

**Kittery Town Council
January 28, 2019 – 6:00 p.m.
Regular Meeting
Town Hall 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, Vice-Chair Matthew Brock and Chairperson Judith Spiller.
5. Agenda Amendment and Adoption: Chairperson Spiller said she had an amendment, to add as 13a under "New Business" "The Kittery Town Council moves to accept the resignation of Ann Grinnell from the Planning Board" and to change the lettering accordingly. Councilor Lemont said he would like to change the language on item "j" to read: "The Kittery Town Council moves to accept the gift of the John Paul Jones Park, in principal, and authorize the Town Manager to work with the State of Maine to develop the deed and transfer agreements for review and approval by the Town Council."

Hearing no other amendments, Chairperson Spiller said she would cast one vote to accept the agenda as amended.

6. Town Manager's Report: Town Manager Amaral said that she, Chairperson Spiller and Vice-Chair Brock will be meeting with the Town of York Select Board and the Town Manager of York to discuss the York-Kittery boundary issue and to get a sense of what their concerns are.

Town Manager Amaral said that the Quarterly Financial Report for FY'19 is in Council's packets, and they are on track, which is a good sign. She said there is an expected overage in the Snow & Ice removal budget, but she would rather over-project. She said they have had a fairly dry winter, so she will be able to back the numbers down.

Town Manager Amaral said she is anticipating an increase in overtime with the Police Dept. as they are sending the officers to the Police Academy and others have to fill in for their shifts. She said they have had a lot of injuries and illness.

Town Manager Amaral said they have an \$85,000 deficit in their Compensation Benefits in that they have had to pay out \$300,000 due to several employees retiring, which they will have to make up at the end of the year.

Town Manager Amaral said she is pleased to announce new Financial Director/Acting Town Manager Brenda Fox-Howard, who will be starting Thursday. She said Ms. Fox-Howard was financial manager in Vermont. She said she will be serving as Acting Town Manager in her absence, which is why the title was changed. She said that Ms. Fox-Howard's salary will be the same.

Town Manager Amaral announced upcoming dates: "Coffee with the Chief" Tues., 4-6 at the KCC, Dog Licenses renewal deadline Jan. 31st, and the Family Valentine's Dance is Feb. 9th at the KCC.

Chairperson Spiller asked if there were any questions from Councilors.

Councilor Thomson said he had a question for the Town Manager, through the Chair, regarding the item in their packets. He wanted to know if there will be an agreement, a Memorandum of Understanding between the Town and Rice Public Library Board of Directors for the next meeting as they move forward with them becoming a Town Dept. July 1st.

Councilor Thomson said he read it through but they are silent on the issue of how the decision of the Board of Trustees will be appealed. He personally would like the Council to look at that Board's decisions being appealed similarly to those of the Planning Board or Board of Appeals. He said they should come before the Town Council as others do since they will be dealing with public property after July 1st.

Chairperson Spiller asked the Town Manager to take a look at that.

7. Acceptance of Previous Minutes: December 10, 2018 – Regular Meeting.

Chairperson Spiller cast one vote to accept the minutes of December 10, 2018 as amended.

8. Interview 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.

10. PUBLIC HEARINGS:

a. (010219-1) The Kittery Town Council moves to hold a public hearing and ordain amendments to Title 2 – Fire Department.

Chairperson Spiller asked the Town Manager if she could give them an overview?

Town Manager Amaral replied that the Kittery Fire Station Association is working on reviewing policies and the selection of officers for the Fire Dept. She said they brought this forward as to what they wanted to do internally. She said the Fire Dept. wants to select officers based on hiring, experience and training, on a promotional basis rather than being elected.

Chairperson Spiller opened the public hearing at 6:14 p.m. and asked if anyone wished to speak to, for or against the amendments. Hearing none, she closed the public hearing.

COUNCILOR THOMSON MOVED, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND SEC. 2.07 (3) OF THE TOWN CHARTER, THE KITTEY TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO TITLE 2, FIRE DEPARTMENT, AS PUBLICLY HEARD AND PRESENTED THIS EVENING. COUNCILOR DENAULT SECONDED THE MOTION.

Councilor Thomson said, in reviewing a conversation they had in 2018 with the Fire Station Association, it referred to changing the Town Code and he wanted to know if that is correct and is it within their purview to do so? Town Manager Amaral replied it is.

Councilor Denault thanked the firefighters for their service.

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

b. (010219-2) The Kittery Town Council moves to hold a public hearing to consider an application from The Bistro at Pepperrell Cove LLC for a Special Activity Amusement Permit for Bistro 1828 located at 88 Pepperrell Road, Kittery Point.

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

Chairperson Spiller opened the public hearing at 6:16 p.m. 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 BIRSTRO AT PEPPERRELL COVE LLC FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR BISTRO 1828, LOCATED AT 88 PEPPERRELL ROAD, KITTERY POINT. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (010219-3) The Kittery Town Council moves to hold a public hearing to consider an application for a Victualer's License from The Bistro at Pepperrell Cove LLC for Bistro 1828 located at 88 Pepperrell Road, Kittery Point.

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

Chairperson Spiller opened the public hearing at 6:17 p.m. 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 FOR A VICTUALER'S LICENSE FROM THE BISTRO AT PEPPERRELL COVE, LLC, FOR A BISTRO 1828, LOCATED AT 88 PEPPERRELL ROAD, KITTERY POINT. COUNCILOR DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

d. (010219-4) The Kittery Town Council moves to hold a public hearing to consider an application from The Bistro at Pepperrell Cove LLC for a Malt, Vinous and Spirituous Liquor License for Bistro 1828 located at 88 Pepperrell Road, Kittery Point.

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

Chairperson Spiller opened the public hearing at 6:18 p.m. and asked if anyone wished to speak to, for or against the application. Hearing none, she closed the public hearing.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM THE BISTRO AT PEPPERRELL COVE, LLC FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR BISTRO 1828 LOCATED AT 88 PEPPERRELL ROAD, KITTERY POINT. COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Spiller asked if there was any discussion?

Councilor Thomson replied yes, he would like clarification on page 1. He said the business is listed as a new owner, yet the starting date is indicated as 11-28-17. He said he assumes this business was created at that time because it is not opening until next week.

Town Manager Amaral said she did not know the answer to that.

Chairperson Spiller asked if there was anyone present representing the business?

Eides Ares, General Manager of Bistro 1828, approached the podium and identified herself. She said that is when the business was created and that they were opening this weekend.

Councilor Thomson said he was channeling former Councilor Dennett this evening and noticed that, on the second page, above the signature, the application was not dated.

Chairperson Spiller asked the Town Manager and she said she would take care of it (in the absence of the Town Clerk).

Chairperson Spiller wanted to know from the Town Manager how does the draft Conditional Certificate of Occupancy pertain to the license.

Town Manager Amaral replied it is one of the draft conditions from the Board of Appeals that the Planning Board issued to this application. She said this project has brought a lot of attention and per the Town Code, everything is in order. She said that the CEO has written this up in detail and she knows that the process has not been followed.

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

11. DISCUSSION:

a. by members of the public:

Emily Flinkstrom, Director of Fair Tide, said she was here tonight with members of her Board and staff and wanted to take a few minutes to talk about affordable housing. She said that, according to the American Communities Survey, more than 30% of employees' paychecks are spent on housing costs and many employers have a hard time recruiting workers. She said there are not many options for where people can live. She said that the Comprehensive Plan mentions that many times, to look for opportunities for employees to live in town.

Ms. Flinkstrom said, at the presentation of the housing Charette, the challenges brought forward were there was not an exhaustive list of housing in town, and she thought, with the help of the town, this project can happen here.

Ms. Flinkstrom said Fair Tide is committed to bringing more housing to the area. She said they urge the Council to vote in favor of two motions on the agenda, items "c" and "d" and look forward to partnering with the Town Council.

Ms. Flinkstrom read a letter from Rebecca Hoffman, who could not be here tonight, in support of affordable housing in Kittery.

Tom Hibschiemann, Kittery Point, said he is a past member of the Comprehensive Plan Update Committee, a Fair Tide volunteer and for 68 Hours To End Hunger, as well as the food pantry, noted that it is important to have plans and there are town properties that exist now, like the Safford School, that the town could invest in. He said there are other options.

Mr. Hibschiemann said a couple of years ago, campers appeared at his house and said they were biking from Canada to Georgia and noticed there was no camping anywhere in Kittery. He said it is odd there is no place for people to camp overnight. He said the town should consider existing properties and supply a solution for someone. He said maybe they could have a Bike Hostel, like the new Hampton Inn, for workforce housing?

c. Chairperson's response to public comments:

Chairperson Spiller thanked Mr. Hibschiemann and Ms. Flinkstrom and said they are looking at town properties.

12. UNFINISHED BUSINESS: none

13. NEW BUSINESS:

a. (010219-5) The Kittery Town Council moves to accept the letter of resignation from Ann Grinnell from the Planning Board effective immediately.

Chairperson Spiller said she would like to read the e-mail she received from Ann Grinnell today.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE LETTER OF RESIGNATION FROM ANN GRINNELL FROM THE PLANNING BOARD WITH DEEP REGRET AND THAT STAFF PREPARE THE APPROPRIATE RECOGNITION FOR HER 20 YEARS OF SERVICE TO THE TOWN, SECONDED BY CHAIRPERSON SPILLER. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

b. Donations/gifts received for Council disposition: none

c. (010219-6) The Kittery Town Council moves to approve the disbursement warrants.

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

Chairperson Spiller asked Councilor Pelletier if the School Dept. payable was in appropriate form and he replied it is.

Chairperson Spiller read the amounts: Town - \$227,468.65; Sewer - \$66,244.67 and School - \$163,802.85, for a total of \$457,515.77.

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

d. (010219-7) The Kittery Town Council moves to authorize the Town Manager to work with Councilor Brock and the Housing Working Group to develop recommendations for zoning amendments that support the creation of workforce and affordable housing options for Kittery residents, and workers that make up to 80% of the HUD Metro Fairmarket Area median income, in accordance with Comprehensive Plan Goal 4.

Chairperson Spiller asked Vice-Chair Brock to give Council some background.

Vice-Chair Brock said he appreciated Fair Tide staff and Board members coming here tonight and their concerns are what the Kittery Affordable Housing Committee has been working on the last 15 months.

He said they have benefitted from the expertise of the Seacoast Workforce Housing Coalition, which made a presentation recently.

Vice-Chair Brock said the citizens passed the Comprehensive Plan and one of the priorities of that plan provided for affordable housing and workforce housing. He said with all those things, for 15 months, reviewing Kittery's zoning ordinance, they still cannot build workforce housing in Kittery. He said they have to change the ordinance and that is where it starts.

Vice-Chair Brock said the first motion read, they are looking for authority as a policy-making body of this town, on how do we change the zoning ordinance to facilitate town, or private property owners on the Rte. 1 corridor and strip malls, which have run their useful life, to allow for this type of project. He said something needs to be looked at and that is the context for the motion.

Chairperson Spiller asked if the Vice-Chair would like to move this motion?

VICE-CHAIR BROCK MOVED THAT THE TOWN COUNCIL AUTHORIZE THE TOWN MANAGER TO WORK WITH THE AFFORDABLE HOUSING WORKING COMMITTEE TO DEVELOP RECOMMENDATIONS FOR ZONING AMENDMENTS THAT SUPPORT THE CREATION OF WORKFORCE AND AFFORDABLE HOUSING OPTIONS FOR KITTERY RESIDENTS, AND WORKERS IN ACCORDANCE WITH COMPREHENSIVE PLAN GOAL #4. CHAIRPERSON SPILLER SECONDED THE MOTION.

Councilor Denault said he will support this, but wanted to make sure that they do not cut corners. He said his concern is that they start changing some of the zoning and developers are watching. He said he does not want to set a precedent, that they accomplish everything that their intent is to do and to do their due diligence.

Vice-Chair Brock said he appreciated Councilor Denault's comments. He said the Housing Committee is comprised of two Planning Board and Economic Development Committee members, the Director of Planning and Economic Development and the Town Manager and they have some knowledge of the issue. He said this will go to KOSAC and the Conservation Commission for their review and comments and then on to the Planning Board. He said they are starting Phase 2 of the process. He said they have a long way to go.

Councilor Lemont said he appreciates Vice-Chair Brock, going forward. He said he will avail himself to read the primary objective. He said it seems narrow, and maybe they should look at expanding this?

Chairperson Spiller said they would have to ask for reconsideration of the motion at the next meeting.

Councilor Lemont said the Town Manager is involved with everything. He said is it appropriate the Town Manager has to answer or be a part of this Committee? He suggested that she not be a part of it.

Councilor Denault suggested adding "or designee." He said they could use that term.

Chairperson Spiller said she will ask the Vice-Chair and the Town Manager to discuss her role on this Committee.

Town Manager Amaral replied that she thought involvement on this Committee is important, but maybe with policy items for the town. She said she does want to stay involved in this.

Councilor Lemont asked Vice-Chair Brock if they could change the language to read "Town Manager or designee"?

Vice-Chair Brock replied that is fine – adding “or designee” after “Town Manager.”

Chairperson Spiller thought they can change the language as this group develops ideas and concepts.

Vice-Chair Brock said that was his understanding. He said the Housing Committee will draft ordinance proposals and go through the process.

Councilor Thomson said he supports the sentiment; however, that only covers one piece of the overall puzzle before us. He said it is being discussed broadly and in Portsmouth, the Frank Jones Conference Center is incorporating this into the project and employers need to be part of this process. He said the town should look at what they are paying employees and what is offered for their employees' benefits.

Councilor Thomson said for the past 30 years, there has been a pursuit of the all mighty dollar, more, more, more and wanted to know when is enough, enough, like rent? He said if they are not addressing this part, they will not be successful in providing living conditions for workers. He quoted, as his Dad used to say, “You will never see a luggage rack on a hearse.”

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

e. (010219-8) The Kittery Town Council moves to authorize the Town Manager to work with Councilor Brock and the Housing Working Group to investigate and report back on the potential for an affordable/workforce housing project at 45 Woodlawn Avenue (the old Recreation Building).

Chairperson Spiller asked the Town Manager or Vice-Chair Brock to give Council some background information on this.

Vice-Chair Brock said this site came out of the discussion at the Charette with the Workforce Seacoast Housing Group and if there is an appropriate site, they will look at it.

Councilor Lemont said they have looked at this.

Councilor Thomson wanted to know if they should include “or designee” after “Town Manager” as well?

Chairperson Spiller said that is purely up to the Town Manager.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL AUTHORIZES THE TOWN MANAGER TO WORK WITH COUNCILOR BROCK AND THE HOUSING WORKING GROUP TO INVESTIGATE AND REPORT BACK ON THE POTENTIAL FOR AN AFFORDABLE/WORKFORCE HOUSING PROJECT AT 45 WOODLAWN AVENUE (THE OLD RECREATION BUILDING). CHAIRPERSON SPILLER SECONDED THE MOTION.

Chairperson Spiller asked if there was any discussion?

Councilor Lemont asked Vice-Chair Brock if he anticipated doing a Charette on this property?

Vice-Chair Brock replied no, but they will look at. He asked Chairperson Spiller if she thought the Charette individuals would be available if we needed them? He said the Housing Committee will take on this by itself.

Chairperson Spiller said she would value the Charette and that they would get a good sense of what the process is.

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

f. (010219-9) The Kittery Town Council moves to approve a request from Chick-fil-A for a food truck to be located at the Kittery Premium Outlets parking lot by Ecco (KPO2) on select dates.

Chairperson Spiller said that Council has the letter from Chick-Fil-A in their packets with the dates and times.

COUNCILOR DENAULT MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM CHICK-FIL-A FOR A FOOD TRUCK TO BE LOCATED AT THE KITTERY PREMIUM OUTLETS PARKING LOT BY ECCO ON SELECT DATE(S), SECONDED BY COUNCILOR LEMONT.

There was no discussion.

ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, ONE OPPOSITION (COUNCILOR THOMSON), MOTION CARRIES.

g. (010219-10) The Kittery Town Council moves to schedule a public hearing on February 11, 2019 to discuss proposed amendments to Title 4 – Boards, Commissions and Committees and Council Rules.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING ON FEBRUARY 11, 2019 TO DISCUSS PROPOSED AMENDMENTS TO TITLE 4 – BOARDS, COMMISSIONS AND COMMITTEES AND COUNCIL RULES, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, NONE OPPOSED, MOTION CARRIES.

h. (010219-11) The Kittery Town Council moves to approve an application from JK restaurants LLC for a Malt, Vinous and Spirituous Liquor License for Rudders Public House located at 70 Wallingford Square, Kittery.

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

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE AN APPLICATION FROM JK RESTAURANTS LLC FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR RUDDERS PUBLIC HOUSE, 70 WALLINGFORD SQUARE, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

i. (010219-12) The Kittery Town Council moves to approve an application from Loco Coco's Tacos Corp., for a Vinous and Spirituous Liquor License for Loco Coco's Tacos located at 36 Walker Street, Kittery.

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

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE AN APPLICATION FROM LOCO COCO'S TACOS CORP. FOR A VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS LOCATED AT 36 WALKER STREET, KITTERY, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked if there was any discussion?

Councilor Clark asked when did their license expire?

Chairperson Spiller asked the Town Manager to look into that.

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

j. (010219-13) The Kittery Town Council moves to form a “Climate Adaptation Committee” to study and make recommendations addressing the impacts of warming temperatures and the rising sea level on Kittery.

Chairperson Spiller said there will be an annual report on its progress five years after and an evaluation. She said this comes out of the Comp. Plan – another recommendation to address the impacts on the natural landscape and energy-savings activities.

COUNCILOR THOMSON MOVED TO FORM SAID COMMITTEE WITH THE CHARGE APPROVED, SECONDED BY VICE-CHAIR BROCK.

Chairperson Spiller asked if any Councilors wished to discuss.

Councilor Denault said he agrees with this, but he does not think now is the time. He said it seems that this is one more thing to put on her. He said she works on Fridays and stays late at night and, in his opinion, it is not fair. He said Council has to be mindful of unrealistic expectations they put on the Town Manager and maybe they should prioritize the issues and add “or designee” – someone else other than the Town Manager we would have to pay for.

Councilor Denault said perhaps Council can reflect on the multitude of requests and let some things expire before we make more committees. He said she is a Mom and has a family and Council expects a lot and we get a lot from her. He said the Comp. Plan made great recommendations, but wanted to know if they have to make this effective within the first couple of weeks?

Chairperson Spiller asked if there was any response from the Town Manager? She hoped that the Town Manager would let Council know when they were giving her too much to do.

Councilor Denault replied that you would think she should, but she is a Super-hero, and sometimes super heroes keep taking it.

Town Manager Amaral responded that she appreciated Councilor Denault’s comments and there is a lot in the pipeline. She said she is trying to accomplish some big initiatives and suggested allowing administration to participate as needed rather than every meeting. She said that Councilor Denault is right – she is out every night at a meeting.

Chairperson Spiller said this phase is planning and they are required to report back to the Town Manager on what is going on.

Town Manager Amaral thanked Chairperson Spiller.

Vice-Chair Brock said they will add “or designee” on line 98.

Chairperson Spiller wanted to know if the maker and the second agree?

Councilor Thomson said he understands Councilor Denault’s comments, but his thinking is that this is going in the pile and this will be a slow role out. He said obviously the budget is at the top of the list, then

the Library, getting the new Finance Director/Assistant Town Manager up to speed, and finding a Sewer Dept. Superintendent. He wanted to know if Jessa Kellogg would be suited for this committee?

Town Manager Amaral replied she is a Bargaining Unit member and is not non-exempt. She said she would not be comfortable with assigning a staff member to this committee.

Councilor Thomson asked what if she was available during her normal hours, could she be involved?

Chairperson Spiller said they are lucky to have community resources to bring forth this issue. She said they have a lot of ground work.

Councilor Denault said he will support this, after hearing from the Town Manager, but he hopes that, going forward, Council will reflect on what her workload is.

Councilor Lemont said he is not trying to nit-pick, but asked, on line 97, after "included" does that mean someone has to be from the fishing industry? He wanted to know wouldn't that be an extra member?

Chairperson Spiller said 2 business owners and one would be from the fishing industry.

Chairperson Spiller said the Town Manager's job is big and all Council brings to her is important. She said they will need to think about looking for additional resources for additional staff.

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

k. (010219-14) The Kittery Town Council moves to accept the gift of John Paul Jones Park, in principal, and authorizes the Town Manager to work with the State of Maine to develop the deed and transfer agreements for review and approval by the Town Council.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE GIFT OF THE JOHN PAULJONES PARK IN PRINCIPAL AND AUTHORIZES THE TOWN MANAGER TO WORK WITH THE STATE OF MAINE TO DEVELOP THE DEED AND TRANSFER AGREEMENTS FOR REVIEW AND APPROVAL BY THE TOWN COUNCIL, SECONDED BY COUNCILOR PELLETIER.

Chairperson Spiller asked if there was any discussion by the Councilors.

Councilor Denault said he liked D. Allen Kerr's story on this, but he is troubled by taking this park over. He asked the State is finally giving it to us?

Chairperson Spiller said it was pending the former Governor's signature, who refused to sign it.

Councilor Denault wanted to know what are the benefits to the town to get this park when we never had to maintain it?

Chairperson Spiller said that the town began to maintain the park because it is the gateway to Kittery and it is a public space.

Councilor Thomson said the formal agreement between the State of Maine and the Town of Kittery goes back 10 years, but it was not renewed in a couple of years. He said it is not like we are taking on something we have never been involved with. He suggested getting volunteers from a landscaping firm or asking Jacqueline Nooney.

Councilor Denault said \$250,000 was recently spent to repair the monument. He said his concern is how much would it cost to refurbish it and the considerable cost to the taxpayers they would have to bear.

Councilor Lemont thought the process was the Legislation State reps put in but the Governor vetoed it. He said this may go quickly – and wanted to know if we could get the flagpole painted before this happens?

Chairperson Spiller said she believed the Town Manager is planning that.

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

14. COUNCILOR ISSUES OR COMMENTS:

Councilor Lemont said that he has heard from residents what a great job the Town Manager is doing. He said they know but also the public knows.

Vice-Chair Brock wanted to echo Councilor Lemont's comments and say what a great job the Town Manager is doing.

Councilor Denault acknowledged several residents who have passed away recently, especially Violet Cormier who was 101, and Sean Flattery who died in a fire on Saturday. He said their hearts go out to their families.

Councilor Thomson wanted to give a shout-out to the Water District. He said that they are out there the next day cleaning the hydrants. He appreciates the work they do for the community.

Councilor Thomson said he was dismayed by the comments that were made at the Planning Board meeting regarding ADU's and Air B & B's. He said that a discussion on Air B & B's and Vacation Rentals by owners needs to happen as quickly as possible.

Councilor Thomson said there are a number of properties in Kittery that are in flagrant violation of the Property Maintenance Ordinance, specifically the former Johnson Printing Building, now owned by individuals associated with Pickwick's and the former Kittery Family Practice Building on Shapleigh Road owned by the York Historical Society. He said he was sure that the YHS would not want a building like that on their main thoroughfare and both the YHS and Pickwick's should be good neighbors and clean up their properties.

Chairperson Spiller said they need to arrange a meeting with the Planning Board and suggested March 3rd to talk about that topic. She said she agreed with Councilor Thomson regarding the Air B & B's and the short-term rentals and it is important to address this as quickly as possible.

15. COMMITTEE AND OTHER REPORTS:
a. Communications from the Chairperson

Chairperson Spiller said that Kittery Energy Advisory Committee and the Traip Academy Sustainable Energy Committee are sponsoring a free light bulb give-away in February with a \$10 coupon. She said if you spend up to \$100 at Eldridge, you get 10 light bulbs.

Chairperson Spiller said as you know the Town Manager is setting up a meeting with the Town Council and Kittery's Legislative delegation. She requested, in anticipation of that meeting, Councilors submit a list of items they would like to discuss with the delegation to her.

Chairperson Spiller said there are no reports this evening.

16. EXECUTIVE SESSION: none

17. ADJOURNMENT:

COUNCILOR THOMSON MOVED TO ADJOURN THE MEETING AT 7:15 P.M., SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0. MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 2-25-19