

KITTERY TOWN COUNCIL Approved Minutes

February 8, 2021

Remote Meeting

6:00PM

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.

Councilor Spiller spoke in remembrance of former Council and Planning Board member Ann Grinnell who passed away February 2, 2021.

5. Agenda Amendment and Adoption

Chair Thomson moved to accept the agenda as presented, seconded by Vice Chair Lemont.

Motion Carried 7-0-0

6. Town Manager's Report

The Town Manager reported on: Joint Land Use Implementation Project, Regional Climate Assessment, and Fiscal Year 2021 Q2 Report.

Upcoming Dates: Heart Aglow Skate Event – Frisbee On Ice at the KCC, February 12 and 13, Town Hall Closed for Presidents' Day – February 15, Taylor Building Reopen – February 16, Real Estate Taxes Due – February 16, Town Hall or Online and Mooring Renewals Open.

7. Acceptance of Previous Minutes

- November 9, 2020
- November 23, 2020
- December 3, 2020 – Special Meeting
- December 14, 2020

Councilor Spiller moved to accept the November 9, November 23, December 3, and December 14, 2020 minutes as presented, seconded by Councilor Pelletier.

Motion Carried 7-0-0

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 offices.

a. (020121-1) The Kittery Town Council moves to receive a presentation from the Town Manager on the 2022-2026 Capital Improvement Plan.

The Town Manager presented the 2022-2026 Capital Improvement Plan.

Capital Improvement Plan Committee members, Jeff Clifford, Chris Perkins as well as Finance Director/Assistant Town Manager, Patricia Moore and School Superintendent, Eric Waddell joined the meeting to answer any questions about the Capital Improvement Plan as presented.

10. PUBLIC HEARINGS –

a. (020121-2) The Kittery Town Council moves to hold a public hearing on Title 8 Property Maintenance.

The Town Manager gave an overview of Title 8 Property Maintenance.

Shawn Harris, 40 Cutts Road, Kittery, ME – Mr. Harris spoke about co-ownership with CMP of a property and the responsibilities of each party.

Moved by Councilor Dow, seconded by Councilor Denault.

Motion Carried 7-0-0

b. (020121-3) The Kittery Town Council moves to hold a public hearing regarding the proposed Sewer Expansion on Route 236.

Timothy Bascom, 10 Fernald Road, Kittery, ME – Mr. Bascom spoke about his concerns with having to tie into the sewer line.

Chair Thomson responded to Mr. Bascom and said the sewer expansion was going to be privately funded, and that the requirement to tie into the line would not be necessary at this time.

The Town Council inquired whether the sewer main could be expanded in the future, expressed concerns including: the line only being 2 inches in diameter, the long-term cost to the residents in the area and too many aspects of the project that were undefined.

Ryan McCarthy, Tidewater Engineering and Surveying Inc. Engineer responded by stating the developer was proposing to take on the permitting, engineering, design, and construction. Mr. McCarthy also stated the sewer main could be expanded in the future, and that there were environmental benefits

Councilor Spiller moved to approve based on the staff recommended approval of the application, seconded by Vice Chair Lemont.

The Staff recommended approval of the application with the following conditions:

- Applicant must bear the full cost of the design, permitting, and installation of the extension (“the project”). Applicant will not be reimbursed for the cost of the extension by the Town or by the benefiting property owners.
- Applicant must build a sewer line to the Town’s public sewer main in accordance with design and performance standards set by the Sewer Department.
- Applicant must legally transfer the assets to the Town within 30 days of the completion of the project.
- Benefited property owners will receive a 90-day notice to connect upon transfer of the assets to the Town. The Town will automatically grant deferrals for any property where their septic system is less than 20-years old per Title 13; however, abutting benefited properties must be permitted to connect to the project during construction, if they so desire. Those qualifying for an exemption will be notified accordingly.
- Benefited property owners will be required to obtain a connection permit, and pay permit fees, entrance and impact fees to the Town in accordance with Title 13 and Appendix A.
- Benefited properties along the extension will be reviewed by the Town Assessor upon completion of the project and have a valuation adjustment accordingly.

Motion Failed Without Prejudice 0-7-0

11. DISCUSSION

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

Arthur Corso, 8 Phelps Street, Kittery, ME – Mr. Corso stated he would love for this sewer line go by his property.

Timothy Bascom, 10 Fernald Road, Kittery, ME – Mr. Bascom stated he would like to have the option to connect to the line, or not to connect.

Shawn Harris, 40 Cutts Road, Kittery, ME – Mr. Harris asked if approved, when Title 8 Property Maintenance would go into effect and could it be amended.

b. Chairperson will read written comments into the record.

c. Chairperson’s response to public comments.

Chair Thomson responded to Mr. Bascom by stating, per the ordinance, if the property is within 100’, they must connect per the requirements of Title 13, Chapter 13.1.

Chair Thomson responded to Mr. Harris and stated that if the ordinance was approved it would go into effect 30-days after approval, and it could be amended.

12. UNFINISHED BUSINESS - None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(020121-4) The Kittery Town Council moves to accept a grant in the amount \$50,000 from the Stephen and Tabitha King Foundation to be deposited into the new Rice Public Library Building account.

Moved by Councilor Dow, seconded by Councilor Denault.

Motion Carried 7-0-0

(020121-5) The Kittery Town Council moves to approve a donation recognition proposal from the Rice Public Library Corporation for:

- Rosamond Thaxter Foundation
- The Alvord Family in memory of Graham and Jean Alvord

Moved by Councilor Spiller to accept a donation check in the amount \$21,500.00, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (020121-6) The Kittery Town Council moves to approve the 2022-2026 Capital Improvement Plan in accordance with Town Charter Section 6.05 and Council Policy, as presented.

Moved by Councilor Dow, seconded by Councilor Clark.

Motion Carried 7-0-0

c. (020121-7) The Kittery Town Council moves to accept and endorse the fiscal year 2022 Capital Improvement Plan budget in accordance with Town Charter Section 6.04 (2) and Council Policy, in the amount of \$1,588,900.

Moved by Councilor Denault, seconded by Councilor Pelletier.

Motion Carried 7-0-0

d. (020121-8) The Kittery Town Council moves to approve a renewal Liquor License application from Kittery Food Truck Pod – Paved Paradise, located at 230 US Route 1 Bypass, Kittery.

Moved by Councilor Dow, seconded by Councilor Pelletier.

Motion Carried 7-0-0

e. (020121-9) The Kittery Town Council moves to approve a Special Activity Permit for Kittery Food Truck Pod – Paved Paradise, located at 230 US Route 1 Bypass, Kittery.

Moved by Councilor Spiller, seconded by Councilor Dow.

Motion Carried 7-0-0

f. (020121-10) The Kittery Town Council moves to approve a renewal Liquor License application from Tasty Thai located at 182 State Road, Kittery.

Moved by Councilor Denault, seconded by Councilor Pelletier.

Motion Carried 7-0-0

g. (020121-11) The Kittery Town Council moves to approve a renewal Liquor License application for Ore Nell's BBQ located at 2 Badgers Island West, Kittery.

Moved by Councilor Pelletier, seconded by Councilor Clark.

Motion Carried 7-0-0

h. (020121-12) The Kittery Town Council moves to accept the Annual Report from the Kittery Community Center.

Moved by Councilor Pelletier, seconded by Councilor Dow.

Motion Carried 7-0-0

i. (020121-13) The Kittery Town Council moves to appoint a Councilor to interview Maureen Bilodeau along with Chair Rich Demarco for an appointment to the Parks Commission for a three-year term to expire 12/31/2023.

Chair Thomson moved to appoint Chair Thomson to do the interview, seconded by Councilor Pelletier.

Motion Carried 7-0-0

j. (020121-14) The Kittery Town Council moves to discuss recommendations to the Taylor Building and determine next steps.

Councilor Denault moved to authorized the Council to recommend putting the Taylor Building on the June ballot as a warrant article for sale, seconded by Vice Chair Lemont.

Motion Carried 7-0-0

k. (020121-15) The Kittery Town Council moves to schedule a Public Hearing on February 22, 2021 for mid-year transfers in accordance with Town Charter Section 6.09.

Moved by Chair Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Clark spoke about Ann Grinnell.

Councilor Spiller spoke about an article in the New York Times, Councilor Spiller remarked on how much paper was used for the Council packet and suggested alternatives.

Councilor Dow wished Town Clerk, Karen Estee a happy birthday.

Vice Chair Lemont praised DPW for their work on plowing and snow removal.

15. COMMITTEE AND OTHER REPORTS - None

a. Communications from the Chairperson

b. Committee Reports - None

16. EXECUTIVE SESSION - None

17. ADJOURNMENT

Chair Thomson used the privilege of the Chair to declare the meeting adjourned at 8:01 p.m., in respect and gratitude for the life and service of Ann H. Grinnell.

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.