

**KITTERY TOWN COUNCIL**  
**COUNCIL CHAMBERS**  
**September 12, 2022**  
**6:00PM**

1. Call to Order

Chair Spiller called the meeting to order at 6:00 pm.

2. Introductory

3. Pledge of Allegiance

4. Roll Call

Councilors present: Councilor Pelletier, Councilor McGuire, Councilor Clark, Councilor Hamm, Councilor Stevens, Chair Spiller, Vic Chair Dow via Zoom.

5. Agenda Amendment and Adoption

Chair Spiller cast one vote in favor of adopting amendment as presented.

6. Town Manager's Report

The Town Manager reported on the Gorges Road Fire Station Expansion, Hydrological/Watershed Study Route 236 Area, PFAS/New Water Line, 375<sup>th</sup> Celebration Finale, Grant Updates, 2022 Annual Goals Report and new Town Clerk, Jillian Richards.

Upcoming Dates:

November Election Applications available – Property Tax Stabilization Application due December 1, 2022. Kittery 375<sup>th</sup> Birthday Bash- September 23, 4:30 PM, at Kittery Community Center - Taste of Kittery- September 24, 1:00 PM, Post Office Square - 4th Booster Clinic for Covid September 21, 9am- 4pm at the Gorges Road Fire Station.

Councilor Stevens inquired about the funding of the expansion of the Gorges Rd Fire Station.

Town Manager responded to the inquiry.

Vice Chair Dow inquired about the timeline on the expansion project.

Town Manager stated that it would take up to a year.

All Councilors agreed that they are in support of entertaining the funding strategy of the fire station with the ambulance bay.

Councilor Hamm inquired about the Walker/Wentworth project.

Town Manager responded.

Chair Spiller inquired about the Hydro Watershed study.

Town Manager responded.

7. Acceptance of Previous Minutes- None
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 officials.
  - a. (090122-1) The Kittery Town Council moves to establish an overlay amount of \$\_\_\_\_\_, resulting in a mil rate of \_\_\_\_\_ per mil, and to charge an interest rate of 4% per annum on past due accounts and an interest rate of 2% on overpayment of property taxes, and confirms the dates of October 31, 2022, February 15, 2023 and May 31, 2023, as the due dates for property and personal taxes.

Assessor McKenney spoke about the tax calculations between this year and last.

Town Manager discussed the status of the SAFER Grant that the Town applied for and increasing the overlay.

Chair Spiller made a motion to move, seconded by Councilor Clark.

Councilor Stevens asked the Town Manager what would happen to the fund if the SAFER Grant was approved.

The Town Manager responded to the question.

Councilor Hamm inquired about financial responsibility of the new fulltime firefighters' salaries after the SAFER Grant is used.

Town Manager responded to the question.

Councilor McGuire asked for clarification on the number of firefighters to be hired with the approval of the Grant and without.

Town Manager responded to the question.

Motion carried 7-0-0

10. PUBLIC HEARINGS- None

11. DISCUSSION

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

Emily Flinkstrom, Director of Fair Tides, 12 Buckley Way, Kittery, spoke in favor of BL-BL1.

Tim Brochu, 6 School St, Kittery, spoke in support of proposed provisions to BL-BL1.

Erika Vargas, 142 Manson Ave, Kittery, spoke about affordable housing and the effects on the community.

Meghan Dunn, 50B Wyman Ave, Kittery spoke in support of BL-BL1.

Tom Emerson, 10 Ox Point Drive, Kittery, spoke in favor of BL-BL1.

Michael Landgarten, 86 Bartlett Rd, Kittery, spoke in favor of BL-BL1.

Robert Germinara, 40 Old Post Rd, Kittery, spoke against BL-BL1.

William Pierce, 23 Old Post Rd, Kittery, spoke in favor of the zoning change.

Wanda Dorlean, 131 Philbrook Ave, Kittery, spoke in favor of BL -BL1.

Jeff Clifford, 27 Miller Rd, Kittery, spoke in favor of BL-BL1.

Via Zoom:

Karen Kalmar, 191 Brave Boat Harbor Rd, Kittery, spoke in favor of BL-BL1.

Debbie Driscoll, 9 Pepperrell Terrace, Kittery, spoke in favor of affordable housing but does not believe the current proposal supports this.

Chair Spiller read statements from the following:

Dutch Dunkleberger, Karen Kalmar, Ron Ledgett, Russell White & John Perry reported on discussions made at a Planning Board meeting on September 8, 2022.

Cheria Clow Rollins, 47 Tilton Ave, Kittery, reported that she was in favor of BL-BL1.

Erin Brochu, 90 Government St, Kittery, reported that she is in favor of BL-BL1.

Nicole Benoit, 13 Page St., Kittery, reported that she was in favor of BL-BL1.

Ron Ledgett, 45 Crockett Neck Road, Kittery, reported on the current BL-BL1 amendments.

- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

Chair Spiller spoke about previous communications with Ron Ledgett.

## 12. UNFINISHED BUSINESS

- a. (090122-2) The Kittery Town Council moves to vote on Title 16 – Affordable Housing BL-BL1 amendments.

Chair Spiller moved to accept Title 30A MRS section 3001, Vice Chair Dow seconded.

Chair Spiller motioned to amend the main motion 16.4.17, seconded by Councilor Stevens.

Motion carried 7-0-0

Chair Spiller moves to accept amendments to main motion in regards to height, seconded by Council Hamm.

Motion carried 7-0-0

Councilor Clark proposed an amendment to zoning to remove the payment in lieu of fee.

Councilor Clark motioned to amend zoning amendment to remove the payment in lieu of fee, seconded by Councilor Pelletier.

Councilor Clark, Councilor McGuire and Councilor Pelletier voted in favor.  
Councilor Hamm, Councilor Stevens, Vice Chair Dow and Chair Spiller voted against.  
Motion Failed 3-4-0

Chair Spiller motioned to move motion to amend the Town Code Land Use and Development Code for affordable Housing Standards, seconded by Councilor McGuire.

Councilor Clark made a motion to move the proposed in lieu of fee percentage be lowered to 25%, seconded by Councilor McGuire.

Councilor Stevens, Councilor McGuire, Councilor Pelletier, Councilor Clark and Vice Chair Dow vote in favor.  
Councilor Hamm and Chair Dow voted against.  
Motion passes 5-2-0

Chair Spiller motions to move Title 16- Affordable Housing BL-BL1 as amended.

Councilor Stevens, Councilor Clark, Councilor Hamm, Councilor McGuire, Vice Chair Dow and Chair Spiller vote in favor.  
Councilor Pelletier voted against.  
Motion passes 6-1-0

Chair Spiller moves to amend fee schedule for payment in lieu, deleting \$35,000 and replacing with \$100,000, seconded by Councilor Stevens.

Motion passes 7-0-0

### 13. NEW BUSINESS

#### a. Donations/gifts received for Council disposition

(090122-3) The Kittery Town Council moves to accept a donation in the amount of \$2,000 from Barbara Fein to be deposited in account 5023 Library Donations.

Motion moved to accept by Councilor Hamm, seconded by Councilor Clark.  
Motion passes 7-0-0

- b. (090122-4) The Kittery Town Council moves to open shellfish harvesting in Braveboat Harbor from December 4, 2022 to April 30, 2023, as recommended by the Shellfish Conservation Commission and approved by the Department of Marine Resources.

Motion moved to open by Vice Chair Dow, seconded by Councilor Hamm.  
Motion passed 7-0-0

- c. (090122-5) The Kittery Town Council moves to appoint a Councilor along with the Chair of Port Authority to interview H. Scott Mason for a three-year term on the Kittery Port Authority.

Councilor Clark moved to nominate Chair Spiller, seconded by Councilor McGuire.  
Motion passes 7-0-0

- d. (090122-6) The Kittery Town Council moves to appoint Leela Pahl to the Kittery Community Center Board of Directors for a three-year term.

Moved to appoint by Vice Chair Dow, seconded by Councilor Clark.  
Motion passed 7-0-0

- e. (091222-7) The Kittery Town Council moves to appoint Kathleen Starkey to the Kittery Community Center Board of Directors for a three-year term.

Moved to appoint by Councilor Pelletier, seconded by Councilor Clark.  
Motion passed 7-0-0

#### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Pelletier stated that he appreciates Council and how hard everyone worked on BL-BL1.

Councilor McGuire stated his thoughts on BL-BL1, everyone's hard work throughout the process as well as all the efforts that went into the library. He also wished Lucille Melhorn a happy 90<sup>th</sup> Birthday.

Councilor Clark stated that the affordability of housing is important especially to the employees who work for the town.

Councilor Hamm stated that it was a joy to be a part of this process and seeing everyone come together and respect each other throughout was wonderful to see.

Councilor Stevens stated that she is grateful for the experience she has had on Council and how great it was to see how many people came out to speak on the issues tonight.

Vice Chair Dow acknowledged the retirement of Duncan McEachern and welcomed Jillian Richards, the new Town Clerk.

Chair Spiller stated that the library was an accomplishment for the Town and stated how beautiful Ed Arnold's new landscaping is.

#### 15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Chair Spiller made a motion to adjourn at 8:33 PM, seconded by Councilor Clark.

All were in favor.

Submitted by Jennifer Wheeler

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 refer to the video of the meeting on the Town of Kittery website.