

KITTERY TOWN COUNCIL Approved Minutes

December 14, 2020

Remote Meeting

6:00 PM

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

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

5. Agenda Amendment and Adoption

Item 10. b. (120220-5) The Kittery Town Council moves to hold a public hearing on a petition for enactment of an ordinance “License Ordinance for Marijuana Establishments” in accordance with Kittery Town Charter, Section 11.02, was removed from the agenda.

Item 13.I. (120220-16) The Kittery Town Council moves appoint Wanda Dorlean, Rose Eppard, and Dr. Gerri Luke to the KCC Board of Director all terms are three years and will expire on 12/31/2023, was added to the agenda.

6. Town Manager’s Report

The Town Manager reported on: JLUS review, clamming, legislative cloture, marijuana petition, Commercial Street parking both sides, COVID staffing, and sidewalk projects.

Upcoming Dates: Santa Parade – Saturday, December 19, 2PM. Visit KCC website for route, Holiday Light Challenge – People’s Choice Vote, December 21 – 23, KCC Facebook Page, Town Hall Closed for Christmas Holiday – Thursday, December 24, Town Hall Closed for New Year’s Holiday – Thursday, December 31, and Dog License Renewal – January 31, Town Hall.

7. Acceptance of Previous Minutes

- June 8, 2020 - Revised
- June 15, 2020 – Revised
- June 22, 2020
- July 13, 2020 Councilor Lemont stated line 92 should have been wishing Councilor Thomson a happy birthday not Councilor Pelletier.

Chair Thomson moved to approve the minutes of June 8, June 15, June 22, 2020 as written and July 13, 2020 as amended, seconded by Councilor Spiller

Chair Thomson, Vice Chair Lemont, Councilor Pelletier, Councilor Denault, Councilor Clark, and Councilor Spiller voted to approve.

Councilor Dow abstained.

Motion Carried 6-0-1

8. Interviews for the Board of Appeals and Planning Board

a. (120220-1) The Kittery Town Council moves to interview and reappoint Charles Denault III to the Board of Appeals for a three-year term to expire 12/31/2023.

Chair Thomson asked Charles Denault III, if he felt adequately supported by the Town staff in his role as a member of the Board of Appeals. Mr. Denault responded yes.

Moved by Councilor Spiller, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (120220-2) The Kittery Town Council moves to interview and reappoint Russell White to the Planning Board for a three-year term to expire 12/31/2023.

Chair Thomson asked Russell White if he felt adequately supported by the Town staff in his role as a member of the Planning Board. Mr. White responded yes.

Moved by Councilor Spiller, seconded by Councilor Pelletier.

Motion Carried 7-0-0

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested offices.

a. (120220-3) The Kittery Town Council moves to authorize the Town Manager to work with the Housing Committee on applying to HUD for a Comfort Letter regarding affordable housing on 45 Woodlawn Avenue (aka Cole Street property/Emery Field) and to report back to Council on HUD'S response.

The Town Manager and the Chair of the Housing Committee, Matthew Brock gave an overview of applying to HUD for a Comfort Letter regarding affordable housing on 45 Woodlawn Avenue (aka Cole Street property/Emery Field) and to report back to Council on HUD'S response.

Councilor Spiller stated initially she thought this was a great idea and supports affordable housing in Kittery, but she had concerns regarding green space as the area in question is densely populated.

Housing Committee Chair Brock responded to Councilor Spiller by stating that her questions are down the road questions, and encouraged the Council to apply for the Comfort Letter and then look at the options.

Councilor Pelletier stated he was in support of sending the Comfort Letter but expressed concerns about construction in this area.

Councilor Dow spoke in support of the Comfort Letter and the options it could bring.

Chair Thomson spoke in support of the Comfort Letter.

Councilor Denault expressed his concerns and stated he would be voting no.

Councilor Lemont said he was in support of the Comfort Letter.

Moved by Councilor Dow, seconded by Councilor Spiller.

Motion Carried 5-2-0

Chair Thomson, Vice Chair Lemont, Councilor Dow, Councilor Clark, Councilor Pelletier voted yes.

Councilor Spiller, and Councilor Denault voted no.

10. PUBLIC HEARINGS

a. (120220-4) The Kittery Town Council moves to hold a public hearing on Title 2 Administrative Code – Paid Time off.

The Town Manager gave an overview of Title 2 Administrative Code – Paid Time off.

Moved by Councilor Dow, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (120220-5) The Kittery Town Council moves to hold a public hearing on a petition for enactment of an ordinance “License Ordinance for Marijuana Establishments” in accordance with Kittery Town Charter, Section 11.02.

11. DISCUSSION

a. The public may submit public comments in writing or raise their hand in the webinar for the DISCUSSION agenda.

b. Chairperson will read written comments into the record.

c. Chairperson’s response to public comments.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (120220-6) The Kittery Town Council moves to reappoint the following Board and Committee members as follows, all terms are three years and will expire on 12/31/2023.

- Alan Rindler – Board of Assessment Review
- Joyce Tobey – Board of Trustees of Trust Funds
- Christopher Perkins – Capital Improvement Committee
- Richard Demarco – Parks Commission
- Gale Turner – Parks Commission
- Jeffrey Clifford – Economic Development Committee
- Jeff Brake – Education Scholarship Committee

Moved by Chair Thomson, seconded by Councilor Spiller.

Motion Carried 7-0-0

c. (120220-7) The Kittery Town Council moves to approve a renewal liquor license application from Weathervane Seafoods, 306 US Route 1, Kittery.

Moved by Councilor Denault, seconded by Councilor Pelletier.

Motion Carried 7-0-0

d. (120220-8) The Kittery Town Council moves to approve a renewal liquor license application from Robert's Maine Grill, 326 US Route 1, Kittery.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

e. (120220-9) The Kittery Town Council moves to approve a renewal liquor license application from the 518 Noodle Bar, 518 US Route 1, Kittery.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

f. (120220-10) The Kittery Town Council moves to approve a renewal liquor license application from the Blue Mermaid, 10 Shapleigh Road, Kittery.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

g. (120220-11) The Kittery Town Council moves to approve a renewal liquor license application from Loyal Order of Moose #444, 76 US Route 1 Bypass, Kittery.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

h. (120220-12) The Kittery Town Council moves to approve the renewal of a Special Activity-Amusement permit for Loyal Order of Moose #444, 76 US Route 1 Bypass, Kittery.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

i. (120220-13) The Kittery Town Council moves to extend the waiver of enforcement of certain provisions of Title 5.7 Sidewalk Sales until the expiration or termination of the State of Emergency.

The Town Manager gave an overview of extending the waiver of enforcement of certain provisions of Title 5.7 Sidewalk Sales until the expiration or termination of the State of Emergency.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

j. (120220-14) The Kittery Town Council moves to schedule a public hearing on Title-16 Outdoor Dining on January 11, 2021.

The Town Manger gave an overview of Title-16 Outdoor Dining.

Moved by Councilor Dow, seconded by Councilor Pelletier.

Motion Carried 7-0-0

k. (120220-15) The Kittery Town Council moves to discuss a draft of the 2021 Annual Goals.

Chair Thomson stated that the draft looked good but he would like to add a few things to the back page.

Under Town Assets and Infrastructure: Develop recommendations and (**to add** action plans) for the reuse or disposition of various town owned or tax-acquired properties.

Under Develop and Sustain the Professional Staff: Plan for addressing increasing demands for police, fire, (**to add** code enforcement) and public works services.

Chair Thomson asked the Council if they would like to send suggestions and comments to the Town Manager and move ahead with adoption at the January 11, 2021 meeting, or have a workshop on January 25, 2021.

Councilor Spiller suggested going ahead with the adoption at the January 11, 2021 Council meeting.

The Council was all in favor.

I. (120220-16) The Kittery Town Council moves appoint Wanda Dorlean, Rose Eppard, and Dr. Gerri Luke to the KCC Board of Director all terms are three years and will expire on 12/31/2023.

Moved by Councilor Dow, seconded by Councilor Denault.

Motion Carried 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Spiller wanted to wish everyone Happy Holidays.

Councilor Denault stated that the lights are still out on the west side of Rte 95 and wondered if the Town Manager had heard back from MaineDOT. Councilor Denault also mentioned to the Chair the idea of having a workshop with the various boards and committees to make sure we are all in sync with all the ordinances and brainstorm some ideas about the application process. Councilor Denault wished everyone a Merry Christmas.

Councilor Dow stated he completed his training with MMA, and he wished everyone Merry Christmas and Happy Holidays.

Councilor Pelletier said Happy New Years and that it can't come soon enough.

Vice Chair Lemont spoke about the elections of the Trustees of the Kittery Water District being tied. Vice Chair Lemont wanted to let the public know there would be another election and tell everyone to vote. He also wanted to wish everyone Happy Holidays.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chair Thomson stated he had a discussion with the Chair of the School Committee and they settled on a short Zoom meeting on Tuesday, January 5, 2021 to discuss the upcoming budget cycle. The meeting will include the Council and School Committee Chairs, co-Chairs, the Town Manager and the School Superintendent. Chair Thomson also wanted to wish everyone a Happy Holidays.

b. Committee Reports

Councilor Spiller wanted to give an update on the Animal Control Working Group and the Climate Adaptation Committee.

16. EXECUTIVE SESSION - None

17. ADJOURNMENT

Councilor Pelletier moved to adjourn at 7:27 p.m., seconded by Councilor Denault.

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.