

1. Call to Order

Chairperson Beers called the meeting to order at 7:01 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Russell White, Jeffrey Thomson, Judith Spiller, and Kenneth Lemont.

5. Agenda Amendment and Adoption

Councilor Lemont requested to amend Item 16 to read “The Kittery Council moves to go into Executive Session in accordance with 1 MRS §405 6-A with the Town Manager to discuss compensation” and move Item 12 to follow Item 16.

Councilor White requested to add Item 13f to read “The Kittery Town Council moves to appoint Eric Lemont to the KCC Board of Directors effective 1/25/16 until 12/31/18.”

Councilor Thomson questioned the purpose of the Executive Session since there is a motion on the floor from the previous meeting. Councilor Lemont explained that it is to discuss the compensation of the Town Manager with the Town Manager. Councilor Dennett suggested that it is strictly up to the Chair to decide whether the Executive Session can be added to the agenda. Chairperson Beers replied to Councilor Dennett that a roll call vote can be in order if the Chair requests it per Robert’s Rules of Order. Vice Chairperson Denault felt that this is the typical process and stated that the proper procedure is to go into Executive Session and subsequently make a determination. Councilor White understood that the 3-year contract includes those details. The only issue left standing is the amount of increase of the Town Manager’s salary. Councilor Spiller felt it would not be fair to keep the item at the bottom of the agenda. Councilor Thomson noted the original information was provided well in advance. If it was intended to have an Executive Session, then that should have been made already. He did not feel it proper to have a drastic amendment to the agenda. The motion on the floor deals only with a percentage increase to monetary compensation. Councilor Thomson referenced the motion that was postponed, which indicated to increase the salary by 2.25%. Chairperson Beers replied to Councilor Lemont that it was understood the only parliamentary protocol to handle the matter was to establish an executive session in an agenda amendment and move the item in question thereafter.

CHAIRPERSON BEERS CALLED FOR A ROLL CALL VOTE TO AMEND THE AGENDA. THE AGENDA AMENDMENT FAILED TO PASS BY A ROLL CALL VOTE 3/4/0, WITH COUNCILORS DENNETT, THOMSON, SPILLER, AND WHITE OPPOSED.

Agenda was adopted, as presented.

6. Town Manager's Report

Town Manager Colbert Puff reviewed her written report.

Police Chief Search Update – Eliot Town Manager, Dana Lee, has provided his comments and Town Manager Colbert Puff plans to add hers and publicize that information soon.

Police Lieutenant Retirement – Lieutenant Russ French announced his retirement from the Kittery Police Department, effective at the end of this month. He is the newly appointed Police Chief in Rangeley and she wished him all the best in his future endeavors.

Rice Public Library (RPL) Board of Directors Update – The Library Committee was asked to look into the new Fitzpatrick property. Council had asked specific questions as to what the facility would consist of, how it would be accessed, the impact on the neighborhood, future dispositions of the Rice and Taylor buildings, and impact on the Library's budget. A member, George Dow, provided information that the RPL Board is no longer considering the Fitzpatrick property as the new location. The RPL Board voted to endorse an effort with the Town to identify whether or not a location on the Kittery Community Center may be an appropriate location for the library. They intend to start a dialog for this effort. They plan to report back to Council in the near future.

Town Council Minutes Review – After discussion with the Town Clerk and Chairperson, it is proposed to have the minutes provided a week prior to the regular meeting for Council members to provide their individual edits, which will increase process efficiency. The minutes are intended to be more of a summary, rather than a disposition of the meetings and staff hopes to gain a long-term recorder soon.

Sewer Betterment Estimates – Letters have been mailed to all property owners regarding how the sewer betterments will be assessed. A sample letter was provided to Council.

Town Manager Colbert Puff reviewed an item not included in her written report.

State Grant – She is working with Kittery, Eliot, Berwick, and South Berwick to finalize a grant for official delivery of the Efficient Delivery of Local and Regional Government Services Award. They are preparing a grant for submission which is expected to be between \$2,000 and \$3,000 and there is no match requirement. The joint effort to combine dispatches would expect to save the Town \$1.4 million over the course of five years.

Councilor Dennett asked that the minutes be provided by electronic means, including fax.

7. Acceptance of Previous Minutes

Regular Meeting – June 22, 2015

Line 44 – replace “Kittery Planning and Development Commission” with “Southern Maine Planning and Development Commission”

Line 53 – replace “Rosenule” with “Rossignol”

Line 58 – replace “Brownfield” with “Brownfields”

The minutes were adopted, as amended.

8. Interviews for the Board of Appeals and Planning

Board of Appeals: re-appointment until 11/1/18

- Craig Wilson

A MOTION WAS MADE BY CHAIRPERSON BEERS TO RE-APPOINT CRAIG WILSON TO THE BOARD OF APPEALS UNTIL 11/1/18 WITHOUT THE BENEFIT OF AN INTERVIEW, SECONDED BY VICE CHAIRPERSON DENAULT.

Councilor Thomson asked Mr. Wilson about his background.

Councilor Dennett requested that the motion be amended to include an effective date of 11/1/15 be included.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0, AS AMENDED.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

a. (010116-1) The Kittery Town Council moves to authorize through an alternative procurement method, in accordance with Sec. 3.2.7 of the Kittery Town Code, for a new four year Ambulance Service Agreement between the Towns of Kittery and Eliot and American Ambulance New England, Inc. (AANE) for ambulance service, and an extension to the Lease Agreement with American Ambulance, Inc. and the Town of Kittery of the old Walker Street Fire Station for the delivery of emergency medical services until June 30, 2017, and authorizes the Town Manager to sign all necessary documents.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO AMEND THE MAIN MOTION TO READ TO AUTHORIZE THE AFOREMENTIONED AS AN ALTERNATIVE PROCUREMENT METHOD, IN ACCORDANCE WITH SEC 3.2.7 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

THE MAIN MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

b. (010116-2) The Kittery Town Council moves to approve the Wood Island Life Saving Station Repair, Maintenance and Use Agreement called "Agreement Two".

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPROVE THE WOOD ISLAND LIFE SAVING STATION REPAIR, MAINTENANCE AND USE AGREEMENT CALLED "AGREEMENT TWO", SECONDED BY COUNCILOR WHITE.

Councilor Dennett noted that the Town Attorney had not yet completed review of the agreement.

A MOTION WAS MADE BY COUNCILOR DENNETT TO POSTPONE THE APPROVAL OF THE WOOD ISLAND LIFE SAVING STATION REPAIR, MAINTENANCE AND USE AGREEMENT CALLED "AGREEMENT TWO" TO THE JANUARY 25, 2016 REGULAR MEETING, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

10. PUBLIC HEARINGS – None.

11. DISCUSSION

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

Matthew Brock, 50 Goodwin Road

Mr. Brock cited a letter regarding positive support for Town Manager Colbert Puff and the consideration for her pay raise. The letter was signed by approximately 70 Kittery residents and additional signatures have been provided directly to Town Hall.

Ann Grinnell, 5 Stimson Street

Ms. Grinnell asked for further clarification as to how the motion to act on the Town Manager's salary could be transferred into an executive session, given that it originally was in the public form.

David Lincoln, 100 Shepards Cove Road

Mr. Lincoln expressed various concerns for the amount of deliberation that has been had regarding the Town Manager's salary and encouraged the Council to move forward with the matter.

George Dow IV, 1 Bartlett Road

Mr. Dow expressed concerns regarding the treatment that the Town Manager has received and suggested to provide the detail that justifies approving or denying her salary increase.

Karen Kalmar, Kittery Point

Ms. Kalmar echoed previous statements made regarding the Town Manager's salary.

Steven Workman, 10 Bridge Street

Mr. Workman complimented Town Manager Colbert Puff's efforts and devotion. He encouraged the Council to take that into consideration when deliberating the salary increase.

Jim Forbes, 31 Mill Pond Road

Mr. Forbes expressed various concerns regarding the recent workshop with the Kittery Port Authority. He asked whether the new rules and regulations put forth by the KPA are recognized by the Council and Town Manager and whether they are enforceable.

Mark Alesse, 176 Brave Boat Harbor Road

Mr. Alesse mentioned that there is a level of dysfunction occurring within the Council. He encouraged that a highly qualified Town Manager be treated and rewarded appropriately. He felt that the community is dissatisfied with the Council.

Robert Harris, 40 Cutts Road

Mr. Harris explained his concerns for his observed procedures for the water line installation.

Martha Peterson

Ms. Peterson served on the committee to interview the candidates for the position. She felt that the Town is very lucky and she encouraged the Council to consider the quality of the Town Manager that we have.

Tom Hibschan, 188 Brave Boat Harbor Road

Mr. Hibschan encouraged the Council to work out the matter of the Town Manager's salary and move forward.

b. Response to public comment directed to a particular Councilor – None.

c. Chairperson's response to public comments

Mr. Harris – Chairperson Beers requested that the Town Manager to research and provide follow-up information to Mr. Harris.

Mr. Forbes – Chairperson Beers requested that the Town Manager draft a written response regarding the relationship between the Town and the Kittery Port Authority.

Ms. Grinnell – The item in question was heard at the November 9, 2015 meeting and postponed to a date specific of January 11, 2016. The reason it was postponed because Councilor Spiller was not available for the regular meetings in December and Councilor Lemont asked for further compensation information. The parliamentary protocol was put forth in unfinished business as required by the postponed motion from November 9, 2015. The agenda amendment adoption protocol admits any Councilor to request to amend the agenda as they wish. That took place and the request was denied.

Others – It is pleasant to see the positive support for Town Manager Colbert Puff.

12. UNFINISHED BUSINESS

(110215-4) The Kittery Town Council moves to act on the Town Manager's salary from November 12, 2015 through November 12, 2015.

THE MOTION MADE IN THE NOVEMBER 9, 2015 MEETING BY COUNCILOR THOMSON FOR THE KITTEY TOWN MANAGER TO RECEIVE AN ADJUSTMENT IN WAGES OF 2.25% EFFECTIVE NOVEMBER 12, 2015 FOR THE NEXT TWELVE MONTH PERIOD, SECONDED BY COUNCILOR SPILLER RETURNED TO THE FLOOR FOR DISCUSSION.

Councilor Lemont noted his concerns raised in the November 9, 2015 meeting. After discussion with other Town Managers, he received positive support for Town Manager Colbert Puff's efforts.

A MOTION WAS MADE BY COUNCILOR LEMONT TO AMEND THE MOTION TO REFLECT AN INCREASE OF WAGES FROM \$106,575 TO \$110,575 FOR AN APPROXIMATE 3.75% INCREASE, SECONDED BY COUNCILOR SPILLER.

Vice Chairperson Denault felt that the appropriate way to handle matter would have been to conduct the discussion in an Executive Session.

Councilor Spiller noted that in the past eleven years in her experience, wage adjustments have been handled in either a public forum or through Executive Session.

Councilor Thomson noted that an Executive Session for the matter was held on October 21, 2015. Vice Chairperson Denault acknowledged that it was held, but not concluded.

THE MOTION TO AMEND THE MAIN MOTION PASSED BY A ROLL CALL VOTE

**5/1/1, WITH COUNCILOR DENNETT OPPOSED AND CHAIRPERSON BEERS
ABSTAINING.**

Chairperson Beers stated his abstention from the vote due to his absence in the performance evaluations and was not presented with that information as a basis for the compensation recommendation.

**THE MAIN MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/1, WITH
CHAIRPERSON BEERS ABSTAINED.**

13. NEW BUSINESS

a. (010116-3) Donations/gifts received for Council disposition

- The Kittery Town Council moves to accept donations in the amount of \$3,705.50 for the Thresher Memorial Fund to be deposited in account #5007-43600.

**THE MOTION MADE IN THE DECEMBER 14, 2015 MEETING BY COUNCILOR
SPILLER TO ACCEPT DONATIONS IN THE AMOUNT OF \$2,760.50 FOR THE
THRESHER MEMORIAL FUND TO BE DEPOSITED IN ACCOUNT #5007-43600,
SECONDED BY COUNCILOR THOMSON RETURNED TO THE FLOOR FOR
DISCUSSION.**

**A MOTION WAS MADE BY COUNCILOR SPILLER TO AMEND THE MAIN
MOTION TO REVISE THE AMOUNT FROM \$2,760.50 TO \$3,705.50, SECONDED BY
COUNCILOR WHITE. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE
7/0/0.**

Councilor Dennett thanked the Council for postponing the action for benefit to correct the administrative error.

THE MAIN MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

- The Kittery Town Council moves to accept a donation from Meetinghouse Village in the amount of \$100 to be deposited in account #2063-43600.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT A DONATION
FROM MEETINGHOUSE VILLAGE IN THE AMOUNT OF \$100 TO BE DEPOSITED
IN ACCOUNT #2063-43600, SECONDED BY COUNCILOR WHITE. THE MOTION
PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

**b. (010116-4) The Kittery Town Council moves to appoint PJ Johnson to the Port
Authority until 8/31/20.**

**A MOTION WAS MADE BY COUNCILOR LEMONT TO APPOINT PJ JOHNSON TO
THE PORT AUTHORITY UNTIL 8/31/20, SECONDED BY COUNCILOR WHITE. THE
MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**c. (010116-5) The Kittery Town Council moves to approve an application for a Malt,
Spirituuous and Vinous Liquor License for Tasty Thai, Inc., 599 Lafayette Road, Portsmouth, NH,
for Tasty Thai, 182 State Road.**

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR TASTY THAI, INC., 599 LAFEYETTE ROAD, PORTSMOUTH, NH, FOR TASTY THAI, 182 STATE ROAD, SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

d. (010116-6) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$176,023.95.

Sewer account payable of \$12,436.56.

Sewer account payable of \$1,664,462.14 to be paid with bond trophies.

Total of all disbursement warrants of \$1,852,922.68.

Councilor Dennett stated that the Town and Sewer warrants were in due form.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

e. (010116-7) The Kittery Town Council moves to approve the Town Manager's proposal to offer a funded HRA with the PPO 500 health insurance plan for non-union employees.

A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE THE TOWN MANAGER'S PROPOSAL TO OFFER A FUNDED HRA WITH THE PPO 500 HEALTH INSURANCE PLAN FOR NON-UNION EMPLOYEES, SECONDED BY COUNCILOR SPILLER.

Town Manager Colbert Puff explained that the HRA stands for Health Reimbursement Account. Currently, the Town offers three different health care plans for non-union employees. Maine Municipal announced that the plan most of the Town employees are enrolled in will be soon discontinued. They have advised to offer a Preferred-Provider Plan (PPO). She proposes to fully fund the deductibles to incentivize the employees to switch to the PPO plan.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor White expressed appreciation to Councilor Lemont for his research and advocacy for the Town Manager's salary.

Councilor White asked the Council to consider conducting an annual self-evaluation to increase effectiveness as a body.

Councilor White noted that the sewer Assessments are surprisingly high. He suggested that consideration be had for open spaces and the level of assessment for that type of land.

Councilor Thomson mentioned that 641 Kittery Community Center memberships were created in the membership special promotion that was run for six weeks. He provided further details as to the changes in memberships and the overall increased revenues generated from that.

Councilor Thomson noted that there is a workshop to be held by the Maine Municipal Association for Local Planning Boards & Board of Appeals on Tuesday, February 23, 2016 at the Ramada Inn in Saco, ME.

Councilor Thomson welcomed public input regarding the future of the Safford school.

Councilor Thomson noted that Portsmouth Smart Growth is hosting a workshop on January 28-29, 2016 regarding affordable and workforce housing at the 3S Artspace and The Portsmouth Public Library.

Vice Chairperson Denault requested that a complete evaluation of the Town Manager's performance be conducted. He did not believe that retroactive pay was included in her contract.

Vice Chairperson Denault expressed concerns that have been raised regarding the sewer betterment assessments for the lack of communication regarding the preliminary Assessments. He clarified to Councilor Thomson that most of the concerns were in regard to the calculation formula.

Chairperson Beers replied to Councilor Lemont that the Town Manager presented the Town's goals to the School Committee and School Superintendent on December 15, 2015.

Councilor Lemont congratulated the appointment of PJ Johnson to the Port Authority.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Beers asked the Council to communicate to the Town Manager their expectations for the current established Library Committee.

Chairperson Beers stated the drafted Council goals for 2016. He asked that Council submit their comments or revisions to the goals for consideration in the next meeting.

b. Committee Reports

Councilor Spiller noted that the York Wildlife and River Study Committee will be meeting on January 26, 2016 at 5:30pm in Grand House in York, ME.

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 8:40 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

Submitted by Marissa Day, Minutes Recorder, on December 30, 2016.

Disclaimer: The following minutes constitute the author's understanding of the meeting. While 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 at <http://www.townhallstreams.com/locations/kittery-maine>.