THE TOWN COUNCIL, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked if there was any discussion by the Councilors.

Councilor Denault said he liked D. Allen Kerr’s story on this, but he is troubled by taking this park over. He asked the State is finally giving it to us?

Chairperson Spiller said it was pending the former Governor’s signature, who refused to sign it.

Councilor Denault wanted to know what are the benefits to the town to get this park when we never had to maintain it?

Chairperson Spiller said that the town began to maintain the park because it is the gateway to Kittery and it is a public space.

Councilor Thomson said the formal agreement between the State of Maine and the Town of Kittery goes back 10 years, but it was not renewed in a couple of years. He said it is not like we are taking on something we have never been involved with. He suggested getting volunteers from a landscaping firm or asking Jacqueline Nooney.

Councilor Denault said \$250,000 was recently spent to repair the monument. He said his concern is how much would it cost to refurbish it and the considerable cost to the taxpayers they would have to bear.

Councilor Lemont thought the process was the Legislation State reps put in but the Governor vetoed it. He said this may go quickly – and wanted to know if we could get the flagpole painted before this happens?

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Chairperson Spiller said she believed the Town Manager is planning that.

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

14. COUNCILOR ISSUES OR COMMENTS:

Councilor Lemont said that he has heard from residents what a great job the Town Manager is doing. He said they know but also the public knows.

Vice-Chair Brock wanted to echo Councilor Lemont's comments and say what a great job the Town Manager is doing.

Councilor Denault acknowledged several residents who have passed away recently, especially Violet Cormier who was 101, and Sean Flattery who died in a fire on Saturday. He said their hearts go out to their families.

Councilor Thomson wanted to give a shout-out to the Water District. He said ____ and they are out there the next day cleaning the hydrants. He appreciates the work they do for the community.

Councilor Thomson said he was dismayed by the comments that were made at the Planning Board meeting regarding ADU's and Air B & B's. He said that a discussion on Air B & B's and Vacation Rentals by owners needs to happen as quickly as possible.

Councilor Thomson said there are a number of properties in Kittery that are in flagrant violation of the Property Maintenance Ordinance, specifically the former Johnson Printing Building, now owned by individuals associated with Pickwick's and the former Kittery Family Practice Building on Shapleigh Road owned by the York Historical Society. He said he was sure that the YHS would not want a building like that on their main thoroughfare and both the YHS and Pickwick's should be good neighbors and clean up their properties.

Chairperson Spiller said they need to arrange a meeting with the Planning Board and suggested March 3rd to talk about that topic. She said she agreed with Councilor Thomson regarding the Air B & B's and the short-term rentals and it is important to address this as quickly as possible.

15. COMMITTEE AND OTHER REPORTS:

a. Communications from the Chairperson

Chairperson Spiller said that Kittery Energy Advisory Committee and the Traip Academy Sustainable Energy Committee are sponsoring a free light bulb give-away in February with a \$10 coupon. She said if you spend up to \$100 at Eldridge, you get 10 light bulbs.

Chairperson Spiller said as you know the Town Manager is setting up a meeting with the Town Council and Kittery's Legislative delegation. She requested, in anticipation of that meeting, Councilors submit a list of items they would like to discuss with the delegation to her.

Chairperson Spiller said there are no reports this evening.

16. EXECUTIVE SESSION: none

17. ADJOURNMENT:

COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:15 P.M., SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0. MOTION CARRIES.

591
592 Respectfully submitted,
593
594 Barbara Boggiano
595 Recording Secretary

***PROCLAMATION
BOSTON POST CANE RECIPIENT***

WHEREAS Barbara W. Millar, of 220 State Road, celebrated her 102nd birthday on June 20, 2018; and

WHEREAS we believe Barbara W. Millar is the oldest resident in the Town of Kittery; and

WHEREAS the Town of Kittery has in its possession a gold-headed ebony cane provided in 1909 by the Boston Post newspaper for recognition of the Town's oldest citizen; and

WHEREAS this cane is symbolically presented to the oldest resident of the Town in recognition of his/her vitality and longevity;

NOW THEREFORE, we, the Kittery Town Council wish to express our congratulations to Barbara W. Millar and offer the symbolic presentation of the Boston Post Cane.

Dated at Kittery, Maine this 25th day of February, 2019.

KITTERY TOWN COUNCIL

RECEIVED

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BY: 12:53 pm



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Drew Fitch
RESIDENCE: 9 Langston St
MAILING (if different) _____

E-MAIL ADDRESS: Drew e Hanbriden net PHONE #: (Home) 756-9136 (Work) 467-8230

Please check your choices:

- | | |
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| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input checked="" type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: College Grad
RELATED EXPERIENCE (Including other Boards and Commissions) _____
35 year career in real estate

PRESENT EMPLOYMENT: Atlantic Development LLC owner
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No

ANY KNOWN CONFLICT OF INTEREST: No

REASON FOR APPLICATION TO THIS BOARD: Interested in how town is developing
I HAVE HAVE NOT ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

11/6/17
DATE



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

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BY: @202
FEB 14 2019

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Rev. Brad Hirst
RESIDENCE: 380 Haley Rd. Kittery Point
MAILING (if different) _____

E-MAIL ADDRESS: wbhirst@comcast.net PHONE #: (Home) 207.475.3400 (Work) 439.3903

Please check your choices:

- | | |
|--|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input checked="" type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: Masters of Divinity (2002), BA 1996
RELATED EXPERIENCE (Including other Boards and Commissions) _____

Kittery - Eliot Clergy Assoc. ; End 68 Hours of Hunger board ;
Chaplain - Kittery Police ; Kittery Block Party grants team ;*

PRESENT EMPLOYMENT: Second Christian Church Kittery since 2002

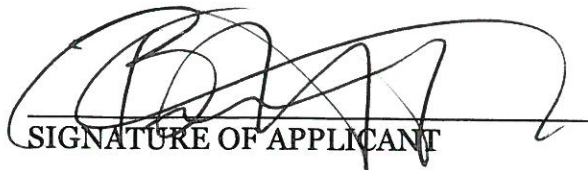
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY Yes No

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: Invitation

I HAVE HAVE NOT ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.


SIGNATURE OF APPLICANT

2/14/19
DATE

* Maine Conf. UCC - Resourcing the Local Church grants team



TOWN OF KITTELY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

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FEB 19 2019
BY: KAZ 10:55 A

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Diane L. Harvey
 RESIDENCE: 190 Brave Boat Harbor Rd
 MAILING (if different) _____
 E-MAIL ADDRESS: harveyheinl@comcast.net PHONE #: (Home) 475-5988 (Work) _____

Please check your choices:

- | | |
|--|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input checked="" type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: BA, Master of Divinity

RELATED EXPERIENCE (Including other Boards and Commissions) 38 years as a United Church of Christ (Congregational) minister, working with budgets, benevolences disbursements and community needs

PRESENT EMPLOYMENT: retired

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTELY Yes No

ANY KNOWN CONFLICT OF INTEREST: None

REASON FOR APPLICATION TO THIS BOARD: Desire to give back to the town

I HAVE HAVE NOT ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

Diane L. Harvey
SIGNATURE OF APPLICANT

2/16/19
DATE

