

KITTERY TOWN COUNCIL
January 23, 2023
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 Bragg, Councilor Dow, Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller on Zoom.
Councilors absent- Councilor Hamm (Military leave)

5. Agenda Amendment and Adoption

Chair Spiller moves to remove Badgers Island Public Hearing.

Chair Spiller moves to move up item 13c. The Kittery Town Council moves to accept the resignation of Charles H Denault III, from the Board of Appeals, effective January 9, 2023, up to before item 8 on the agenda.

Chair Spiller casts one vote to accept agenda as amended.

6. Town Manager's Report

Town Manager reports on the expansion of the Gorges Road Fire Station and FY23 Financial Update Q2.

Upcoming Dates:

2023 Fort Foster Season Passes available now

Freebie Barn Community Swap – January 29

AARP Tax Aide – Begins February 8

Dog License Renewal Deadline – January 31

Family Valentine's Dance – Saturday, February 11

Tax Bills Due – February 15

Town Hall Closed – Observance of Presidents' Day – February 20

Vice Chair McGuire inquired about the start date of the Fire Station expansion.
Town Manager responded.

Councilor Bragg inquired about the Q2 excise tax amount taken in.
Town Manger responded.

Councilor Stevens inquired about the General Assistance Funds and reimbursement from the State. She also asked about the status of turning over GA to a third party and what the timeline is in doing that.

Town Manager responded.

Chair Spiller extends her thanks to the Town Clerk for administering General Assistance.

7. Acceptance of Previous Minutes

- August 15, 2022 – Regular Meeting

All were in favor of acceptance.

8. Interviews for the Board of Appeals and Planning Board.

- a. (010223-01) The Kittery Town Council moves to interview the following candidates for two (2) vacancies on the Board of Appeals for a three-year term.

- Martha Mason
- Rachel Copeland

Martha Mason spoke about herself and her experience.

Chair Spiller interviews Martha Mason.

Rachel Copeland spoke about herself and her experience.

Chair Spiller interviews Rachel Copeland.

Chair Spiller moves the appointment of Martha Mason to a three-year term expiring on 12/31/2026 to the Board of Appeals, seconded by Councilor Dow.

Motion passes 6-0-0

Chair Spiller moves the appointment of Rachel Copeland to a three-year term expiring on 12/31/2026 to the Board of Appeals, seconded by Councilor Bragg.

Motion passes 6-0-0

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

10. PUBLIC HEARINGS

- a. (010223-02) The Kittery Town Council moves to hold a public hearing and vote on Title 5 – Short Term Rentals.

Town Manager gave an overview of the changes in the ordinance.

Tim Brochu, 6 School Street, Kittery, spoke about Short Term Rentals and the high fees for non-owner occupants.

Tom Emerson, 10 Ox Point Drive, Kittery, spoke about Short Term Rentals as well as the reporting and data collection.

Erin Brochu, 6 School Street, Kittery, spoke about Short Term Rentals and the high fee for non-owner occupants.

Debbie Driscoll, 9 Pepperrell Terrace, Kittery Point, spoke about Short Term Rentals and asked about establishing a limit on this. She also asked about seasonal dwellings.

Nathan Ackerman, 9 Prince Ave, Kittery, thanked Council for their work on Short Term Rentals and stated that the proposed non-owner occupant fee is much too higher when comparing to other towns in Maine.

Chair Spiller read an email from Jennifer Moore, (no address provided), where she reported that she is in support of Title 5 amendments and lifting the cap on licenses for owner occupied properties.

Chair Spiller read an email from Joanna Thomas, 9 Janah Lane, Kittery, where she reported that she was in support of Title 5 amendments and lifting the cap on licenses for owner occupied properties.

Chair Spiller read an email from Laura Zike, 7 Stimson Street, Kittery, where she reported on Short Term Rentals and removing the licensing cap for owner occupied or seasonal units as well as the high fee for non-owner occupants.

Councilor Dow Moves that in accordance with Title 30A MRS, §3001 in the Town Charter, §2.14, The Town of Kittery hereby ordains amendments to the Town Code Title 5 Short Term Rentals License as presented. Moved by Councilor Clark.

Chair Spiller suggests that Council hold off on discussing the licenses amounts, keeping it a separate issue.

Town Manager explains that the fees are under Appendix A and procedurally, what the Chair is suggesting, is within policy.

Chair Spiller asks the Town Manager to clarify owner occupied dwellings that they live in as well as property that they do not occupy.
Town Manager responded.

Councilor Stevens moves to amend to use the Maine Energy Uniform Code definition of a seasonal dwelling, seconded by Councilor Bragg.

Vice Chair McGuire inquired about the additional language and if there may be unintended

consequences.

Town Manager responded.

Councilor Dow voted yes.

Councilor Bragg, Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller voted no.

Motion fails 1-5-0

Chair Spiller moves to add to §5 12-5 a new paragraph f. The Kittery Town Council will biannually receive a review from the Town Manager on the number of licenses issued by category and any complaints received. Seconded by Councilor Stevens.

Councilor Stevens asked if the Town Manager had any input to add as an administrator's point of view.

Town Manager responded to the question.

Motion passes 6-0-0

Vice Chair McGuire inquired if the data could be collected during new inspections.

Town Manager responded.

Chair Spiller moves to adopt a \$100 fee for owner occupied and \$1500 for non-owner occupied. Seconded by Councilor Clark.

Councilor Clark asks the Town Manager if the \$1500 fee was a representation of the cost associated with the ordinance.

Town Manager responded.

Councilor Clark moves to lower the non-owner-occupied fee to \$800 and raise the owner-occupied fee to \$150. Seconded by Chair Spiller.

Councilor Stevens asks about basing the fees on the size of the unit.

Chair Spiller responded.

Councilor Dow inquires as to the reasoning behind increasing the owner-occupied fee.

Chair Spiller responds.

Town Manager asks for a clarification on the fees that are included in the proposed change.

Chair Spiller responds.

Councilor Dow, Councilor Bragg, Councilor Stevens, Councilor Clark, and Vice Chair McGuire vote no.

Chair Spiller voted yes.

Motion fails 1-5-0

Councilor Clark moves to change non-owner-occupied fee to \$750 and \$100 for all other categories. Seconded by Councilor Dow.

Motion passes 6-0-0

- b. (010223-03) The Kittery Town Council moves to hold a public hearing and vote Title 10 – Badgers Island West Parking.

11. DISCUSSION

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

Tom Emerson, 10 Ox Point Dr. Kittery, stated the reason he wanted data collected was so in two years the Town has more information on costs and details.

Debbie Driscoll, 9 Pepperrell Terr. Kittery Point, asked the difference between a duplex and someone who owns two single family homes in town.

Chair Spiller read an email from Suzanne Johnson, address not given, who reported on food banks on Shapleigh Road.

Chair Spiller read an email from Gary Treshinsky, address not given, who reported on the crowing of a rooster on a nearby property.

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

Chair Spiller responded to Tom Emerson.

Chair Spiller responded to Debbie Driscoll.

Chair Spiller responded to Suzanne Johnson.

Chair Spiller responded Gary Treshinsky.

12. UNFINISHED BUSINESS –

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.

(010223-04) The Kittery Town Council moves to accept a donation from Kenneth Bartuka in the amount of \$100 to be deposited into the Rice Public Library book fund account #600.

Move to accept donation by Vice Chair McGuire, seconded by Councilor Clark.
Motion passes 6-0-0

(010223-05) The Kittery Town Council moves to accept a donation from York

Hospital in the amount of \$10,000 to be deposited into the Kittery Community Center account #600.

Moved to accept donation by Councilor Stevens, seconded by Councilor Clark.
Motion passes 6-0-0

- b. (010223-06) The Kittery Town Council moves to appoint a Councilor along with the Chair of the Kittery Community Center Board of Directors to interview John Pratt for a three-year term on the Kittery Community Center Board of Directors.

Councilor Stevens moves to appoint Chair Spiller to interview John Pratt, seconded by Vice Chair McGuire.
Motion passes 6-0-0

- c. (010223-07) The Kittery Town Council moves to accept the resignation of Charles H Denault III, from the Board of Appeals, effective January 9, 2023.

Moved by Chair Spiller, seconded by Councilor Stevens.
Motion passes 6-0-0

- d. (010223-08) The Kittery Town Council moves to accept the resignation of Earledean Wells, from the Conservation Committee, effective January 9, 2023.

Moved to accept resignation by Vice Chair McGuire, seconded by Councilor Clark.
Motion passes 6-0-0

- e. (010223-09) The Kittery Town Council moves to adopt the 2023 Annual Goals.

Moved to adopt by Councilor Dow, seconded by Vice Chair McGuire.
Motion passes 6-0-0

- f. (010223-10) The Kittery Town Council moves to authorize the Kittery Little League to place a banner across Rogers Road in front of the Kittery Community Center between February 1, 2023 and March 1, 2023.

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

Chair Spiller asks if there are any concerns about the banner being hung during winter months.
Town Manager responded.

Councilor Bragg suggests hanging the sign on the fence at the Kittery Community Center.

Vice Chair McGuire stated that he does not feel as though Council should change and accept these applications during off season unless there was a change the ordinance.

Councilor Clark, Councilor Stevens, Vice Chair McGuire and Chair Spiller voted yes.
Councilor Dow and Councilor Bragg voted no.

Motion passes 4-2-0

Chair Spiller asks the Town Manager to draft some language for the ordinance to prohibit requests for signage during particular time frame with no exceptions.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Stevens thanked everyone involved in the Short Term Rental process including the residents who have come to meetings and the workshop. She stated that everyone's input has really helped in implementing the ordinance.

Councilor Clark thanked the Town Clerk, Jillian Richards, for all her hard work in assisting residents with General Assistance. He also stated that he read an article about the amount of waste that was saved by having chickens.

Councilor Bragg stated that the DEI Committee will be reviewing the executive summary of the comp plan for discussion about timeline and strategy for identifying needs and opportunities to address diversity, equity and inclusion in it's update which is likely to start late 2023 to early 2024. She also stated that they are working on distributing a survey to the community. She went on to say that the KCC board met and discussed new equipment.

Councilor Dow thanked Mrs. Mason and Mrs. Copeland for joining the Board of Appeals and encouraged more residents to join different boards.

Vice Chair McGuire appreciates all the local feedback in regards to Short Term Rentals. He also thanked the Town Employees, specifically the DPW, for all their hard work with all the recent storms.

Chair Spiller asked the Town Manager a question about the Village Partnership program. Town Manager responded.

15. COMMITTEE AND OTHER REPORTS

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

Councilor Stevens stated that the Housing Committee is continuing to look at the Housing Reserve Fund and how best to use it.

Town Manger spoke about the Genesis fund and their future meeting next week.

Vice Chair McGuire stated that the CIP committee has reviewed all the proposals from the different departments and would have more for the next meeting.

Chair Spiller stated the Climate Committee is continuing with the committee outreach phase. She stated that the Library Committee has a consultant who will be working with the committee on a strategic plan. The Chair noted that the York Wild and Scenic Study Committee, who is in

the process of recruiting members for the York Wild and Scenic Stewardship Committee, is in need of two members and an alternate from Kittery. She asked if the Town Manger will post, collect and forward applications to the Stewardship Committee.

Vice Chair Spiller asked for a description on who they are looking for to fill these positions. Chair Spiller responded.

16. EXECUTIVE SESSION

17. ADJOURNMENT

Motion to adjourn made by Councilor Clark at 7:48 PM, seconded by Councilor Bragg. 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.