

Kittery Town Council - Approved Minutes

Regular Meeting

March 9, 2020 6:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call

Councilors present: Charles Denault, Jeffrey Pelletier, Jeffery Thomson, Kenneth Lemont, Cyrus Clark, Vice Chair Matt Brock, and Chair Judith Spiller.

5. Agenda Amendment and Adoption

Public Hearings item c. Warrant Article to expand the Gorges Road Station and surplus the Walker Street Fire Station. The Town Manager gave an explanation of the withdrawal of this item from the agenda. and item d. Warrant Article to appropriate \$500,000 for the Wood Island pier. Councilor Lemont stated the reason for withdrawing this item from the agenda was due to the overwhelming negative response from the public to the article. He also wanted to acknowledge WILSSA for the super job, contributing funds, and the 20 years of maintenance they would be providing.

A motion was added to Unfinished Business to postpone the Public Hearing on the Animal Control ordinance, previously scheduled for March 23, 2020, to a later date.

Item i. and j. were added under New Business.

Chair Spiller cast 1 vote in favor of adoption of the agenda as amended.

6. Town Manager's Report

The Town Manager reported on the Presidential Primary Election, and provided an update on the Town's COVID-19 response.

Upcoming Dates: Mooring Permit Renewals Due – April 15, Harbormaster or Online.

7. Acceptance of Previous Minutes

The April 22, 2019 - Regular Meeting and May 6, 2019 - Special meeting minutes were approved as presented.

8. Interviews for the Board of Appeals and Planning Board

Board of Appeals (three appointments each expiring 12/31/2023).

- April Timko

Chair Spiller moved for Ms. Timko's re-appointment, seconded by Councilor Denault.

Motion Carried 7-0-0

- Jeff Brake

Chair Spiller moved for Mr. Brake's re-appointment, seconded by Councilor Pelletier.

Motion Carried 7-0-0

- Barry Fitzpatrick

Chair Spiller moved for Mr. Fitzpatrick's re-appointment, seconded by Councilor Pelletier.

Motion Carried 7-0-0

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

10. PUBLIC HEARINGS

a. (030120-1) The Kittery Town Council moves to hold a public hearing to Amend Title 3 - TIF #1 and #2.

The Town Manager gave an overview of the amendment to Title 3 - TIF#1 and #2.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

b. (030120-2) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 06.09(4) of the Kittery Town Charter to transfer appropriations between accounts.

The Town Manager gave an overview of Sec. 06.09(4) of the Kittery Town Charter to transfer appropriations between accounts.

Moved by Councilor Thomson, seconded by Pelletier.

Motion Carried 7-0-0

c. (030120-3) The Kittery Town Council moves to hold a public hearing to approve a Warrant Article to expand the Gorges Road Station and surplus the Walker Street Fire Station for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the article.

The warrant article was withdrawn from the agenda.

d. (030120-4) The Kittery Town Council moves to hold a public hearing to approve a Warrant Article to appropriate \$500,000 for the Wood Island pier for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendation on the article.

The warrant article was withdrawn from the agenda.

11. DISCUSSION

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

Jeffrey Brake, 28A Cutts Road, Kittery, Maine – Mr. Brake announced the Recycling Scholarship Fund would begin accepting applications March 15, 2020 and close April 16, 2020. Mr. Brake stated that the application would be available at Town Hall, the Superintendent's office, Rice Public Library, and the guidance counselor's office at Traip Academy. He stated that there is an opening on the Education Scholarship Committee.

Cameron Wake, 18 Mendum Avenue Kittery, Maine. - Mr. Wake explained that he was opposed and had concerns regarding with the Warrant Article to appropriate \$500,000 for the Wood Island pier.

b. Response to public comment directed to a particular Councilor

Councilor Lemont thanked Mr. Wake for his polite phone call about the Wood Island pier.

c. Chairperson's response to public comments

12. UNFINISHED BUSINESS –

Councilor Thomson moved to postpone the Public Hearing on the Animal Control ordinance that was previously scheduled March 23, 2020 to a later date, seconded by Councilor Pelletier.

Motion Carried 7-0-0

13. NEW BUSINESS

a. Donations/gifts received for Council disposition. - None

b. (030120-5) The Kittery Town Council moves to approve the disbursement warrants.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 7-0-0

c. (030120-6) The Kittery Town Council moves to schedule a public hearing on March 23,2020 to amend Title 5 to add Short Term Rentals.

Moved by Councilor Pelletier, seconded by Councilor Clark.

Motion Carried 5-1-0

Councilor Denault, Councilor Pelletier, Councilor Clark, Councilor Lemont, Vice Chair Brock, and Chair Spiller approved.

Councilor Thomson opposed.

d. (030120-7) The Kittery Town Council moves to review and finalize the wording on the Warrant Articles for the June 9, 2020 Town Meeting Secret Ballot Election and make its recommendations on each article.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

e. (030120-8) The Kittery Town Council moves to approve a renewal Liquor License from the

Dance Hall located at 7 Walker Street.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

f. (030120-9) The Kittery Town Council moves to approve a renewal Liquor License from Maine Beer Café located at 439 US Route 1 Suite 1.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 6-0-1

Councilor Lemont abstained.

g. (030120-10) The Kittery Town Council moves to approve a renewal Liquor License from The View at Pepperrell Cove located at 90 Pepperrell Road.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

h. (030120-11) The Kittery Town Council moves to approve an Extension of License on Premise for the View at Pepperrell Cove located at 90 Pepperrell Road.

Moved by Councilor Thomson, seconded by Councilor Pelletier.

Motion Carried 7-0-0

i. The Kittery Town Council moves to appoint Councilor Pelletier to the school department Vision 2025 Committee.

Moved by Councilor Thomson, seconded by Councilor Clark.

Motion Carried 6-1-0

Councilor Thomson, Councilor Pelletier, Councilor Clark, Councilor Lemont, Vice Chair Brock, and Chair Spiller approved.

Councilor Denault opposed.

j. The Kittery Town Council moves to accept Julia O'Connell's resignation from the Kittery Climate Adaptation Committee.

Moved by Chair Spiller, seconded by Councilor Thomson.

Motion Carried 7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Denault mentioned the cost of cable, read a quote from Teddy Roosevelt, and asked if the Council was withdrawing its letter for the Kittery Water District bill.

Councilor Thomson thanked Councilor Lemont for withdrawing the motion for the Wood Island pier. He also spoke in remembrance of Graham and Jean Alvord.

Councilor Lemont mentioned the sidewalks, and speeding in town. Councilor Lemont asked if the Council was withdrawing the its letter of support for the Kittery Water District bill. Councilor Lemont also asked about parking at Fort Foster.

Chair Spiller asked the Council if all were in favor of withdrawing the letter. The Council collectively responded yes, and Chair Spiller asked the Town Manager to write a letter to the Maine Legislature.

Councilor Clark recognized the Love Lane residents' petition and stated he had witnessed the traffic on many occasions and it was unacceptable. He also stated this should become a priority with the Council and should be handled outside of the Land Use Study. Councilor Clark spoke about other possible ways Kittery, as a community, could help with the Wood Island pier project.

Vice Chair Brock thanked Councilor Lemont for withdrawing the motion for the Wood Island pier project, as he felt that Kittery had contributed significantly by donating land, authorizing the concession agreement, and in the future financially, due to repairs that might be needed. He also was concerned with the traffic caused by the Shipyard impacting the residents and the local businesses.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson - None

b. Committee Reports - None

16. EXECUTIVE SESSION –

a. (030120-12) The Kittery Town Council moves to go into Executive Session with the Town Manager and Town Attorney in accordance with 1 M.R.S. §405 (6) (A) to discuss or consider complaints regarding appointees, where public discussion could be reasonably expected to cause damage to an individual's reputation or right to privacy.

Councilor Thomson moved to go into the Executive Session at 7:15 p.m., seconded by Councilor Pelletier.

Motion Carried 7-0-0

Councilor Thomson moved to come out of the Executive Session at 7:50 p.m., seconded by Councilor Denault.

Motion Carried 7-0-0

17. ADJOURNMENT

Councilor Thomson moved to adjourn, seconded by Councilor Pelletier.

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.