

1. Call to Order

Chairperson Beers called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Judith Spiller, and Kenneth Lemont.

5. Agenda Amendment and Adoption

The agenda was adopted, as presented.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

**Follow-Up on Marijuana Presentation** – She provided a brief overview of discussions had at the previous workshop. She sought consensus from the Council for her to represent the town as a potential host community and to engage in legal counsel for in-depth matters relating to being a host community.

**Kittery Port Authority Discussion on Charter Amendment Proposal** – Ultimately, the Kittery Port Authority voted 6-0-1 to move forward with proposed Charter amendments.

**MMA Seeking Candidates for Property & Casualty Pool Board of Directors** – The Maine Municipal Association is seeking nominations for an open seat on the P&C Pool Board of Directors.

**Adult Entertainment Operations** – The Town Attorney found the current adult entertainment ordinance to be as strong as it can be under the law in terms of land use and licensing. He noted that many communities have modeled their ordinance on Kittery's.

**Local Traffic Only No Through Way Designation** – The signs are posted. Apple and Google Maps have been notified that those areas are restricted to local traffic only. Kittery police enforcement have been monitoring the activity in the area.

**Zagster Bike Share** – She provided a brief overview of the program and will be researching whether or not it is feasible for Kittery.

**Paving Projects and Road Bond** – An overview of the road projects completed since Fiscal Year 2016 was provided.

**Vehicle Registration Enforcement** – Chief James Soucy has developed an agency action plan for vehicle registrations and is expected to launch within the next few weeks.

**Wentworth Street Cork Tree** – Some of the tree limbs are overhanging onto private property and the Town has engaged a professional tree company to trim the tree in the safest manner.

Town Manager Amaral reviewed items not included in her written report.

**Kittery Fire Department** – She acknowledged the Kittery Fire Department efforts in a recent fire suppression operation in Eliot.

**Update from Library Working Group** – The group developed an in-depth report and are seeking a referendum ballot question regarding potential options for the future use of the library.

**FEMA Meeting** – FEMA is holding two meetings geared for public officials. Someone from the Town is attending the meeting and further data will be reviewed regarding the appeal.

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

- Nomination Forms Available – Beginning August 16<sup>th</sup>, Town Clerk's Office
- Safford School Future Discussion – September 12<sup>th</sup>, 6PM, 1st Christian Church, Kittery Point

The Council discussed the last marijuana workshop and what expectations were made for moving forward. Councilor Thomson proposed an agenda item for the August 28<sup>th</sup> meeting to read: "The Kittery Town Council moves to express its sentiment regarding the future of retail sale of marijuana for recreational use in the community of Kittery, Maine." The Council concurred.

Councilor Spiller noted the Rice Public Library Working Group anticipate hosting an informational meeting on October 16<sup>th</sup> at 6:00pm, if the referendum question will be on the ballot.

7. Acceptance of Previous Minutes

The regular meeting minutes of July 24, 2017 were adopted, as presented.

8. Interviews for the Board of Appeals and Planning – None.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. – None.

10. PUBLIC HEARINGS

a. (080117-1) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts and carry forward requests.

Notice of this public hearing was posted on July 28, 2017.

Town Manager Amaral noted an updated request of transfers was provided. To date, FY17 revenue is 2% more than budgeted. Budgeted expenditures are at 98%, which results in about \$248,000 of unexpended appropriated funds. She provided a brief explanation for the variance in

each expense category and where the unexpended funds would be transferred to.

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

**COUNCILOR THOMSON MOVED TO TRANSFER APPROPRIATIONS:**

- **FROM OVERLAY TO ADMINISTRATION IN THE AMOUNT OF \$42,531;**
- **FROM OVERLAY TO ASSESSOR IN THE AMOUNT OF \$7,748;**
- **FROM OVERLAY TO FIRE IN THE AMOUNT OF \$11,528;**
- **FROM OVERLAY TO GENERAL ASSISTANCE IN THE AMOUNT OF \$20,606;**
- **FROM DEPARTMENT OF PUBLIC WORKS TO MISCELLANEOUS IN THE AMOUNT OF \$16,108;**
- **FOR TOTAL TRANSFERS OF \$98,520,**

**SECONDED BY VICE CHAIRPERSON DENAULT.**

Town Manager Amaral replied to Councilor Dennett that the amounts indicated in the motion will not change after the fact.

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

**COUNCILOR THOMSON MOVED TO TRANSFER APPROPRIATIONS:**

- **FROM OVERLAY TO COMPENSATED ABSENCES IN THE AMOUNT OF \$10,067;**
- **FROM POLICE DEPARTMENT TO COMPENSATED ABSENCES IN THE AMOUNT OF \$11,733;**
- **FROM DEPARTMENT OF PUBLIC WORKS TO TOWN ACCESS CONTROL IN THE AMOUNT OF \$18,566;**
- **FROM DEPARTMENT TO COMPENSATED ABSENCE \$107,049;**
- **FROM PLANNING DEPARTMENT TO COMPENSATED ABSENCES \$14,082;**
- **FROM TOWN COUNCIL TO COMPENSATED ABSENCES \$2,488;**
- **FROM ELECTIONS TO COMPENSATED ABSENCES IN THE AMOUNT OF \$2,992;**
- **FROM DEBT AND INTEREST TO COMPENSATED ABSENCES IN THE AMOUNT OF \$15,275;**
- **FROM KITTELY COMMUNITY CENTER TO COMPENSATED ABSENCES IN THE AMOUNT OF \$7,082;**
- **FROM KITTELY PORT AUTHORITY TO KITTELY PORT AUTHORITY FACILITY RESERVE \$10,473;**
- **FOR TOTAL OTHER FUND TRANSFERS OF 199,806.**

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

**COUNCILOR THOMSON MOVED TO CARRY FORWARD INTO FISCAL YEAR 2018 ACCOUNT #101130, ELECTIONS \$1,000, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

b. (080117-2) The Kittery Town Council moves to hold a public hearing on an application from Giri Kittery, Inc., 380 US Route 1, Kittery, ME for a Victualer's License for the

Coachman Inn, 380 US Route 1.

Notice of this public hearing was posted on August 4, 2017. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

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

11. DISCUSSION

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

David Gerasin, 5 Jefferson Lane

Mr. Gerasin stated his continued support for the marijuana working group to study how best recreational marijuana is established in community. Members are studying the issue from all sides, learning from others, and exploring ways to benefit the community and protect the culture and character of the community. He provided a brief overview of how retail operations can be regulated and noted that this property use has increased property values in substantially.

Brent Carney, 25 Wilson Road

Mr. Carney spoke about the traffic issues observed at the intersection of Picott Road and Manson Road. He felt it has become an alternative route to Route 1 on the weekends and is not sure whether or not the issue will be resolved when the Sara M. Long bridge reopened. He encouraged the Town to consider ways to alleviate the speeding and amount of traffic in that area.

- b. Response to public comment directed to a particular Councilor – None.  
c. Chairperson's response to public comments

In response to Mr. Gerasin, the topic will be for discussion on August 28<sup>th</sup>. In response to Mr. Carney, the Chairperson and other Councilors had recently asked the Town Manager for long-term solutions regarding the traffic congestion in the area.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

(080117-3) The Kittery Town Council moves to accept a donation in the amount of \$1,000.00 from Robert and Sylvia Carpenter to be deposited in account #1000-24300 KCC Advanced Programs Sales.

**COUNCILOR THOMSON MOVED TO ACCEPT THE DONATION WITH THANKS, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

- b. (080117-4) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$544,466.29.

Town accounts payable of \$13,063.30.  
Sewer account payable of \$493,423.03.  
Sewer account payable of \$29,950.59.  
School accounts payable of \$1,359.50.  
School accounts payable of \$138,155.94.  
School accounts payable of \$376,006.91  
Total of all disbursement warrants of \$1,596,425.56.

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

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

c. (080117-5) The Kittery Town Council moves to schedule a public hearing for August 28, 2017 for Town Charter review and housekeeping amendments.

**COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON AUGUST 28, 2017, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

d. (080117-6) The Kittery Town Council moves to schedule a public hearing for August 28, 2017 on proposed Town Manager Town Charter amendments.

**COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON AUGUST 28, 2017, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

e. (080117-7) The Kittery Town Council moves to schedule a public hearing for August 28, 2017 on proposed Port Authority Town Charter amendments.

**COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON AUGUST 28, 2017, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

f. (080117-8) The Kittery Town Council moves to appoint Shaye Robbins to the Parks Commission as an alternate member until 12/31/19.

**COUNCILOR DENAULT MOVED TO APPOINT SHAYE ROBBINS TO THE PARKS COMMISSION AS AN ALTERNATE MEMBER UNTIL 12/31/19, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

g. (080117-9) The Kittery Town Council moves to sign a resolution regarding the Economic Impacts of the combined courthouse in York County.

Town Manager Amaral explained that this was a request from York County Commissioners asking for municipalities for a resolution. The new courthouse location is separated from District Attorney and law officials. The original and proposed resolution was provided.

**COUNCILOR THOMSON MOVED TO ENDORSE AND SIGN THE PROPOSED ALTERNATIVE RESOLUTION, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

h. (080117-10) The Kittery Town Council moves to authorize the Kittery PTA to hang a banner across Rogers Road in front of the Community Center from September 6th – 26th, 2017 to advertise the Seaside 4-Miler Road Race.

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

i. (080117-11) The Kittery Town Council moves to approve a Pole Location Permit from Central Maine Power to install a new pole starting at 25.1 Old Dennett Road...Dennett Road, westerly for a distance of 50 feet.

**COUNCILOR SPILLER MOVED TO APPROVE THE POLE LOCATION PERMIT, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

j. (080117-12) The Kittery Town Council moves to discuss the annual Town Council and Town Manager goals.

Town Manager Amaral provided a brief update on the Town Council and Town Manager goals. Councilor Spiller noted the Athletic Fields Master Plan is a draft document.

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

Councilor Thomson asked for the status of the sidewalk project near Kittery Community Center and Town Manager Amaral replied that she will look into the status of that project. She noted that funding is being pursued for improvements to the intersections at Aroma Joe's and Burger King. Councilor Thomson asked for the status of the Wentworth St and Walker St intersection and Town Manager Amaral replied that nothing is planned for this Fall.

Councilor Thomson announced the Safford School Regeneration meeting will be held on Tuesday, September 12<sup>th</sup> at 6:00pm at the First Christian Church, corner of Haley and Crockett Neck Road.

Councilor Thomson asked if the former Kittery Family Practice building on Shapleigh Rd could be visited or attended by the owner because of its current condition.

Vice Chairperson Denault raised various concerns related to LED lighting, parking in Foreside area, missing flags that were later replaced on Route 1, and the intersections of Route 236 and Bolt Hill Road. He mentioned the State was going to be monitoring that intersection for safety hazards and asked what the status of that is.

Councilor Spiller suggested professional support may help to identify what infrastructure and staffing needs can help address traffic issues in Town. She asked for a workshop regarding Council ethics and Chairperson Beers commented that Town Manager Amaral is compiling information regarding that matter. Councilor Spiller noted question one on the state ballot was approved that is an act to allow slot machines or a casino in York County.

Councilor Lemont asked whether or not a date has been set for the addition of sidewalks near Austin Hill/Wyman Ave. Town Manager noted that a date has not been set. Councilor Lemont suggested that he contact the State Attorney General's office to understand what legal options are available regarding John Paul Jones park ownership. The Council concurred.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Beers provided a statement in response to actions made in the February 22, 2017 Town Council meeting. He concluded that he acted incorrectly in requesting removal of Mr. Vern Gardner from the Council while he was exercising his right to free speech.

b. Committee Reports

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

**COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 6:45 P.M.,  
SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A  
UNANIMOUS VOICE VOTE 7/0/0.**

Submitted by Marissa Day, Minutes Recorder, on August 22, 2017.

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