

KITTERY TOWN COUNCIL
September 25, 2023

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

Councilor's present- Councilor Bragg, Councilor Dow, Councilor Clark, Councilor Hamm, Councilor Stevens, Vice Chair McGuire, Chair Spiller.

5. Agenda Amendment and Adoption

Chair Spiller moves to change item 9. a. and 9. b. to be discussed before the Town Managers report.

Chair Spiller casts one vote in favor of adopting the agenda as amended.

6. Town Manager's Report

Town Manager reported on Citizen Planner Academy, LED Light Conversion Project, General Grants Update, Paving Projects and the November 7 Election.

Upcoming dates:

Route 1 Corridor Feasibility Study Info Session – September 27

Freebie Open the Last Saturday of the Month – September 30

Temporary Bike/Ped Demonstration Public Input Session – October 4

Invasives Management at Fort Foster Volunteer Event – October 4

Town Hall Closed in Observance of Indigenous Peoples Day – October 9

Candidate Night – October 16

Halloween Celebration – October 21

Community First Non-Profit Fair – October 25

Trick or Treat – October 30

Vice Chair McGuire wanted to confirm that due to the observance of Indigenous Peoples Day on October 9th, the next Town Council meeting will be held on Wednesday October 11th.

Town Manager responded

Vice Chair McGuire also inquired when the Town would be informed of the decision for the Southern Maine Energy Navigation program.

Town Manager responded.

Chair Spiller inquired what the status was on the Stevenson Road project.

Town Manager responded.

Chair Spiller stated that the Freebie Barn has been a success in large part due to Haley Mock, the Town Managers Assistant.

Chair Spiller also stated that this past Saturday was a busy day for the residents of the Town of Kittery due to the beach cleanup, the climate open house, the Taste of Kittery as well as the water quality research.

7. Acceptance of Previous Minutes

- August 21, 2023

All were in favor of accepting minutes as presented.

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. (090223-01) The Kittery Town Council moves to accept a presentation of the Tribal Flag from the Cowasuck Band of the Pennacook-Abenaki tribe.

Denise Pouliot, head female speaker, and Paul Pouliot, head male speaker and Chief of the Cowasuck Band of the Pennacook-Abenaki tribe, gave a presentation on the symbolism of the flag.

- b. (090223-02) The Kittery Town Council moves to incorporate land acknowledgement language into the Council Introductory Statement.

Chair Spiller read the statement.

Councilor Stevens moves to incorporate the land acknowledgement language into the Council Introductory Statement at every Council meeting, seconded by Councilor Clark.

Councilor Stevens gave a background on how the acknowledgement came about.

Motion passes

7-0-0

10. PUBLIC HEARINGS

- a. (090223-03) The Kittery Town Council moves to hold a public hearing on Title 16 – Septic System amendment.

Chair Spiller gave an overview.

Jim Austin, Kittery Point, applicant for the septic variant, expressed his opinions as to why the Town council should approve the Septic System variant. He also gave an overview of the Busse Septic System which he believes would be the best option.

Greg Ulrich, 8 Barters Creek Road, stated that he strongly opposes the variance and gave his reasons for objecting.

Ed Besade, 32 Pocahontas Road, stated that he believes the setbacks set in place now are there to protect the water and the shoreline and opposes making any changes.

Patty Lynch, part of the save Kittery Water Steering committee, stated that she does not support the variance and hopes that Council votes no.

Jonathan Sobell, 12 Moores Island, stated that he is against the variance.

Roger Cole, 48 Brave Boat Harbor Rd, stated that he is strongly opposed to the amendment being proposed.

Melissa Paley, 8 Old Cart Path, stated that she agrees with the Planning Boards assessment of the proposed amendment and that it is not a good idea for our water ways.

Rich Belano, 3 Ox Point Drive, stated that he agreed with everything that Melissa Paly said and stands against the variance.

Chair Spiller read an email statement from Sibylle Pearson, 53 Pocahontas Road, who reported that she hopes that Council will deny this variance so not to endanger the oceans.

Chair Spiller read an email from Andrew Pearson, 53 Pocahontas Road, who reported that he does not agree with the proposed variance.

Chair Spiller read an email from Ronald Vargo, Pocahontas Road, who reported he is also against the variance.

Councilor Clark moves that in accordance with Title 30A MRS § 3001 and town charter 2.14 the Town of Kittery hereby ordains, amendments to the town code Title 16 Land Use and Development Code as presented, seconded by Vice Chair McGuire.

Chair Spiller stated that she believes it would be a setback to approve the amendment.

Councilor Dow asked for clarification on the vote, asking if a vote in the affirmative would allow the variance.

Chair Spiller responded.

Motion does not pass
0-7-0

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS - None

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
- b. (090223-04) The Kittery Town Council moves to accept the resignation from E Alan Johnston, from the Kittery Port Authority, effective September 13, 2023.

Moved to accept resignation by Councilor Clark, seconded by Councilor Hamm
Motion passes
7-0-0

- c. (090223-05) The Kittery Town Council moves to appoint Kavika Vargas as the Student Representative to the Diversity Equity and Inclusion Ad Hoc Committee.

Moved to appoint Kavika Vargas by Councilor Stevens, seconded by Vice Chair McGuire.
Motion passes
7-0-0

- d. (090223-06) The Kittery Town Council moves to sign the Warrant for the Municipal and School Election.

Move to sign the Warrant by Councilor Stevens, seconded by Councilor Bragg.
Motion passes
7-0-0

- e. (090223-07) The Kittery Town Council moves to accept a request from the Traip Boosters to place signage around Town from October 27 to November 12 for their craft fair.

Move to accept the request by Councilor Stevens, seconded by Councilor Dow
Motion passes
7-0-0

14. COUNCILOR ISSUES OR COMMENTS

Councilor Stevens stated she had nothing at this time.

Councilor Hamm thanked everyone involved with the Taste of Kittery and that this is a great community to live in.

Councilor Clark stated that he is still thinking about what a great job Vice Chair McGuire did last week.

Councilor Dow stated that he had nothing to say at this time.

Councilor Bragg stated that she had nothing to say at this time.

Chair Spiller stated that she had nothing to add at this time.

15. COMMITTEE AND OTHER REPORTS

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

16. EXECUTIVE SESSION

Move to enter Executive session by Councilor Stevens, seconded by Vice Chair McGuire.

Motion passes

7-0-0

- a. (090223-08) The Kittery Town Council moves to go into Executive Session in accordance with 1 M.R.S. §405(6). To Discuss the Town Managers annual performance evaluation.

Motion to come out of Executive Session made by Councilor Hamm, seconded by Vice Chair McGuire.

Motion passes

7-0-0

17. ADJOURNMENT

Motion to adjourn made by Councilor Bragg at 7:58 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.