

KITTERY TOWN COUNCIL Approved Minutes
August 9, 2021 Council Chambers
6:00PM

1. Call to Order

Chair Thomson called meeting to order at 6:00 p.m.

2. Introductory

Chair Thomson explained why everyone was wearing a mask and also encouraging everyone to get vaccinated.

3. Pledge of Allegiance

4. Roll Call

Councilors present: Chair Jeffrey Thomson, Jeffrey Pelletier, George Dow, Vice Chair Judith Spiller, Cyrus Clark, Cameron Hamm, and Mary Gibbons Stevens.

5. Agenda Amendment and Adoption

Chair Thomson stated under Public Hearing item a. (080121-1) The Kittery Town Council moves to hold a public hearing on the Year End Transfers. No action would be taken at this time. Chair Thomson stated the public hearing would remain open until the Special meeting on August 23, 2021, at 5:00 p.m. Chair Thomson cast one vote to accept the agenda as written.

6. Town Manager's Report

The Town Manager reported on: Year End financial report, quarterly goals update, COVID-19 update, traffic circle landscaping, Route 236 paving and traffic controls, Senior Tax Circuit Breaker, Stevenson Road sidewalk, and roadwork, Pepperrell Road sidewalk and paving project, National Night Out and Firefighters Matt Fiori and Hector Serrano.

Upcoming Dates: Nomination papers are due August 12, 2021, at the Town Clerk's office and the Town Hall is closed for Labor Day, September 6, 2021.

7. Acceptance of Previous Minutes

July 12, 2021 – Regular Meeting

Line 6, replace Judy with Jane, line 16, change the date to 08/09/2021, and line 21, capitalize e and p in Emancipation Proclamation.

Chair Thomson cast one vote to approve July 12, 2021 Council minutes as amended.

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. - None

10. PUBLIC HEARINGS

a. (080121-1) The Kittery Town Council moves to hold a public hearing on the Year End transfers.

The Town Manager gave an overview of the Year End transfers.

No action would be taken at this time. Chair Thomson stated the public hearing would remain open until the Special meeting on August 23, 2021, at 5:00 p.m.

11. DISCUSSION

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

Brian Early, 123 Rogers Road, Kittery, Maine, stated that the Council should reject the marijuana ordinance.

Julie Cutting, owner of Green Blossom LLC, suggested keeping the retail marijuana permitting separate from medical marijuana.

Rich Kunz, 23 Stevenson Road, Kittery, Maine said he was not in support of the marijuana ordinance and thought the Council should reject it.

Jim Henry, South Berwick, Maine said he was worried big business would come in take over the retail marijuana business.

b. Chairperson may read written comments into the record.

Wendy Turner, 121 Haley Road, Kittery Point, Maine, stated before voting on the marijuana ordinance to please understand that the Council are going to be severely damaging and limiting legal businesses that have been following state laws for a state program.

Russell White, 59 Goodwin Road, Kittery Point, Maine, stated he had continuing concerns about the regulation of home-based providers as contained in the proposed new ordinances.

c. Chairperson's response to public comments. - None

12. UNFINISHED BUSINESS

a. (080121-2) The Kittery Town Council moves to adopt the proposed amendments to Title 5 and Title 16 Marijuana.

Chair Thomson moved to adopt the proposed amendments to Title 5 and Title 16 Marijuana, seconded by Vice Chair Spiller.

The Town Manager stated that there were a couple of items the staff had notice that she would like to propose for amendments. The Town Manager presented those items to the Council.

Chair Thomson moved to approve the amendments made to lines 23 and 24, seconded by Vice Chair Spiller.

Motion Carried 6-0-0

Chair Thomson moved to make amendments to lines 210, 211, 220, 241, 360 and 361, seconded by Vice Chair Spiller.

Motion Carried 6-0-0

Councilor Pelletier moved to amend one license per zone lines 174, 175, remove buffering in Title 16 lines 368 thru 374, 375 thru 381 and 382 thru 388 and remove mixed use zone lines 389 thru 396 and gave his explanation for his amendments, seconded by Chair Thomson.

Motion Carried 6-0-0

Councilor Pelletier moved to amend the Lottery system, plus less onerous property right title and interest requirement at pre-application stage lines 186 thru 187, Lottery system lines 192 thru 197, Lottery system plus less onerous property right title and interest requirement at pre-application stage line 200, Lottery system plus the limited license per zone lines 209 thru 221, and Lottery system (conducted by an independent third party), seconded by Chair Thomson.

Motion Carried 6-0-0

The Council had a discussion to get a clear understanding of Title 5 and Title 16 Marijuana.

Chair Thomson moved that Titles 5 and 16 as amended on August 9, 2021 stand for a public hearing at a special meeting August 23, 2021 for the purposes of placing said ordinances before the voters of Kittery at the Municipal election to be held November 2, 2021, seconded by Councilor Dow.

The Council discussed whether Title 5 and 16 should be placed on the ballot of the November 2, 2021 election.

Motion Failed 2-4-0

Chair Thomson and Councilor Hamm voted yes.

Vice Chair Spiller, Councilor Pelletier, Councilor Dow, and Councilor Stevens voted no.

Chair Thomson gave some final thoughts and asked what the benefits or positives does the Town of Kittery obtain by opening the door to this type of business enterprise.

Chair Thomson also gave reasons for not having retail marijuana in the Town of Kittery.

Chair Thomson requested a vote on the main motion.

Motion Carried 5-1-0

Vice Chair Spiller, Councilor Pelletier, Councilor Dow, Councilor Hamm, and Councilor Stevens voted yes.

Chair Thomson voted no.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(080121-3) The Kittery Town Council moves to accept a donation in the amount of \$5,000 from Friends of the Rice Public Library to be deposited into account #4060.

Moved by Councilor Dow, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (080121-4) The Kittery Town Council moves to schedule a public hearing on September 13, 2021 on Title 2 - Firefighters.

The Town Manager gave an overview of Title 2 - Firefighters.

Vice Chair Spiller moved to schedule a public hearing on September 13, 2021 on Title 2 – Firefighters, second by Councilor Dow.

All were in Favor.

c. (080121-5) The Kittery Town Council moves to approve the surplus of the Taylor Building, 2 Walker Street through a Request for Proposal process in accordance with Town Code §3.2.10. D.

The Town Manager gave an overview on the surplus of the Taylor Building, 2 Walker Street through a Request for Proposal process in accordance with Town Code §3.2.10. D.

Chair Thomson moved to approve the process to begin for the surplus of the Taylor Building by allowing the Town Manager to issue a Request for Proposal for future use, seconded by Councilor Dow.

All were in favor.

d. (080121-6) The Kittery Town Council moves to issue a letter of support for the Kittery Land Trust application to Maine Natural Resource Conservation Program.

Vice Chair Spiller gave an overview on the Kittery Land Trust application to Maine Natural Resource Conservation Program.

Councilor Dow moved for the letter of support, seconded by Councilor Clark.

Motion Carried 7-0-0

e. (080121-7) The Kittery Town Council moves to schedule a public hearing on September 13, 2021 to adopt a Remote Meeting Policy for Council, Boards, Commissions and Committees.

The Town Manager gave an overview of the Remote Meeting Policy for Council, Boards, Commissions and Committees.

Chair Thomson moved to schedule a public hearing on September 13, 2021 to adopt a Remote Meeting Policy for Council, Boards, Commissions and Committees, seconded by Vice Chair Spiller.

All were in favor.

f. (080121-8) The Kittery Town Council moves to schedule a public hearing on September 13, 2021 on a Zoning Amendment application Title 16 – Gas Station Buffer.

Chair Thomson moved to schedule a public hearing on September 13, 2021 on a Zoning Amendment application Title 16 – Gas Station Buffer, seconded by Vice Chair Spiller.

All were in favor.

g. (080121-9) The Kittery Town Council moves to approve a Special Activity Amusement Permit for AJ's Wood Grill Pizza located at 68 Wallingford Square, Kittery.

Moved by Councilor Dow, seconded by Councilor Clark.

Motion Carried 7-0-0

h. (080121-10) The Kittery Town Council moves to approve the Rock Rest marker in Wallingford Square.

Councilor Stevens gave an overview of the Rock Rest marker in Wallingford Square.

Councilor Stevens moved to approve the Rock Rest marker in Wallingford Square, seconded by Councilor Pelletier.

Motion Carried 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Stevens thanked the Council for approving the Rock Rest marker.

Councilor Hamm spoke about an article in the New York Times about Maine's new recycling law.

Councilor Clark wanted to thank all the unvaccinated for his mask.

Councilor Dow stated this was a tough evening referring to the Marijuana Ordinance, and encouraged the residents of Kittery to make sure they understand a petition before signing.

Councilor Dow thanked Chair Thomson for his earlier words.

Chair Thomson stated the vote is the vote and we move on referring to the Marijuana Ordinance.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

Vice Chair Spiller gave an update on the Beach working group.

16. EXECUTIVE SESSION - None

17. ADJOURNMENT

Councilor Dow moved to adjourn at 7:49 p.m., seconded by Councilor Pelletier.

All were in favor.

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.