

**Kittery Town Council
Regular Meeting
November 26, 2018 – 6:00 p.m.
Council Chambers**

1. Call to order: Chairperson Spiller called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Spiller read the introductory.
3. Pledge of Allegiance: Chairperson Spiller led those present in the Pledge of Allegiance.
4. Roll call: Answering the roll were Councilors Charles Denault, Jeffrey Pelletier, Jeffrey Thomson, Cyrus Clark, Kenneth Lemont, Matthew Brock, Vice-Chair and Judy Spiller, Chair.
5. Agenda Amendment and Adoption:

Chairperson Spiller asked if there were any adjustments to the agenda and, seeing none, cast one vote to approve the agenda as presented.

6. Town Manager's Report: Town Manager Amaral wanted to welcome new members of the Police Dept. and introduced Police Chief, Robert Richter. She asked if he would like to say a few words.

Chief Richter thanked the Town Manager promised he would make the Kittery Police Dept. the best there is. He said he is looking forward to working with everyone.

Town Manager Amaral said he has extensive experience in full-time law enforcement and has been a Deputy Police Chief in Wilmington for 12 years. She said he has a Bachelors' Degree in Criminal Justice and graduated from the FBI National Academy.

Town Manager Amaral said that new Police Officers, Cory Blancato and Michael Webster are both Army veterans and Officer Webster is also the recipient of a Purple Heart. She said he has law enforcement experience working with the Dept. of Defense. She said that Officer Blancato has law enforcement experience in the towns of Raymond and Barrington.

Town Manager Amaral said that Andrew Noyes is the new dispatcher, who comes from South Berwick and is experienced in public safety.

Town Manager Amaral announced new detectives, replacing retired Detectives Hazen and Hamel: Detective Brian Cumber has been with the Police Dept. since 2006 and was the Community Liaison Officer and Detective Ryan Sanford has been with the Police Dept. since 2013 and was Cadre at the Maine Criminal Justice Academy.

Town Manager Amaral said that Pauline Brewster comes from South Berwick Water District and has experience in utility bookkeeping and management and Lisa Harkin returned to the School Dept.

Town Manager Amaral announced some upcoming dates: Holiday Parade, 3:00 p.m. Sat., December 1st; Breakfast with Santa is at the KCC on Saturday, December 15th at 8:30 am; Holly Jolly Trolley December 6th and 7th.

7. Acceptance of Previous Minutes: none

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

Planning Board – three positions effective immediately until 12/31/21

- Alan Rindler
- Karen Kalmar
- Mark Alesse
- Dutch Dunkelberger
- Pamela Edwards (withdrew)

Chairperson Spiller said she would like to waive the interview normally done, but did not want to impose her will. She asked if Council is willing to move ahead?

Councilor Denault wanted to know if the Town Council says we have to do interviews?

Chairperson Spiller replied they have rules.

Councilor Thomson said the last time this occurred, he believed that Council's decision was to have each incumbent appear that night and we would have it on the agenda so questions could be asked and we could meet the requirements.

Chairperson Spiller asked if the Town Council was comfortable with that?

Councilor Pelletier believed there was a distinction made and said it makes sense for them to be here and to move forward with re-appointments without the necessity of an interview.

Chairperson Spiller said that Mr. Rindler is here and this is an uncomfortable situation. She said he was invited and should be given a chance to have his say. She said they would start with Karen Kalmar.

Ms. Kalmar said in lieu of Mr. Dunkelberger's condition, she was trying to concede the podium to him since he just had surgery.

Ms. Kalmar said that it is an absolute joy a minute serving the community and she would be honored to continue.

Chairperson Spiller asked if she would like to speak on Mr. Dunkelberger's behalf?

Ms. Kalmar replied she could not speak more highly of anyone.

Mr. Alesse said he was glad Chairperson Spiller made that decision. He said they have finally gotten to the point where we have a good group of people on the Board, which has not always been the case. He said they are professional, qualified people and if you do not have good people on that board, people do not make good decisions when we are meeting later.

Mr. Alesse said he knows Council has adopted rules, where they gather names for a pool, but he thought they should pick people who have the most professional experience and not give the appointment to someone who is the next person on the list. He said it is not an easy job and he thought that a vote from the Planning Board should be added to the process. He said we know what we need and it takes a lot of work. He said they have a great composition now.

Chairperson Spiller said the pool is handled by the Town Clerk, but Council has to vote on the composition.

Mr. Dunkelberger said he enjoyed being on the Board and everyone comes to the table being open-minded. He said he is very proud to be a member of the Planning Board and that is why he is re-applying.

Chairperson Spiller asked Mr. Rindler if he wanted to speak about why he wanted to be on the Planning Board.

Mr. Rindler said he got a call last week and he had applied a couple of years ago. He said he had indicated Planning Board as a possibility, on an as needed basis. He thought there were vacancies but he thought it is appropriate for the members to continue in his opinion. He said he would withdraw his name and support the people who are up for re-election.

Chairperson Spiller asked him if he would like to stay in the pool?

Mr. Rindler replied yes.

Chairperson Spiller said that Ms. Edwards has withdrawn her application to both the Planning Board and the Board of Appeals.

COUNCILOR PELLETIER MOVED TO RE-APPOINT KAREN KALMAR, MARK ALESSE AND DUTCH DUNKELBERGER TO THE PLANNING BOARD EFFECTIVE IMMEDIATELY TO SERVE THROUGH DECEMBER 31, 2021, SECONDED BY COUNCILOR CLARK.

Chairperson Spiller asked for any discussion.

Councilor Denault said he will support the motion; however, he felt that Mr. Alesse has brought up a good point, as he stated, regarding applicants for the Planning Board. He said it would make it easier to interview candidates and would follow due process.

Chairperson Spiller said they do have Title 4 coming up.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

Board of Appeals – two positions effective immediately until 12/31/21

- Vern Gardner
- Suzanne Dwyer-Jones
- Pamela Edwards (withdrew)

Chairperson Spiller said that since Ms. Dwyer-Jones is not physically present to be interviewed, we can interview Mr. Gardner, but we cannot appoint them. She asked Mr. Gardner if he would like to wait until the next meeting or be interviewed tonight.

Mr. Gardner replied he would wait until the next meeting.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. (none)

10. PUBLIC HEARINGS: (none)

11. DISCUSSION:

Chairperson Spiller said they do have the Business Park on the agenda tonight, and since they didn't get a chance to comment, this is your opportunity if you have anything more to add to our subsequent discussion on the Business Park. She opened the public discussion and asked anyone wishing to speak to state their name, address and limit their comments to three minutes.

a. Discussion by member of the public:

Willie Goodsoe, Martin Road, said he spoke to a lot of residents and they are not happy with the re-zoning and Council should do what the residents want. He asked why are they re-zoning an area when they are not sure how it will affect everything? He said the residents told Council they do not want it and they do not understand it and he wanted to know how can Council sit here tonight and vote for it.

Chairperson Spiller asked if there was anyone else who wished to speak.

Mr. Shawn Harris, Picott Rd., Kittery wanted to address the York River Study proposed resolution, but said it should be delayed a month. He said there were many topics left undiscussed that should be discussed and should be communicated to the actual owners of the parcels that will be affected by it. He said a workshop for the land owners should not cause too much havoc. He said one thing in the workshop was they avoided discussion on what is being done.

Mr. Harris said there will be no Federal taking of land. He said the land in town in the current watershed is not where it might be in the future. He said it goes up a 1000 ft. embankment and goes down to the current watershed and that parcel is excluded from the building envelope. He said the land owner cannot use it, or get a fair market value for it, and it takes more land than is currently needed.

Mr. Harris mentioned errors in the FEMA Flood Plan which is not where it might be in 20 years. He said what was discussed was there would be no additional costs. He said he hated to go into in-depth accounting but there will be indirect and direct costs associated with this.

Mr. Harris said the town is hiring a consultant to streamline the current code and they are adding a whole section to make it more consistent. He said he had another question and wanted to know if it would be affecting the revenues as well. He said that the town can say a parcel is "open space" but State regulations say it has a reduced value, depending upon the type of open space percentage, and there will be an additional cost with the reallocation of taxes from the parcel which will increase the tax base to everyone else.

Chairperson Spiller noted that Mr. Harris was getting close to his three-minute limit.

Mr. Harris said a workshop is needed and that Council should consider maybe not voting on it tonight, but moving the resolution to the Dec. meeting.

Mr. Ron Ledgett, Kittery, wanted to make two points. He said first, he was a Planning Board member when this draft ordinance was voted on and he was one of the members who voted against it because of the height allowed, which was 70 ft., but changed to 50 ft. He said he supports the ordinance as it is written now.

Mr. Ledgett said the second point is that concerns were raised in the public hearings before the Planning Board where, despite the ordinance structure, things can happen, and with the permit by rule, resulted in the filling of wetland, which damaged houses and properties adjacent to the building. He said this is a concern the town needs to address. He thought that the ordinance, Title 16, is a commitment by the town to have the development occur in a way that people can anticipate how their property will be handled and that somehow the makers of the features should be subverted.

Mr. Ledgett said the loud concern of the residents surrounding the area of the Business Park are not addressed by the ordinance and should be. He asked Council if it is clear, the points he is making here?

Chairperson Spiller responded yes.

Frank Dennett, Kittery Point, wanted to extend his congratulations to Councilor Clark on his election to the Council and to Chairperson Spiller, who has returned to the Town Council after some rest and recreation. He said he perhaps will take her example. He wanted to congratulate Councilor Thomson on his re-election but said perhaps it should be condolences as he is now the senior member of the Town Council.

Mr. Dennett also wanted to extend his thanks to the citizens of Kittery and Councilors while he was serving in office.

Mr. Dennett said there was a grievous error on the agenda as approved and posted. He called Council's attention to items 13 (d) and (e) under "New Business" for liquor license applications for the Blue Mermaid and the Loyal Order of the Moose. He said they were written backwards and if voted to approve as written, it will be a grave disservice to the applicants.

Chairperson Spiller asked if anyone else wished to speak and there was no other public comment.

c. Chairperson's response to public comments:

Chairperson Spiller addressed Mr. Goodsoe first by saying the Business Park is a challenging situation. She said she was at the Workshop and most of the meetings when residents spoke about their concerns. She said the Town Manager has made a few more tweaks and she thought that these changes make the ordinance more protective of the residents. She said the change in the ordinance will yield something better than what the current ordinance would have yielded.

Chairperson Spiller said she hopes the citizens know that some of the Councilors will be watching closely for any sort of development taking place in that area to make sure that the environment is protected. She said she knows that traffic is a significant issue and further development will have a big impact on that.

Chairperson Spiller addressed Mr. Harris, saying he had covered several different points. She said the York River resolution is on the agenda tonight but Council may decide to postpone taking action on it. She said they had a number of hearings on it and two weeks ago they held a workshop. She said every resident in the York River watershed in Kittery received a notice outlining what steps we would be doing. She said they did not hear from very many people.

Chairperson Spiller said they have been working with other communities as part of this and there is no Federal taking of land and that is the way the amendment to the Legislative Wild & Scenic Rivers Act is written. She said there is no public access on the watershed and no changes in the land use. She said the only bodies that can change the land use ordinance are the local town governments. She said the Stewardship Committee is purely for guidance purposes.

Chairperson Spiller said what she heard from being on the York River Study Committee and talking with other communities is that there are no changes to the FEMA flood plan, but she is not familiar with the current FEMA flood plan, to comment.

Chairperson Spiller said Mr. Harris mentioned codification as part of the York River partnership but there are no changes in the land use and no increase in cost.

Chairperson Spiller addressed Mr. Ledgett, saying, regarding permit by rule, the Economic Development Committee and the Town Manager have their antennae up regarding any potential environmental impacts and will be watching this area closely.

Chairperson Spiller addressed Mr. Dennett and said it is always a pleasure to see him. She thanked him for his service to the Town Council and to the community. She said that the agenda has been changed to reflect that grievous error.

12. UNFINISHED BUSINESS:

(090218-1) The Kittery Town Council moves to ordain zoning amendments to Title 16 – Land Use and Development Code, Title 16.3.2.10 – Business Park.

Chairperson Spiller said this item is a continuation of a motion (made by Councilor Thomson and seconded by Councilor Denault) from the Sept. 24th meeting to postpone and asked the Town Manager to give Council some background on the changes to the Business Park ordinance.

Town Manager Amaral said they conducted a public forum on October 29th and responded to questions. She said she will go through the code proposal but from that discussion, they heard that Martin Road residents are concerned their neighborhood will become a through way for this zone. She said they have updated the code to a 100 ft. buffer which was a boundary change recommended by the Town Council. She said they had multiple conversations with the Martin Road residents and they followed up on any reports of illegal filling.

Town Manager Amaral said they had conversations with the residents regarding the sewer expansion, which was brought up as part of the discussion on the zoning amendments. She said they are looking at anything within the contract that they can do with potential issues of blasting with this particular zoning change. She said the question she had was which board has jurisdiction and requested the Planning Board define uses. She said the Planning Board does have jurisdiction and that the Board of Appeals cannot be appealed to. She said the aggrieved applicant would have to go to Superior Court.

COUNCILOR THOMSON FURTHER MOVED TO AMEND THE ORDINANCE AS PREVIOUSLY AMENDED AND THAT SEC. 16.3.2.10 (D) LINE 121, MINIMUM FRONT SETBACK ON MARTIN ROAD TO BE 100 FT., SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN, WITH SEVEN VOTING IN FAVOR OF THE AMENDMENT. MOTION CARRIES.

Chairperson Spiller asked if there was further discussion.

Councilor Thomson said this has certainly been a long winding road to quote the song and work began well over three years' ago. He said he was Council rep on the Economic Development Committee at the time and one area they wanted to tune in on was what he suggested, a full-time Economic Development Director. He said it took awhile, with changing Managers, but Adam Causey joined us with a priority of looking at all zoning in areas perhaps contrary to State law. He said that both Mr. Causey and the Economic Development Committee have done an excellent job.

Councilor Thomson said the Planning Board spent many hours on the ordinance and Council has had many discussions, they held the required public hearing, and delayed action on the ordinance until they held a public forum on October 29th. He was disappointed at the turn-out but legitimate concerns were raised and addressed that evening. He believes the proposal has been thoroughly vetted. He said the proposed zone will be a net positive for the community and the possibility of something happening. He said he is prepared to vote on this and moved the question.

Vice-Chair Brock said he appreciated Councilor Thomson's summary of the whole process. He said there has been a lot of thinking gone into it before Council and they deferred action to have a public hearing and be more transparent. That said, he asked if he was completely free of concern and stated this is a tough site. He said there are wetlands and vernal pools, but thought that what is being proposed is better than what was offered and he has no problems with it.

Councilor Clark spoke to Mr. Goodsoe's comment and said he is on Vice-Chair Brock's page. He said it is not Mixed Use or nothing, but this is private property and someone owns it and they have a right to develop it. He also thought that it is a better alternative than previously submitted and he wanted to make it clear that he was ready to vote on the proposed changes.

Councilor Denault said he has taken a look at this and, addressing Mr. Goodson, spoke with the neighbors on Martin Road. He said he understands their plight, but this is better and that Council made sure they did everything they could do going forward. He said he has proved himself to the residents of Martin Road and that this is better than what could go in that pit right now.

Councilor Lemont said he would like thank the Planning Board, it's been a long journey for them. He said they had numerous workshops and they addressed his concerns, namely, the height and the extension of the C1 and C2 zones. He said like his fellow Councilors, he believes this is better than what was previously brought forward. He said, with every use, no matter what they propose, it will have to go back to the Planning Board. He said this is not a done deal, and he will be voting for this amendment.

ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

13. NEW BUSINESS:

- a. Donations/gifts received for Council disposition – none
- b. (110218-1) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Spiller asked Councilor Lemont if he reviewed the Town and Sewer payables and are they in order?

Councilor Lemont replied yes, they are in due form.

Chairperson Spiller asked Councilor Pelletier if the School payable is in appropriate form.

Councilor Pelletier replied yes, it is.

Chairperson Spiller read the amounts: Town = \$89,952.35; Sewer = \$11,682.73; School = \$156,494.86 for a total of \$258,129.94.

COUNCILOR THOMSON MOVED THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE. MOTION CARRIES.

- c. (110218-2) The Kittery Town Council moves to accept the resignation of Fran Farr from the Rice Library Building Committee.

COUNCILOR THOMSON MOVED THAT THE KITTEY TOWN COUNCIL ACCEPT THE RESIGNATION OF FRAN FARR FROM THE RICE LIBRARY BUILDING COMMITTEE, WITH THANKS FOR HER SERVICE. COUNCILOR PELLETIER SECONDED THE MOTION.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

d. (110218-3) The Kittery Town Council moves to approve a renewal application from Bedrock Restaurant ENT. INC., 10 Shapleigh Road, Kittery, Maine for a Malt, Vinous and Spirituous License for The Blue Mermaid, 10 Shapleigh Road, Kittery.

Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and found the business to be compliant with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM BEDROCK RESTAURANT ENT. INC., 10 SHAPLEIGH ROAD, KITTERY FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE BLUE MERMAID, 10 SHAPLEIGH ROAD. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

e. (110218-4) The Kittery Town Council moves to approve a renewal application from the Loyal Order of Moose No. 444, 76 U.S. Route 1 Bypass, Kittery, Maine for a Malt, Vinous and Spirituous License for the Loyal Order of Moose, No. 444, 76 U.S. Route 1 Bypass, Kittery, Maine.

Chairperson Spiller said the Code Enforcement Officer has conducted an inspection of the premises and found that the business is in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM THE LOYAL ORDER OF MOOSE NO. 444, 76 U.S. ROUTE ONE BY-PASS, KITTERY FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE LOYAL ORDER OF MOOSE, NO. 444, 76 U.S. ROUTE ONE BY-PASS, KITTERY.

Chairperson Spiller asked if there was any discussion by Council on this item?

Councilor Lemont said, for clarification, line 16 on the application, it is closer to a church than a school.

Chairperson Spiller asked the Town Clerk to make a note of that.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

f. (110218-5) The Kittery Town Council moves to appoint Council members to on-going Council committees.

Chairperson Spiller said she proposes a change of membership on the Comprehensive Plan Update Committee to include the Chair and the Vice-Chair and she will be happy to provide an updated charge at the next meeting. She asked if the Council was comfortable with that change?

COUNCILOR THOMSON MOVED THAT THE LIST OF STANDING AD HOC AND COUNCIL COMMITTEES APPOINTMENTS, WITH THE CHANGE TO THE COMPREHENSIVE PLAN UPDATE COMMITTEE AS NOTED, WITH THE CHAIR AND VICE-CHAIR AS MEMBERS BE APPROVED. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

g. (110218-6) The Kittery Town Council moves to adopt Council Rules for the ensuing year.

Chairperson Spiller said the only change she noted was this should be the “11th edition of Roberts’ Rules”.

COUNCILOR THOMSON MOVED TO ADOPT THE COUNCIL RULES FOR THE ENSUING YEAR WITH THE NOTATION THAT IT IS THE ELEVENTH EDITION OF ROBERTS RULES, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

h. (110218-7) The Kittery Town Council moves to propose a York River resolution.

Chairperson Spiller said she will read the resolution and reminded Council that the Town of York voters recently approved this by a 2-1 margin and a 7-1 margin for the Town of Eliot. She believed that the South Berwick Town Council was considering the resolution this evening.

Chairperson Spiller said that the study has taken place over three years and was created by an Act of Congress.

Chairperson Spiller said they went through the process and it is their understanding of the program that the Federal government is not taking any private land and there will be no changes in the land use. She said each community would have to change the language and the Town of York had a big debate about this question. She said the stewardship plan covers a wide area, 100 miles of the river and streams and the Kittery Water District is part of the committee.

Chairperson Spiller read from the plan and said the primary responsibility is the scenic water wetlands which includes rivers that are on Federal lands. She said this is for the river that goes through private lots to protect the water quality and the land resources.

Chairperson Spiller said there was public notice as to what the Committee was doing and a post card was sent out to everyone in the watershed. She said local access Channel 22 had a presentation on the value of the river and the reason for protecting it played for a long time. She said there also were numerous articles in the newspapers.

Chairperson Spiller read the resolution:

“Kittery Town Council Resolution endorsing Designation of the York River and its major tributaries as a Partnership Wild and Scenic River under the 1968 Wild and Scenic Rivers Act (16 USC 1271-1287) and further, endorsing the York River Study Committee’s proposed York River Watershed Stewardship Plan.

Whereas, the York River is an iconic feature of our region with unique biological, historical, and economic features; and Whereas, the locally-appointed York River Study Committee’s three-year study of the York River watershed documents the importance of the York River’s features to our region;

Whereas, the York River and its tributaries require long-term protection best accomplished through coordinated oversight by the four watershed communities (Kittery, Eliot, South Berwick, and York) with representatives appointed by those communities; and

Whereas, designation does not include any federal acquisition or management of lands; public access on private lands; any changes in land use regulation unless approved by each community; nor any financial obligation on the watershed communities;

Now, therefore, be it resolved that the Kittery Town Council supports designation of the York River and its major tributaries as a Partnership Wild and Scenic River under the 1968 Wild and Scenic Rivers Act and further, the adoption of the York River Study Committee’s proposed York River Watershed Stewardship Plan. “

COUNCILOR PELLETIER MOVED THE RESOLUTION, ENDORSING DESIGNATION OF THE YORK RIVER AND ITS MAJOR TRIBUTARIES AS A PARTNERSHIP WILD AND SCENIC RIVER, SECONDED BY COUNCILOR THOMSON.

Chairperson Spiller asked if there was any discussion by Council?

Councilor Denault responded for the record, he was reserved when this started coming forward as another attempt of the Federal Government to get involved in local matter and wanted to know if Chair Spiller was a Council rep on the Committee at the time?

Chairperson Spiller replied yes, she was.

Councilor Denault said as this went on, and Councilor Spiller brought back reports, a lot of his questions were answered. He said that Mr. Harris was at the podium and he wanted to share an e-mail he received from Mr. Dow, inviting him and now he is not here. He thanked Chairperson Spiller for bringing forth this information and said he will support the resolution.

Chairperson Spiller said she met with the Director of the Dept. of the Interior one year ago to go over the programs.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

i. (110218-8) The Kittery Town Council moves to approve and sign the policy on the Treasurer's Disbursement Warrants for Employee Wages and Benefits, designating three Councilors who may review, approve and sign such warrants, to expire on November 30, 2019.

COUNCILOR THOMSON MOVED TO APPROVE AND SIGN THE POLICY ON THE TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND BENEFITS, DESIGNATING COUNCILORS THOMSON, CLARK OR PELLETIER WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2019. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. MOTION CARRIES.

j. (110218-9) The Kittery Town Council moves to approve and sign the policy on Treasurer's Disbursement Warrants for Municipal Expenses, designating three Councilors who may review, approve and sign such warrants, to expire on November 30, 2019.

COUNCILOR THOMSON MOVED TO APPROVE AND SIGN THE POLICY ON THE TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL EXPENSES, DESIGNATING COUNCILORS CLARK, DENAULT OR LEMONT WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2019, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller wanted to know if Councilor Clark has had the benefit of anyone sitting down with him to explain the process?

Town Manager Amaral and Councilor Clark replied yes.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

k. (110218-10) The Kittery Town Council moves to approve and sign the School Department policy on the General Disbursement Warrants for Educational Expenses, designating three Councilors who may review, approve and sign such warrants, to expire on November 30, 2019.

COUNCILOR THOMSON MOVED TO APPROVE AND SIGN THE SCHOOL DEPARTMENT POLICY ON THE GENERAL DISBURSEMENT WARRANTS FOR EDUCATIONAL EXPENSES, DESIGNATING COUNCILORS PELLETIER, THOMSON OR BROCK WHO MAY REVIEW, APPROVE AND SIGN SUCH WARRANTS, TO EXPIRE ON NOVEMBER 30, 2019.

l. (110218-11) The Kittery Town Council moves to appoint Brian Kilroy to serve as a full member on the Kittery Community Center Board of Directors until 12/31/2021.

COUNCILOR PELLETIER MOVED THAT THE KITTEY TOWN COUNCIL APPOINT BRIAN KILROY TO SERVE AS A FULL MEMBER ON THE KITTEY COMMUNITY CENTER BOARD OF DIRECTORS UNTIL 12/31/2021, SECONDED BY VICE-CHAIRPERSON BROCK.

Vice-Chairperson Brock said he met with the Chair to interview Mr. Kilroy and he thought he will be an excellent candidate. He said he has experience in School and labor negotiations.

ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS

Chairperson Spiller asked if anyone had any comments they wanted to share.

Councilor Thomson said he was somewhat disappointed with some of Mr. Alesse's comments during the interview process. He said he is not the Chairman but as to the matter of the appointment process, he felt it was not necessary.

Councilor Denault said he shared Councilor Thomson's comments on Mr. Alesse's remarks. He had a couple of people who passed away recently he wanted to recognize: John Penney, Martin Road, who served in the Korean War and worked at the Shipyard, and Kevin Niles, Jr. who was coach for the Traip Soccer team. He said their thoughts and hearts are with the families at this time.

Chairperson Spiller said she was approached by a resident who is concerned about the hunting in Kittery and the impact on the deer and also another resident who was concerned about the fireworks and the town needs to control the use of them.

Chairperson Spiller said another resident approached her about the traffic signal on Walker and State Road and also Government Street and State Road, which is a chronic problem. She said that when the pedestrian hits the button and starts walking across, the traffic does not stop.

Councilor Denault said he brought that issue up last year.

Chairperson Spiller said she brought it up 1 ½ years ago.

Councilor Denault replied "you got me!" He said that the ladies who worked at Bagel Caboose complained about that and if it still is not fixed something should be done.

Chairperson Spiller asked the Town Manager if she would look into that.

Town Manager Amaral asked if they were looking at the signal so people can turn on red, the concurrent signal.

Chairperson Spiller responded no, the signal so the pedestrians can cross the road.

Town Manager Amaral replied that is the design of the intersection – it is not a mistake. She said it is engineered to function that way as per Federal standards. She said it can be looked at as part of the Walker Street project, when they get into that point, but it is not broken. She said we would have to request the State to turn away from Federal Standards that are a guide.

Chairperson Spiller said perhaps they can discuss this when they are addressing the Foreside area.

15. COMMITTEE AND OTHER REPORTS:

Chairperson Spiller reminded everyone about the Holiday Parade at 3:00 p.m. on Saturday, Dec. 1st.

Chairperson Spiller said that she, Vice-Chair Brock and the Town Manager will be meeting with the York Select Board to discuss the boundary dispute between York and Kittery.

There were no Committee reports.

16. EXECUTIVE SESSION

Chairperson Spiller said they do have an Executive Session this evening.

Councilor Thomson asked if the Chair anticipated any action being taken in public or will that be on another agenda?

Chairperson Spiller said that action will be taken at the December 10th meeting.

(110218-12) The Kittery Town Council moves to go into Executive Session in accordance with 1 M.R.S. §405 (6) (D) to discuss the Town Manager's contract.

COUNCILOR THOMSON MOVED TO ENTER EXECUTIVE SESSION AT 7:15 PM IN ACCORDANCE WITH 1 M.R.S. §405 (6) (D) TO DISCUSS THE TOWN MANAGER'S CONTRACT. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

COUNCILOR THOMSON MOVED TO COME OUT OF EXECUTIVE SESSION AT 7:50 P.M., SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED MOTION CARRIES.

17. ADJOURNMENT

COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:51 PM., SECONDED BY COUNCILOR LEMONT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, NONE OPPOSED, MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano,
Recording Secretary
Approved 1-14-19