

**KITTERY TOWN COUNCIL**  
**September 26, 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 Clark, Councilor Hamm, Councilor Stevens, Councilor McGuire, Councilor Pelletier, Vice Chair Dow, and Chair Spiller.

5. Agenda Amendment and Adoption

Chair Spiller moved to appoint H. Scott Mason to the Port Authority for a five-year term, expiring on December 31, 2025.

Chair Spiller adopted agenda as amended.

6. Town Manager's Report

The Town Manager reported on: Election Season, Understanding and Preventing Hate-based Activity, success of the Birthday Bash and The Taste of Kittery and all the hard work and efforts put into preparing for both by Jeremy Paul, Suzanne Esposito and Jane Durgin.

Upcoming Dates: Shellfish License Issuance Day- October 1, Understanding and Preventing Hate-Based Activity- October 3, Town Hall Closed- Indigenous Peoples Day- October 10, Seapoint and Crescent Beaches Clean-Up Day- October 15, November Election Absentee Ballot Applications Available – Town Clerk's Office, Property Tax Stabilization Applications Due – December 1.

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 offices.

- a. (090222-01) – The Kittery Town Council moves to receive a report on the status of implementation and compliance with the Short-Term Rental License Ordinance in

accordance with Title 5.12-5. D.

Town Manager discussed the total number of licenses issued and the status of implementation and compliance with the short-term rental licensing ordinance.

Chair Spiller read a letter from Maria Southworth, 15 Government St, Kittery, in which Ms. Southworth reported that there is a negative impact on the neighborhood since the short-term rental licenses have been issued.

Councilor Clark inquired about percentage of owner occupied vs. non owner occupied and suggested increasing fees.

Town Manager responded to the question.

Councilor McGuire inquired about the software used for implementation and compliance. Town Manager responded.

Chair Spiller spoke about the more expensive software option and the fee costs for short term rentals.

Vice Chair Dow suggested looking into higher fines for violations.

Town Manager responded.

Councilor Stevens inquired about the complaints filed and how to file a complaint.

Town Manager and Craig Alfis, Town Code Enforcement Officer responded.

Vice Chair Dow inquired about possibly increasing the percentage of Short-Term rentals as well as stating that he would be in agreement with raising the fees.

Councilor McGuire inquired about the fines for violations and suggested increasing the fines for unlicensed rentals to deter people to renting without a license.

Councilor Pelletier made a motion to move continue with the 8% increase, leave the owner-occupied fee at \$50, increase the fee for non-owner-occupied fee to \$200, as well as increasing the noncompliance fee to \$500, seconded by Councilor McGuire.

Consensus was reached to support this by Council.

Councilor Clark inquired about restrictions on multi-unit buildings and if there was a way to limit this.

Town Manager responded.

Councilor McGuire agreed that there should be some sort of restriction.

Councilor Stevens inquired about the current limits the Town has in place and would like more information on the matter.

Consensus to have Town Manager explore options for limiting density within multiple unit buildings was reached.

Councilor Hamm commented on the complaint made that short term rentals do not contribute to the community.

10. PUBLIC HEARINGS-None

11. DISCUSSION

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

Jeff Thomson, 25 Old Post Rd, Kittery, spoke about signage for the upcoming elections and the regulations surrounding placement. Mr. Thomson recommends that the number of units increase be scaled back and that fees be increased. He also encouraged Council to support the Town Manager in the upcoming review.

Maria Southworth, 15 Government St, Kittery, stated that her neighborhood is feeling more like a hotel district than a neighborhood.

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

Chair Spiller stated that Council will be alert to signage violations and that balancing STRs and affordable housing is a difficult problem that Maine is struggling with. Chair Spiller also spoke about the upcoming Town Managers evaluation and that Council is lucky to have her.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

(090222-02) - The Kittery Town Council moves to accept a donation in the amount of \$100.00 from Jim O'Neill to be deposited in account 4019 KCC Equipment Reserves.

Moved to accept by Councilor Clark, seconded by Councilor Hamm.

Motion passed 7-0-0

(090222-03) - The Kittery Town Council moves to accept a donation in the amount of \$1,000.00 from York Hospital to be deposited in account 5003 York Hospital Scholarships.

Moved to accept Councilor Hamm, seconded by Councilor Stevens.

Motion passed 7-0-0

(090222-04) – The Kittery Town Council moves to accept a donation in the amount

of \$2,350.00 from Kittery Maine Improvement Foundation to be deposited in account 2063 KCC Donations.

Moved to accept by Councilor Stevens, seconded by Councilor McGuire.

Motion passed 7-0-0

- b.(090222-05) – The Kittery Town Council moves to authorize the allocation of up to \$700,000 from the Real Estate Transactions Reserve (Account 5509) to the expansion of the Gorges Road Fire Station

Town Manager gave a summary.

Moved to authorize the allocation by Councilor Clark, seconded by Councilor Hamm.

Motion passed 7-0-0

- c. (090222-06) – The Kittery Town Council moved to schedule a public hearing October 24, 2022 on Title 16 – Constructed Wetlands Amendment.

Moved to schedule public hearing by Councilor Stevens, seconded by Councilor McGuire.

All were in favor

Motion passed 7-0-0

- d.(090222-07) – The Kittery Town Council moves to schedule a public hearing on October 24,2022 on Title 16 – Cluster/Conservation Subdivisions Amendment.

Moved to schedule Public Hearing by Councilor Hamm, seconded by Councilor Clark.

All were in favor.

Motion passed 7-0-0

- e.(090222-08) – The Kittery Town Council moves to schedule a public hearing on October 24, 2022 for a proposed budget transfer from Overlay to the Fire Department and Shared Services budgets.

Moved to schedule a Public Hearing by Councilor Clark, seconded by Councilor Hamm.

All were in favor

Motion passed 7-0-0

- f. (090222-09) – The Kittery Town Council moves to appoint Nancy Long-Broughton (Democrat) and Susan Tennant (Unenrolled) to the Board of Registration Appeals

for terms to expire December 31, 2025.

Moved to appoint by Councilor Clark, seconded by Councilor McGuire.

Motion passed 7-0-0

g. (090222-10) – The Kittery Town Council moves to appoint Adam Causey, Director of Planning and Development, as Acting Town Manager for Sunday, October 9 through Sunday, October 16, 2022.

Moved to appoint by Councilor Stevens, seconded by Councilor Clark.

Motion passed 7-0-0

h. Kittery Town Council moves to appoint H. Scott Mason to the Kittery Port Authority for a five-year term to expire on December 31, 2027.

Chair Spiller made motion to appoint, seconded by Councilor Clark.

Motion passed 7-0-0

#### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Stevens thanked the team that worked on The Taste of Kittery and stated that she agrees with Mr. Thomson's comments on the Town Manager and how lucky we are to have her.

Councilor Hamm stated his appreciation for the Taste of Kittery as well as the Birthday Bash events.

Councilor Clark stated that Councilor Pelletier will be missed at future meetings.

Councilor McGuire stated how lucky we are to have so many restaurants and breweries that took the time to participate in the Taste of Kittery. He also recognized the Town of Lewiston and their broadcast of conducting of the elections and how lucky the State of Maine is to have a secure and traceable approach to elections.

Chair Spiller stated that there will be an executive session held for the Town Managers performance review on October 12, 2022.

#### 15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Councilor Stevens made a motion to adjourn at 7:05 PM, seconded by Councilor Hamm. 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.