

KITTERY TOWN COUNCIL Approved Minutes

July 27, 2020

Remote Meeting

6:00PM

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call

Councilors present: Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Kenneth Lemont, Cyrus Clark, Vice Chair Matt Brock, and Chair Judith Spiller.

5. Agenda Amendment and Adoption

6. Town Manager's Report

The Town Manager reported on: July 14 Election, Kittery Police Department, barriers, concerts at JPJ, Taylor IFP, revaluation, in-person meetings, and the FY20 year-end report.

Upcoming Dates: Nomination Papers Due - August 13, Town Clerk's Office.

7. Acceptance of Previous Minutes

November 13, 2019 – Line 48 should be corrected to “freedom policies”, line 72 needs the word ‘title’ removed, line 10 should be changed to Councilor Brock instead of Vice Chair Brock, and a line should be added to reflect that Councilor Thomson was nominated for Council Chair but declined.

November 25, 2019 - Approved as written.

December 9, 2019 Amend line 115 correct the spelling of the words abstain and abstained.

December 16, 2019 - Approved as written.

Councilor Thomson moved to approve the minutes from November 13, 2019, November 25, 2019, December 09, 2019, and December 16, 2019 as amended, seconded by Councilor Pelletier.

Motion Carried 7-0-0

8. All items involving the town attorney, town engineers, town employees, or other town consultants or requested office.

9. PUBLIC HEARINGS

a. (070220-1) The Kittery Town Council moves to hold a Public Hearing on Title 10 – Walker/Wentworth Street Parking.

Paul Bonacci, 172 Pepperrell Road, Kittery Point, ME - Mr. Bonacci wanted to thank the Town Council, Director of Planning & Development, Adam Causey, Commission of Public Works, Dave Rich, and Police Chief, Robert Richter, for all the help they provided to all of the businesses during the pandemic. He also spoke about Foreside employee parking.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (070220-2) The Kittery Town Council moves to hold a Public Hearing on the renaming of Manson Avenue Extension to Buckley Way.

Jay Wilgus, 12 Manson Ave. ext, Kittery, ME - Mr. Wilgus wanted show his support for renaming Manson Ave. ext. to Buckley Way. Mr. Wilgus also gave some history about Bishop Buckley.

Lisa Von Schlegell, 8 Manson Ave. ext., Kittery, ME - Ms. Von Schlegell wrote a letter in support of renaming Manson Ave ext. to Buckley Way.

Councilor Lemont commented on two members of the Buckley family and stated that Mr. Buckley Jr. served on the School Committee, Town Council and believed that Mr. Buckley Jr. served as the Chair of Town Council at one time. Councilor Lemont said Mr. Buckley Jr. went on to have very successful career at the Portsmouth Naval Shipyard and currently lives and works in Washington D.C. Councilor Lemont stated that Lillian Buckley was a native of Kittery, born on the Portsmouth Naval Shipyard. He stated that Mrs. Buckley enrolled at Bate College, got a job at Divinity at Harvard University, became an Ordained Minister in 1997, and served as a Pastor for 15 years. Lillian teaches Philosophy and World Religion at Great Bay Community College, as well as being a musician and a visual artist. Councilor Lemont stated the Buckley family of Kittery is a treasure.

Councilor Denault stated Bishop Buckley was an unbelievable man.

Moved by Councilor Denault, seconded by Councilor Lemont.

Motion Carried 7-0-0

10.DISCUSSION

a. The public may submit public comments in writing via the Q&A feature of the webinar for the DISCUSSION agenda.

b. Chairperson will read written comments into the record.

Julia O'Connell, 9 Busdick Drive, Kittery, ME - Ms. O'Connell inquired about the JLUS Implementation Study, affordable housing, and shipyard parking.

An email was read from GKsendo regarding concerns about fireworks.

Nicholas Chalupa, 5 Folcutt Road, Kittery, ME – Mr. Chalupa opposed changes in the short-term rental ordinance.

Tom Emerson, 10 Ox Point Drive, Kittery, ME - Mr. Emerson spoke about the short-term rental ordinance, tandem parking, and occupancy.

Gayle Wells, 22 Seapoint Road, Kittery Point, ME - Ms. Wells inquired if corporate businesses in Kittery pay the same tax rate as small businesses in Kittery.

Gerry Burns, 114 State Road, Kittery, ME - Mr. Burns opposed the leash law, saying a dog needs to be able to run and get exercise.

c. Chairperson's response to public comment.

In response to Ms. O'Connell, Chair Spiller stated that the Planning Department is reviewing changes in the zoning of the mall area, and that the Council is very much focused on the congestion associated with the traffic on Love Lane.

In response to the email from GKsendo, Chair Spiller stated fireworks are legal on private property until 9 p.m. and are illegal on roadways, and suggested calling the police if there were any problems.

In response to Mr. Chalupa and Mr. Emerson, Chair Spiller stated that the Council will be discussing the latest version of the ordinance, so stay tuned.

In response to Ms. Wells, Chair Spiller stated that differential tax rates were referred to the Assessor and he stated that all properties pay the same tax rates.

In response to Mr. Burns, Chair Spiller spoke about an incident she recently had with some unleashed dogs at Fort Foster. She added that the leash law has been put into place due to COVID-19.

11. OLD BUSINESS

a. (070220-3) The Kittery Town Council moves to vote on Short Term Rentals.

Councilor Lemont moved to amend the ordinance by removing lines 43 through 49, seconded by Council Pelletier.

The Council and the Town Manager discussed removing lines 43 through 49.

Councilor Clark, Councilor Denault, Councilor Thomson and Vice Chair Brock voted no.

Chair Spiller, Councilor Lemont, and Councilor Pelletier vote yes.

Motion Failed 3-4-0

Councilor Lemont moved to amend the ordinance by changing the wording on line 72, seconded by Councilor Pelletier.

The Council and the Town Manager discussed changing the wording on line 72.

Motion Carried 7-0-0

Councilor Lemont moved to amend the ordinance by removing line 85, seconded by Councilor Clark.

Vice Chair Brock, Chair Spiller, Councilor Denault, and Councilor Thomson voted no.

Councilor Lemont, Councilor Clark, and Councilor Pelletier voted yes.

Motion Failed 3-4-0

Vice Chair Brock moved to amend the ordinance by including tandem parking on line 85, seconded by Councilor Lemont.

Motion Carried 7-0-0

Main Motion vote

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Councilor Denault, Councilor Thomson, Councilor Lemont, Councilor Clark, Vice Chair Brock, and Chair Spiller voted yes.

Councilor Pelletier voted no.

Motion Carried 6-1-0

12. NEW BUSINESS

a. Donations/gifts received for Council disposition –

b. (070220-4) The Kittery Town Council moves to schedule a public hearing on August 24, 2020 on the TIF District Program.

The Town Manager gave an overview of the TIF District Program.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

c. (070220-5) The Kittery Town Council moves to schedule a public hearing on August 10, 2020 on Fiscal Year 2020 Transfers.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

13. Council Issues or Comment

Councilor Lemont wished Councilor Thomson a happy belated birthday.

Councilor Denault asked if the Town Manager could answer his questions from the 7/13/2020 meeting that were not answered due to technical difficulties for the 8/10/2020 meeting. Councilor Denault also mentioned the right of way by Jackson Hardware is still an issue.

Chair Spiller stated someone had a lunch sign stolen, and she said the sign was on private property.

14. Executive Session - None

15. ADJOURNMENT

Moved by Councilor Thomson to adjourn at 7:40 p.m., seconded by Councilor Pelletier.

Motion Carried 7-0-0

Submitted by Kim Tackett

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst 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.