

**Kittery Town Council
Regular Meeting
January 14, 2019 – 6:00 p.m.
Town 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, Kenneth Lemont, Cyrus Clark, Vice-Chair Matthew Brock and Chairperson Judy Spiller.
5. Agenda Amendment and Adoption: Chairperson Spiller asked if there were any changes to the agenda? Hearing none, she cast one vote in favor of approving the agenda as written.
6. Town Manager's Report: Town Manager Amaral reviewed how they did with the 2018 Town Manager and Town Council goals, what has been accomplished and what is still being worked on. She said they passed zoning amendments for the transition of the Business Park to the Mixed-Use neighborhood, approved parking amendments and hopefully simplified Title 16 recodification so the applicants will no what is expected of them.

Town Manager Amaral said 5 people have applied for the Circuit Breaker Program and they are working on what is the next step regarding foreclosure on the properties. She said the State changed the tax lien law and added steps, so they need to go back through the town's policies so they reflect the current law in place.

Town Manager Amaral said they are working on Title 4 which covers Boards and Committees and the proposed changes have been sent out.

Town Manager Amaral said they are prioritizing employee safety and the MOD rate is 1.23, and they are trying to get that figure below one to reduce the costs of Workers' Comp.

Town Manager Amaral addressed the 2019 goals and said they are working on a joint land use study with the Shipyard and a delegation of planning agencies in the Seacoast area. She said the two groups are working together and will leave the Shipyard at the same time the employees' shifts end, so they can get an idea of the impact of the traffic.

Town Manager Amaral said that Scott Design Architects have been chosen for the expansion of the library and they are finalizing the contract. She said they will be kicking off the project this month. She said she has reviewed the draft Memorandum of Understanding and the library is doing an internal review so they understand what happens to their assets and their staff.

Town Manager Amaral said that the Rte. 236 traffic study is being funded through K.A.C.T.S. to address the traffic situation they have seen. She said this will be a joint project with the Town of Eliot.

Town Manager Amaral said that with the new State administration and Legislative delegation, there is an opportunity for the town to connect with the leaders in Augusta to establish a collaboration. She said she would like to send a letter to Governor Mills to open the lines of communication. She said she is asking for Council consensus to send the letter. She said she will schedule a time for local representatives Meyer and Rykerson and Senator Lawrence to meet with the Town Council.

Town Manager Amaral said that she was contacted by Leanne Timberlake at MDOT and the workshop requested by Councilor Thomson is scheduled for January 28th, where she will provide an update on the major high-level bridge project.

Town Manager Amaral said that Police Chief Richter is having "Coffee with the Chief" on January 29th at the Kittery Community Center. She said he is planning on having these sessions later in the afternoon or evenings so more people will be able to attend and meet him. She said it will be 4:00 pm – 7:00 pm and all are invited.

Town Manager Amaral reminded dog owners that the dog license renewals are due by January 31st.

Chairperson Spiller thanked Town Manager Amaral for an update on last year's goals and asked Council if they had any questions.

Councilor Lemont said, through the Chair, he had a recommendation or an idea that the new Governor could potentially receive 480 letters and it would be easy to get a generic letter back. He said he was sure, although he could not speak for Senator Lawrence, that he would be amenable to inviting our Town Manager to Augusta for an audience with the new Governor. He said that maybe we could start by reaching out to Senator Lawrence.

Chairperson Spiller said good idea and thanked Councilor Lemont. She said the voice of experience.

Councilor Thomson asked the Town Manager, through the Chair, if she could give us the status on the Sewer Superintendent search as well as the Finance Director?

Town Manager Amaral responded that they made an offer to the candidate for the Finance Director and this person will start the first week of February. She said she does not intend to announce the name until that person shows up.

Town Manager Amaral said she is having a challenge with the Superintendent of Sewer Services. She said they are required to have a Grade 4 License. She said they have had conversations with local engineering firms to get a part-time support person in the meantime.

Chairperson Spiller requested an update on the John Paul Jones Park.

Town Manager Amaral said that, to those who know where it is, the State needs to sign off on the Park to turn it over to the town. She said she has not reached out to the Governor's office. She said it was not finalized under the prior administration, but is on the list.

Town Manager Amaral said in the interim, the State has fixed up the bronze Memorial and will paint the flagpole.

Chairperson Spiller said she believed that several of us have spoken with Rep. Rykerson to move ahead with that. She asked about a date for a recodification workshop and Town Manager Amaral replied that they are still finalizing that.

Councilor Denault, to the Town Manager, through the Chair, wanted to know if there is a way they can explain to the public the benefits of this? He said he has received e-mails from residents who are concerned, asking what is the benefit to the Town of Kittery with the \$12,000 repair of the monument? He said it does not bring anything into the tax base. He said they should get information out to the public because he cannot answer that question. He said if they take it over, the town will get saddled with the cost for maintaining the park and they use it for the tree lighting.

Vice-Chair Brock said he had a follow-up question, to the Town Manager, through the Chair, regarding the recodification of Title 16. He said he is a little unclear of the purpose and wanted to know if they were making it more user-friendly? He said they have a process and asked if these amendments are deep, substantial changes in the ordinance?

Town Manager Amaral responded they are making it more user-friendly. She said they are looking at the allowable use and the setbacks to find a better way to make it clearer, especially in getting waivers, and what conditions need to be met, etc.

Vice-Chair Brock said if there are any substantive changes, to highlight them for Council.

Town Manager Amaral said that she would do that.

Councilor Lemont said he wanted to be proactive and contacted the Governor's office and was assured that Governor Mills would follow-up on the Legislation passed regarding the John Paul Jones Park and he should have an answer by the end of the week.

Councilor Lemont said he wanted to echo Councilor Denault's comments regarding what is the benefit to the town if they take over the Park? He said they will have to take care of any damage, downed trees, etc. and we can use it any time we want to now.

Chairperson Spiller said she thought the Town was already doing the maintenance.

Councilor Lemont said that if the State was pressured to do something, they would have to do it.

Councilor Thomson said he believed there was a formal maintenance agreement between the Town and the State but it has expired and has not been renewed.

Councilor Lemont thanked Council Thomson.

7. Acceptance of Previous Minutes:

- November 14, 2018 Regular Minutes - corrections were made.

All in favor by a voice vote to accept the minutes of November 14th as amended.

- November 26, 2018 Regular Minutes – corrections were made.

All in favor by a voice vote to accept the minutes of November 26th as amended.

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 officials.

(010119-1) The Kittery Town Council moves to hear a report from a member of the Kittery Conservation Commission on the town of Kittery's Adopt-A-Road Program.

Chairperson Spiller said that Susan Emery, co-founder of the Adopt-a-Road program, has given Town Council documents and will give us a presentation.

Ms. Emery said that, in the Fall of 2017, after 21 years, she and Janet Gourley, Co-Chairs of the Kittery Adopt-a-Road Program, remanded the program back to the Conservation Commission. She said at the

time of their last report, they had 32 confirmed adopters cleaning 46 roads or road sections with 4 other adopters cleaning 13 roads or road sections still needing to be tracked down. She said that 2017 had been a banner year with 7 new adopters adopting 10 roads or sections.

Ms. Emery said that each new adopter was provided with a copy of the program summary sheet, the adoption agreement, which included a great deal of safety information, which had to be reviewed before the agreement was signed as well as a Safety Checklist which had to be reviewed with the clean-up group prior to cleaning and a Safety Signature Sheet which had to be signed by all.

Ms. Emery said she had a few concerns: first, the Groups Process Form to be signed on clean-up day after reviewing the safety guidelines have been eliminated. She said that Chairperson Spiller mentioned there has been no group clean-ups in 7-8 years. She said groups have been a big part of the clean-up over the years.

Ms. Emery said, secondly, the new process says "clean at least 2-3 times a year." She said the original version specified "three times a year: April (Earth Day month); August (remove summer litter) and November (before winter). She thinks that volunteers need specific guidelines.

Ms. Emery noted that there is no termination form for anyone who wants to leave the program. She requested that all the documents she provided be entered into the record.

Chairperson Spiller said when she spoke with Ms. Emery on the phone, she did not think there had been any clean-ups that she was aware of. She asked Earle Dean Wells, Chair of the Conservation Commission if she would like to come to the podium to speak.

Ms. Wells said that in November 2017 the KCC, as a group, decided to get the Adopt-A-Road list computerized and made available to all members and get all the information on the town's website. She thanked Suzanne Esposito for her help in enabling them to do that so if anyone was interested in the Adopt-a-Road program, they should go to the town's website.

Ms. Wells said that although Ms. Emery had called her to say she had signed waivers, she never got any, so they had sent out new ones to have them signed and returned. She said there are several adopters who are groups, such as Beach Pea, and other organizations, so maybe, they did not do it right. She said there is a communication person for each of the groups and if that person needs to sign the waiver, they can send it out this week. She asked that Council look at it and let them know if they have to re-do it. She said they reduced the documents down to 14 pages.

Chairperson Spiller asked the Town Manager if she provides the "Waiver of Liability"?

Town Manager Amaral responded it was provided. She said she contacted Maine Municipal Association to get their guidance on the form and will use it on the waivers.

Councilor Denault asked Ms. Wells if the KCC has reached out to Ms. Emery to get her institutional knowledge.

Ms. Wells responded they have reached out – and to staff – on a number of occasions.

Councilor Thomson wanted to know how active is this program?

Ms. Wells responded they have three mandatory clean-ups. She said that people clean up consistently while on their walks.

Councilor Thomson said he has never seen anyone cleaning up on Cook Street or on Old Post Road.

Ms. Wells said she was not aware of it.

Councilor Thomson said there is an "Adopt-A-Road" sign by his mailbox and asked if it is active as indicated?

Ms. Wells replied if they find out someone has given up a road, then they indicate that. She said there is a gentleman who is working on a map which will tell us all the roads that are available and the ones which have been adopted.

Councilor Clark indicated to Ms. Emery he did not have the 2 major pieces she pointed out.

Ms. Emery said that Council was supposed to have gotten a copy of the old plan.

Councilor Clark said okay.

Ms. Emery went on to indicate the forms that were included and said that her biggest concern was she did not think all the details were being specifically spelled out in the new version, especially involving safety issues. She said the other concern was that clean-up would take place three times a year, in April, August and November. She did not think it should be eliminated but it was up to the current team.

Chairperson Spiller suggested adding the Safety Checklist to the website so people can be aware. She also asked that the KCC work with any of the groups to make sure when they go out, all the people volunteering sign the waiver.

Chairperson Spiller asked the Town Manager to work with Earle Wells and the Conservation Commission to get this reviewed and decide what needed to be added to the packet.

10. PUBLIC HEARINGS:

a. (010119-2) The Kittery Town Council moves to hold a public hearing and ordain amendments to Title 8 – Blasting.

Chairperson Spiller asked the Town Manager to give Council some background on the changes.

Town Manager Amaral said these changes were brought forward by the Fire Chief to create consistencies and refers to State requirements and industry standards for safe blasting operations.

Town Manager Amaral said they heard issues brought forth by residents of Martin Road with the Business Park /Mixed-Use Zone and concerns about blasting for the sewer expansion project.

Chairperson Spiller opened the public hearing at 6:54 pm and asked if anyone wished to speak to, for or against the changes. Hearing none, she closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001 AND SEC. 2.07 (3) OF THE TOWN CHARTER, HEREBY ORDAINS AMENDMENTS TO TITLE 8: BLASTING, AS PUBLICLY HEARD AND PRESENTED THIS EVENING, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

b. (010119-3) The Kittery Town Council moves to hold a public hearing to consider an application from the Loyal Order of Moose Lodge #444 for a Special Activity Amusement Permit for The Loyal Order of Moose Lodge #444, 76 U.S. Route 1 Bypass, Kittery.

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

Chairperson Spiller opened the public hearing at 6:55 pm and asked if anyone wished to speak to, for or against the application. Hearing none, she closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM THE LOYAL ORDER OF MOOSE LODGE #444 FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE LOYAL ORDER OF MOOSE LODGE #444, 76 U.S. ROUTE ONE BYPASS, KITTERY. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (010119-4) The Kittery Town Council moves to hold a public hearing to consider an application for a Victualer's License from Chick-fil-A, 286 Turnpike Road, Westboro, MA 01581 for Chick-fil-A (mobile food truck).

Chairperson Spiller opened the public hearing at 6:56 p.m. and asked if anyone wished to speak to, for or against the application. Hearing none, she closed the public hearing.

COUNCILOR DENAULT MOVED THAT THE TOWN COUNCIL APPROVE THE APPLICATION FOR A VICTUALER'S LICENSE FROM CHICK-FIL-A, 286 TURNPIKE ROAD, WESTBORO, MA FOR THE CHICK-FIL-A (MOBILE FOOD TRUCK), SECONDED BY COUNCILOR CLARK.

Chairperson Spiller asked if there was any discussion?

Councilor Lemont said that the Town Council was always notified of where the mobile truck was going to be located and wanted to know if this is a year-round business?

Ms. Maurice said the license is for one year and once she gets permission from the property owners, she will bring that information forth to the Town Council.

Councilor Lemont wanted to know if they have a location at this time.

Ms. Maurice replied no, there is no location at this time.

Councilor Lemont said he sees this as a way for someone to avoid property taxes and reduce overhead.

Councilor Thomson said when these other businesses came before us for similar licenses, they listed the actual location of where they will be.

Ms. Maurice said that is where it varies – Mobile Food Units have specific times and locations where they travel throughout the day and this will be for a specific time for that day.

Councilor Denault said he has received 3-4 e-mails from people interested in this. He said Chick-Fil-A is a big organization and he does not see any problems with it.

Councilor Lemont said there is no way this business should be able to come into town and not follow the process. He said he shares Councilor Thomson's concerns, and, going forward, Ms. Maurice should get more information for the Town Council.

ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR, TWO IN OPPOSITION (COUNCILOR THOMSON AND COUNCILOR LEMONT), 5-2, MOTION CARRIES.

11. DISCUSSION:

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

Chairperson Spiller opened the floor and asked if anyone wishing to speak please go to the podium and give us your name and address.

Julie O'Connell asked if Council will be discussing the increase rates for Fort Foster?

Chairperson Spiller replied that is on the agenda.

Ms. O'Connell wanted to know that the rate is going from \$10 to \$20 for a car, if that is correct?

Chairperson Spiller responded yes.

Ms. O'Connell said \$20 to go to a park is high, and asked why not \$15? She said if this was Massachusetts, it would be reasonable, but this is not Massachusetts. She said this will discourage people from going to Fort Foster and that it seems like it would impact people from town and not so much tourists.

Chairperson Spiller said they will be discussing this later on but it is important to note that the fees are for non-residents. She said last summer, they had 31,000 adults with 2,700 dogs.

12. UNFINISHED BUSINESS: none

13. NEW BUSINESS:

- a. Donations/gifts received for Council disposition:

(010119-5) The Kittery Town Council moves to accept a donation in the amount of \$300.00 from Staritch Foundation Inc. to be deposited into the Kittery Community Center Fundraising Acct. #2063.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL ACCEPT A DONTION IN THE AMOUNT OF \$300.00 FROM STARITCH FOUNDATION INC., TO BE DEPOSITED INTO THE KITTERY COMMUNITY CENTER FUNDRAISING ACCT. #2063, WITH THE APPROPRIATE THANK YOU, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked for any discussion?

Councilor Lemont said he "googled" Staritch Foundation and could not find out much about this organization. He said it would be nice to know in the future who these people are.

ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED, MOTION CARRIES.

- b. (010119-6) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Spiller asked Councilor Clark if the Town and Sewer payables reviewed by him were in appropriate form and he replied that they were.

Chairperson Spiller asked Councilor Pelletier if the School payables reviewed were in appropriate form.

Councilor Pelletier responded yes, they were.

Chairperson Spiller read the amounts as follows: Town = \$205,544.71; Sewer = \$4,732.26; and School = \$120,244.26; \$442,993.64; \$65,452.82 for a total \$838,967.69.

COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (010119-7) The Kittery Town Council moves to approve a (renewal) application from Weathervane Seafoods, Inc. for a Malt, Vinous and Spirituous Liquor License for Weathervane Seafoods, 306 U.S. Route 1, Kittery.

Chairperson Spiller said the Code Enforcement Officer has inspected the establishment and found it to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM WEATHERVANE SEAFOODS, INC. FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR WEATHERVANE SEAFOODS, 306 U.S. ROUTE ONE, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

d. (010119-8) The Kittery Town Council moves to approve a (renewal) application from The Ares, LLC, for a Malt and Vinous Liquor License for AJ's Wood Grill Pizza, 68 Wallingford Square, Kittery.

Chairperson Spiller said the Code Enforcement Officer has inspected the establishment and found it to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM THE ARES, LLC FOR A MALT AND VINOUS LIQUOR LICENSE FOR AJ'S WOOD GRILL PIZZA, 68 WALLINGFORD SQUARE, KITTERY. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

e. (010119-9) The Kittery Town Council moves to release funds in the amount of \$1,000 from unassigned surplus and deposit said amount into account #101740-28247 – Expense Self-Insurance Claims Coverage, to cover the cost of the deductible for an insurance claim.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL RELEASE FUNDS IN THE AMOUNT OF \$1,000 FROM UNASSIGNED SURPLUS AND DEPOSIT SAID AMOUNT INTO ACCOUNT #101740-28247 – EXPENSE SELF-INSURANCE CLAIMS COVERAGE, TO COVER THE COST OF THE DEDUCTIBLE FOR AN INSURANCE CLAIM, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

f. (010119-10) The Kittery Town Council moves to schedule a public hearing on proposed amendments to Title 2 – Fire Department.

COUNCILOR THOMSON MOVED TO SCHEDULE THE PUBLIC HEARING FOR JANUARY 28TH ON THE PROPOSED AMENDMENTS TO TITLE 2 – FIRE DEPT., SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

g. (010119-11) The Kittery Town Council moves to approve the 2019 Town Council and Town Manager Goals, and FY '20 Budget Goals.

Chairperson Spiller said they all have a copy of the goals and she said she would read them very quickly. She asked if anyone had any comments?

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE 2019 TOWN COUNCIL GOALS, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked if there was any discussion.

Vice-Chair Brock said the three library committees are listed under the Town Council goals, but the Taylor Building Committee is not included under the goals. He wanted to know why isn't the Taylor Building Committee a part of the goals.

Chairperson Spiller asked Vice-Chair Brock if he would like to amend the motion to include the Taylor Building Committee?

Vice-Chair Brock said it should be included under the Town Manager's goals.

Chairperson Spiller asked the maker of the motion and the second if they would approve including that language in the motion?

Both Councilor Thomson and Councilor Pelletier agreed.

COUNCILOR THOMSON MOVED TO AMEND THE MOTION TO APPROVE THE 2019 TOWN COUNCIL GOALS, WITH THE ADDITION OF THE TAYLOR BUILDING COMMITTEE, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, NONE OPPOSED, MOTION CARRIES.

Chairperson Spiller read the 2019 Town Manager's goals.

Councilor Thomson noted that the Fire Chief's position would be moving from part-time to full-time and they should attempt to accomplish this and start work reasonably soon.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL ENDORSE THE 2019 TOWN MANAGER'S GOALS, SECONDED BY COUNCILOR DENAULT.

Chairperson Spiller asked for discussion.

Councilor Lemont noted one correction on line 26, the word "evaluation" should be changed to "evaluate."

ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED, MOTION CARRIES.

Chairperson Spiller read the FY '20 Budget Goals.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL ENDORSE THE FY'20 BUDGET GOALS, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, MOTION CARRIES.

h. (010119-12) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Shellfish Conservation Committee to interview Jean Treacy for reappointment to that board until 12/31/21.

COUNCILOR THOMSON MOVED TO RE-APPOINT JEAN TREACY TO THE SHELLFISH CONSERVATION COMMISSION WITHOUT THE BENEFIT OF AN INTERVIEW, HER TERM TO

EXPIRE ON 12/31/21. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

i. (010119-13) The Kittery Town Council moves to approve amendments to Appendix A – Fort Foster Fees.

Chairperson Spiller asked the Town Manager to give Council some background on this.

Town Manager Amaral said the Parks Commission has spent a great deal of time looking at fees and visitors as well as the Park Management Plan and had several discussions. She said the members agreed that there needed to be some increase in fees to support the Capital Improvement projects at the park and upkeep. She said Rich DeMarco is here tonight.

Mr. DeMarco said they discussed the projects and how they will be done, some would be in-kind, but they were not certain how much the first year. He said they looked at Schedule A, and they decided to add to the fees.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL APPROVE THE RESTRUCTURING OF THE FEE SCHEDULE FOR FORT FOSTER AS PRESENTED, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked for discussion.

Councilor Thomson said through the Chair, to the Town Manager that he wanted to amend season passes to add “6” regarding a pass for a non-resident bringing a dog would be \$30 day and a season pass would be \$125, duplicate or replacement passes would be “\$10 with a dog” and for a non-resident “\$50” with a dog, and the single day pass for a vehicle and occupants with a dog would be \$35, for an adult with a dog or a child with a dog, 19-passenger recreational vehicle with a dog, \$75.

Councilor Thomson further stated that the small pavilion rental for 35 people would be \$175 and if they bring one or more dogs, would be \$50 a dog and it would be \$425 for the larger pavilion with 100 people and dogs.

Chairperson Spiller asked Councilor Thomson what about senior residents bringing dogs?

Councilor Thomson said that would be \$10 for the dog.

Town Manager Amaral said that the small and large pavilion rental do not include the entrance fees. She asked would they have to pay that?

Councilor Thomson said he would give her that one.

Councilor Pelletier said he would second the motion to support the discussion.

COUNCILOR THOMSON MOVED TO AMEND THE FEE SCHEDULE FOR SEASON PASSES TO ADD “6” REGARDING A PASS FOR A NON-RESIDENT BRINGING A DOG WOULD BE \$30 DAY AND A SEASON PASS WOULD BE \$125, DUPLICATE OR REPLACEMENT PASSES WOULD BE “\$10 WITH A DOG” AND FOR A NON-RESIDENT “\$50” WITH A DOG, AND THE SINGLE DAY PASS FOR A VEHICLE AND OCCUPANTS WITH A DOG WOULD BE \$35, FOR AN ADULT WITH A DOG OR A CHILD WITH A DOG, 19-PASSENGER RECREATIONAL VEHICLE WITH A DOG, \$75. SENIOR RESIDENTS WITH DOG \$10. THE SMALL PAVILION RENTAL FOR 35 PEOPLE WOULD BE \$175 AND IF THEY BRING ONE OR MORE DOGS, WOULD BE \$50 A DOG AND IT WOULD BE \$425 FOR THE LARGER PAVILION WITH 100 PEOPLE AND DOGS. COUNCILOR PELLETIER SECONDED THE MOTION.

Councilor Thomson said the reason why he initiated the amendment is because when they meet periodically with the Parks Commission to discuss fees they spend time talking about dogs. He said, he will report again that Fort Foster is a human recreation area and if we allow dogs, we will need more police and waste disposal bins. He said this amendment would provide additional revenue for this. He said people going to Fort Foster who do not have a dog can enjoy the park without it being diminished by people with dogs.

Councilor Denault said he likes the approach, but was wondering if there should not be a set number, say a 25% surcharge for people with dogs.

Councilor Lemont asked if Rich DeMarco could come back up to the podium so they could ask questions.

Vice-Chair Brock said he does not support the fee schedule offered by Councilor Thomson. He thought that what he had proposed in the past was waste disposal bins but that went nowhere. He said there has been significantly better compliance than 10 years ago. He said he favors giving people more opportunity to comply, possibly diminishing the experience of the non-dog owner, but that is speculative.

Vice-Chair Brock said Councilor Thomson did not offer a foundation for his amendment, other than he does not want dogs at the park. Having said that, he said there was discussion about regular enforcement at Fort Foster, but he did not know the cost for an additional officer and if the fees proposed would cover that. He thought that compliance with park rules is good, not just dogs. He thought it is wrong to put the burden on the backs of dog owners.

Rich DeMarco said, for clarification, a duplicate fee is not only for a lost pass, but also if someone has a second vehicle, and instead of buying two passes for the same family, they can buy a duplicate. He said that in 2000, the number of dogs mentioned the day pass visitors as 3,000 for the season, but after doing more research and getting data to report back to Council at the end of the year, more directed toward dogs, he would like to revisit that.

Mr. DeMarco said the Parks Commission will set up joint meetings to discuss this and make a recommendation.

Vice-Chair Brock asked if an additional Police Officer is being considered?

Mr. DeMarco said the increase in fees would relate to Public Works and the Police Dept., he would defer to the Town Manager for more details.

Councilor Thomson said if it meets the agreement of the second for the motion, he wanted to talk about this issue, and thought may sticker shock would make some folks address this problem. He said he would like to withdraw his amendment.

Councilor Pelletier, as the Second for the motion, agreed with the withdrawal.

COUNCILOR THOMSON WITHDREW HIS MOTION. COUNCILOR PELLETIER WITHDREW HIS SECOND TO THE MOTION.

Councilor Pelletier said he does not own a dog, but family members do, and take the dogs to Fort Foster. He said as a parent of a grown child with a dog at Fort Foster, he appreciates both sides and would not support the motion to increase the fees. He thought they should engage in looking at the issue rather than penalizing everyone, and as conversations continue on enforcement, consider less onerous restrictions on pet owners and more enforcement of the rules. He said if a dog is off leash, the owner

and dog should be expelled from the park, and if it continues, they should be banned from the park, but don't penalize those owners who have their dogs on a leash.

Chairperson Spiller said this year, there will be more enforcement at Fort Foster because it is still a problem. She said banning dogs is effective, but it is centered around enforcement. She said to all who visit with dogs – clean up after your dog!

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

j. (010119-14) The Kittery Town Council moves to appoint Nicole Maurice as Registrar of Voters until 12/31/20.

COUNCILOR THOMSON MOVED THE TOWN COUNCIL APPOINT NICOLE MAURICE AS REGISTRAR OF VOTERS UNTIL 12/31/20, SECONDED BY COUNCILOR CLARK. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

k. (010119-15) The Kittery Town Council moves to approve an application from the Kittery Outlets for their 2019 Sales Events:

- Memorial Day Sale – May 24-27
- July 4th Sale Weekend – July 4-7
- Back to School Event – August 9-12
- Labor Day Sale Event – August 30 – September 2
- Columbus Day Sale – October 11-14

COUNCILOR THOMSON MOVED THE TOWN COUNCIL APPROVED THE PROPOSED DATES FOR THE KITTEY OUTLETS 2019 SALES EVENTS, SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED, MOTION CARRIES.

l. (010119-16) The Kittery Town Council moves to authorize the release of funds in the amount of \$6,380.00 from the Wetlands Preservation Fee fund for phase 2 of the Fort Foster Invasive Species Management Plan.

Chairperson Spiller said that Council has a copy of a letter from the Town Manager with comments from Shaye Robbins, who has provided information. She said there was a second public hearing to authorize using Wetlands Mitigation Funds.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$6,380 FROM THE WETLANDS PRESERVATION FEE FUND FOR PHASE TWO OF THE FORT FOSTER INVASIVE SPECIES MANAGEMENT PLAN, AS REQUESTED. COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Spiller asked Ms. Robbins why is it important to remove and control the invasive species.

Ms. Robbins replied so the native plants will have more space to grow. She said there are different types of invasive species and they encroach upon the native plants and do not allow them to rejuvenate.

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

m. (010119-17) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Cassandra O'Brian to move from an associate member to a full member of that board with her term expiring on 12/31/22.

Chairperson Spiller recognized Councilor Thomson.

Councilor Thomson asked if the appointment date should not be 12/31/21 and was "22" a typo?

Chairperson Spiller said she thought it was a typo.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPOINT CASSANDRA O'BRIAN AS A FULL MEMBER, MOVING FROM AN ASSOCIATE MEMBERSHIP ON THE CONSERVATION COMMISSION, WITHOUT THE BENEFIT OF AN INTERVIEW, UNTIL 12/31/21. COUNCILOR PELLETIER SECONDED MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

n. (010119-18) The Kittery Town Council moves to approve a application from BNKittery LLC, for a Malt, Vinous and Spirituous Liquor License for The Farm Bar and Grille, 57 State Road, Kittery.

Chairperson Spiller said that the Code Enforcement Officer has inspected the establishment and found it to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM BNKITTERY LLC FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE FARM BAR AND GRILLE, 57 STATE ROAD, KITTERY, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked for any discussion.

Councilor Denault said he would like to echo the words of former Councilor Frank Dennett and ask if this is a new application? He said the box stating "yes" or "no" is not checked off. He said #2, Gross Income is correctly filled out. He asked if this could be corrected?

Chairperson Spiller said the application is not complete and wanted to know if they should postpone taking action on it?

Councilor Pelletier said they should move forward with this application.

Chairperson Spiller noted it says expires 1/25/19 on the application, so it is not a new application.

Councilor Pelletier we should indicate our desire that the applications be complete in the future.

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

o. (010119-19) The Kittery Town Council moves to approve a application from Tasty Thai Inc. for a Malt, Vinous and Spirituous Liquor License for Tasty Thai, 182 State Road, Kittery.

Chairperson Spiller said the Code Enforcement Officer has inspected the establishment and found it to be in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE APPLICATION FROM TASTY THAI INC. FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR TASTY THAI, 182 STATE ROAD, KITTERY, SECONDED BY COUNCILOR PELLETIER.

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

14. COUNCILOR ISSUES OR COMMENTS:

Councilor Lemont wanted to know if the workshop that is scheduled for Feb. 25th on Adult Use Medical Marijuana is restricted to only medical marijuana and not retail?

Chairperson Spiller said that Council will be talking about all marijuana.

Councilor Lemont said Council took action in August 2017 not to allow retail marijuana in town, and the voters approved the non-binding referendum to allow retail stores for marijuana. He said he still objects to this because there will be no revenue coming from the State. He said if we have this workshop, people could read into this concern that the Legislators are watching this. He hoped they did not move forward and recognize there is a hardship with this and wanted to know if they are ready for impacts on public safety and infrastructure?

Chairperson Spiller said as a private citizen she agreed with Councilor Lemont, but the town has voted to consider retail stores and she thought they would have to respond.

Councilor Denault wanted to know, through the Chair, to the Town Manager, the date specific for when the Boston Post Cane is awarded?

Town Manager Amaral said it is awarded to the oldest resident in town and stays with that person until he/she passes away. She said they then put a notice out that the town is looking for the oldest resident and advertise.

Councilor Thomson wanted to follow up on Councilor Lemont's comments and wanted to know if the municipality has to opt in to retail (marijuana) establishments and is that something the Council would vote on? He said he knows the community had a non-binding vote, but if nothing else happens, he wanted to know if status quo remains, is this correct?

Town Manager Amaral replied yes.

Councilor Thomson said a great job on Badger's Island but people are not hitting the button to make the light flash at the crosswalk.

Councilor Thomson said he was approached by a few people regarding recycling plastics at the Solid Waste Transfer Facility. He said they feel badly because they are putting things in the wrong bins and this causes extra work for the attendants. He wanted to know if the committee might be able to make up a better sign with examples of the plastics and instructions for the people?

Councilor Thomson said could they address violations of the property maintenance ordinance? He said there is one property in Kittery that has at least 2 dozen snowmobiles on the front lawn and another that has scrap metal on their lawn.

Chairperson Spiller spoke to the Seacoast Environmental Film Festival, which was a huge success!

Chairperson Spiller said that the Town of Eliot has compost bins at the Transfer Station and asked the Town Manager if she could check with the Public Works Director to see if bins couldn't be provided?

Chairperson Spiller said that on Jan. 25th at 5:30 pm at the York Library there is a video on renewable energy and a movie at 3:00 p.m. on Jan. 20th at the York Library on Dr. Martin Luther King Jr.

15. COMMITTEE AND OTHER REPORTS:

Chairperson Spiller said that she and Vice-Chair Brock will come back to Council with a charge and scope of membership for the Climate Committee. She said that KOSAC is making arrangements with Eldridge Ace Hardware for LED lighting.

16. EXECUTIVE SESSION: NONE

17. ADJOURNMENT:

COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:56 P.M., SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0. MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 2-11-19