

Kittery Town Council Minutes - APPROVED

May 29, 2019

Regular Meeting

Town Hall – Council Chambers

Council and Kittery Port Authority Workshop - FNP

Council Chambers – 5:00p.m.

1. Call to Order

2. Introductory

3. Pledge of Allegiance

4. Roll Call

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

5. Agenda Amendment and Adoption - None

6. Town Manager's Report

Town Manager gave a report on: Thanked the VFW and all that participated in the Memorial Day celebration, Joint Land use Study, Government Street Wharf Project, Fort Foster Invasive Plant Management Plan, and Maine National Guard at Fort Foster. Upcoming Dates: Absentee Ballots Available, Spruce Creek Buffer Planting Volunteer Day May 30, 2019 8 a.m., Rustlewood Farm, Property Taxes Due – May 31, 2019, Joint Land use Study Open House – June 5, 2019 6 p.m.-7p.m., Community Center and Town Meeting Election & School Validation – June 11, 2019 8 a.m.-8 p.m., Kittery Community Center.

7. Acceptance of Previous Minutes – None

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.

(050319-1) The Kittery Town Council moves to recognize the recipients of the 2019 Educational Recycling Scholarships, End 68 Hours of Hunger and Odyssey of the Minds.

Chair of the Educational Scholarship Committee Jeff Brake and Councilor Denault presented scholarships to:

Tina Webster - \$850.00  
Emma Kemp - \$1250.00  
Amy Leung - \$1250.00  
Rachel Jones - \$850.00  
Rachel Potter - \$1250.00  
Lily Kemp - \$850.00  
Isabell Woollacott - \$850.00  
Mohamed Hasan Shaikh - \$850.00  
Odyssey of the Minds - \$1000.00  
End 68 Hours of Hunger- \$1250.00

#### 10. PUBLIC HEARINGS

a. (050319-2) The Kittery Town Council moves to hold a public hearing for a New Victualer's License application from Coppa Magica Gelato (Mobile Food Truck) located at 230 State Rd. State US Route 1 Bypass Kittery, Maine.

Moved by Council Thomson, seconded by Councilor Clark.

Motion carried 6-0-0

b. (050319-3) The Kittery Town Council moves to hold a public hearing for a New Victualer's License application for Wicked Mini Donuts (Mobile Food Truck) located at Kittery Premium Outlets, US Route Kittery, Maine.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

c. (050319-4) The Kittery Town Council moves to hold a public hearing on a New Victualer's License application for Pinks Lobster Rolls (Mobile Food Truck) located at Kittery Premium Outlets, US Route 1, Kittery Maine.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

d. (050319-5) The Kittery Town Council moves to hold a public hearing and Ordain Amendments to Title 8 E- 911 Street naming.

The Town Manager gave an overview of Title 8 E- 911 Street naming.

Moved by Councilor Thomson, seconded by Vice Chair Brock.

Councilor Thomson and the Town Manager discussed pre-existing same name roads. The Town Manager stated pre-existing roads would not be affected.

Motion Carried 6-0-0

e. (050319-6) The Kittery Town Council moves to hold a public hearing on a New Victualer's License application for BBQ Betty's Smokehouse (Mobile Food Truck) located at 230 US Route 1 Kittery.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

#### 11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) - None
- b. Response to public comment directed to a particular Councilor - None
- c. Chairperson's response to public comments - None

#### 12. UNFINISHED BUSINESS - None

#### 13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

b. (050319-7) The Kittery Town Council moves to approve the disbursement warrants.

Moved by Councilor Thomson, seconded by Councilor Denault, all were in favor.

Motion Carried 6-0-0

c. (050319-8) The Kittery Town Council moves to schedule a public hearing on June 10, 2019 for Amendments to Title 2 – Library Positions.

Moved by Councilor Thomson, seconded by Councilor Clark, all were in favor.

Motion Carried 6-0-0

d. (050319-9) The Kittery Town Council moves to approve a request from Traip Academy class of 2019's Project Graduation to hold a fundraiser at the Kittery Resource Recovery Facility on June 1st, from 9-5 rain date of June 8th.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

e. (050319-10) The Kittery Town Council moves to approve a request from the Kittery Community Center to place banners at various businesses throughout the town to publicize the Kittery Block Party scheduled for June 15th.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

f. (050319-11) The Kittery Town Council moves to approve a renewal Liquor License application from Town Pizza 15 Wentworth St., Kittery.

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

g. (050319-12) The Kittery Town Council moves to approve a renewal Victualer's License application from Frisbee's Wharf located at 88 Pepperrell Rd., Kittery Point.

Moved by Councilor Thomson, seconded by Vice Chair Brock.

Motion Carried 6-0-0

h. (050319-13) The Kittery Town Council moves to approve a renewal Victualer's License application from El Grand Rodeo (Mobile Food Truck) located at 230 US Route 1, Kittery.

Moved by Thomson, seconded by Chair Spiller.

Motion Carried 6-0-0

i. (050319-14) The Kittery Town Council moves to approve a renewal Viewing Booth License for Amazing.Net located at 92 Route 236 Kittery.

Moved for discussion by Chair Spiller, seconded by Councilor Thomson.

Chair Spiller, Vice Chair Brock, Council Clark, Councilor Thomson, Councilor Denault, Councilor Lemont and the Town Manager discussed the reasons they should approve or disapprove the application for Amazing.net.

Councilor Denault stated that he would vote no, because nothing could be done until there was a change in the ordinance. He thought the Town Attorney were going look into this.

Councilor Thomson stated there was an article in Down East Magazine that said the Town of Wells officials had an emergency ordinance to block an Adult business from opening in the Town of Wells.

Vice Chair Brock stated that he didn't think there was anything legally that could be done, besides approve the renewal. Vice Chair Brock asked if a decision had to made at this meeting.

The Town Manager stated a legal review of the ordinance had been done. She also stated Amazing.net has complied with the ordinance, passed all inspection and didn't know what basis Council would have to deny the renewal.

Councilor Lemont asked Chair Spiller if he could vote present since he didn't want to vote for or vote against the renewal. Chair Spiller agreed.

Chair Spiller, Vice Chair Brock, Council Clark, and Councilor Thomson voted to approve. Councilor Denault and Councilor Lemont voted present.

Motion Carried 3 voted to approve, 2 voted present.

j. (050319-15) The Kittery Town Council moves to approve a renewal Victualer's License application for Chick-fil-A (Mobile Food Truck) located at Kittery Premium Outlets Route 1 Kittery.

Moved by Councilor Denault, seconded by Councilor Clark.

Chair Spiller, Vice Chair Brock, Councilor Lemont, Councilor Clark, voted to approve.  
Councilor Thomson voted no.  
Councilor Denault voted present.

Motion Carried 4 voted to approve, 1 voted no, 1 voted present.

k. (050319-16) The Kittery Town Council moves to authorize the release of funds in the amount of \$250.00 from unassigned funds (unencumbered surplus) as approved by the voters at the June 12, 2018 Town Meeting and to deposit said funds into account #101740-

68427 Expense Self-insurance Claims to cover the cost of the deductible for an insurance claim.

Moved by Councilor Thomson, seconded by Councilor Clark.

Motion Carried 6-0-0

I. (050319-17) The Kittery Town Council moves to approve a renewal Victualer's License application for the Bistro 1828 located at 88 Pepperrell Road Kittery Point.

Moved by Councilor Thomson, seconded by Councilor Clark.

Motion Carried 6-0-0

#### 14. COUNCILOR ISSUES OR COMMENTS

Councilor Thomson discussed FY20 KCC Budget and revenue, Resource Recovery signs, and asked the Town Manager to discuss the paving and sidewalk project, and wind turbine at the Resource Recovery Facility.

Councilor Denault discussed recognizing Councilor Thomson, Chair Spiller and Vice Chair Brock for being on the Kittery Community Center Committee from the inception to current for a job well done. Rt.236 and Aroma Joe's, bump coming into the Kittery Traffic Circle, yards full of litter, Thresher Flag, Fort Foster dog signs, individuals that have passed including William Seward Jr., Marian Dorr Niles, Allen Tibbitts, and Jim McNally.

Chair Spiller discussed adding Councilor Pelletier to the list of people that were instrumental in the Kittery Community Center, she also thanked Public Works for the trail work at Fort Foster, and discussed the removal of the wind turbine at the Resource Recovery Facility.

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#### 15. COMMITTEE AND OTHER REPORTS

##### a. Communications from the Chairperson

Chair Spiller reminded Councilors about the joint Workshop in Council Chambers on June 10, 2019 at 5 p.m. with the Planning Board to look at accessory drilling units.

##### b. Committee Reports - None

#### 16. EXECUTIVE SESSION - None

#### 17. ADJOURNMENT

Moved by Councilor Thomson, seconded by Councilor Denault.

Motion Carried 6-0-0

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.