

1. Call to Order

Chairperson Beers called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Oath of Office to Newly Elected Officials

Town Clerk Maryann Place conducted the oath of office to newly elected officials: Jeffrey Pelletier and Charles Denault.

5. Roll Call

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

6. The Kittery Town Council moves to elect a Chairperson for the ensuing year.

A MOTION WAS MADE BY COUNCILOR THOMSON TO NOMINATE COUNCILOR PELLETIER AS CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR SPILLER. THE MOTION FAILED TO PASS BY A ROLL CALL VOTE 2/5/0, WITH COUNCILORS LEMONT, DENAULT, DENNETT, BEERS, AND PELLETIER OPPOSED.

A MOTION WAS MADE BY COUNCILOR DENAULT TO NOMINATE COUNCILOR BEERS AS CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR LEMONT. THE MOTION PASSED BY A ROLL CALL VOTE 4/3/0, WITH COUNCILORS PELLETIER, THOMSON, SPILLER OPPOSED.

7. The Kittery Town Council moves to elect a Vice-Chairperson for the ensuing year.

A MOTION WAS MADE BY COUNCILOR BEERS TO NOMINATE COUNCILOR DENAULT AS VICE-CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR LEMONT. THE MOTION PASSED BY A ROLL CALL VOTE 4/3/0, WITH COUNCILORS SPILLER, PELLETIER, AND THOMSON OPPOSED.

A MOTION WAS MADE BY COUNCILOR SPILLER TO ELECT COUNCILOR PELLETIER AS VICE-CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR THOMSON. THE MOTION FAILED TO PASS BY A ROLL CALL VOTE 3/4/0, WITH COUNCILORS LEMONT, DENNETT, DENAULT, AND BEERS OPPOSED.

8. Agenda Amendment and Adoption

Chairperson Beers requested to add Councilor Issues and Comments as Item 17 and renumber the subsequent agenda items in sequential order.

Chairperson Beers requested to add Item 16g to read as follows: “The Kittery Town Council moves to schedule two sewer assessment hearings for November 28, 2016 and declares the time period for filing further requests closed.”

Agenda was adopted, as amended.

9. Town Manager’s Report

Town Manager Amaral reviewed her written report.

Transition – Town Manager Amaral thanked the Council, staff, residents, businesses and all of the boards and commission members for a warm and informative welcome to Kittery. She mentioned her gratitude for Carol Granfield’s diligent efforts that helped to provide a smooth transition.

Election – Town Manager Amaral thanked Town Clerk Maryann Place, staff, election workers, the Police Department, and all other support staff and volunteers for their efforts at the 2016 Election. They all worked countless hours and she congratulated them for a job well done.

Sewer Hearings – The property at 37 Route 236, owner Ladyslipper, LLC, was assessed at thirteen units, which was carried over to the sewer betterment calculation.

There was nothing found in past records of situations where the Town has committed to relocations or additions as requested. After discussion with the Sewer Department, it was determined that an adequate amount of opportunity was provided to the owner to specify preferred location of the hub prior to construction. For that, the request to relocate the stub was denied.

Speed Trailer Capabilities – After talking with Chief Soucy, there are considerations to be had for using the speed display component as it can impact behavior, thus, affecting the data collected. There are benefits to the pole mounted device since it is discreet and more likely to collect data that reflects actual conditions. Both pieces of equipment are useful and will be deployed appropriately.

Boy Scout Fort Foster – The request for an overnight camp scheduled for November 5th was received on the Thursday prior. Typically, this type of request is approved by Council beforehand. The Boy Scout Troop ultimately ended up using an alternative location. However, there were opportunities identified to streamline the process for future requests.

Memorial Circle – The project is scheduled for upcoming season and there were concerns raised regarding the potential impact on traffic in the morning and afternoon. Town Manager Amaral met with the Fire Chief, Police Chief, Town Planner, and the Commissioner to discuss ways to mitigate the potential traffic. The Town will require to approve the traffic management plans and signage before construction begins.

Resource Recovery Facility – Further information will be provided regarding enhancing monitoring at the Resource Recovery Facility.

Council Chamber Chairs – Staff is in the process of obtaining quotes for replacing the broken chairs in both Council Chambers and the conference rooms.

Acting Town Manager – An Acting Town Manager will be appointed during Town Manager Amaral's absence on December 3rd through 11th.

MTCTA Tax and Collection Law – Town Manager Amaral will be attending a workshop on Municipal Law for Tax Collectors and Treasurers on November 16th in Augusta.

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

Ballot Initiatives – The State has still not issued a recount for Question 1 regarding the act to legalize marijuana, which is projected to be approved. Staff is in the process of reviewing the current ordinance in land use and general inhabitant ordinances for gaps, inconsistencies, and overlap with the upcoming State law. The State has nine months to issue regulation. Town Manager Amaral is seeking guidance from Council as to how the Town should plan to control the State law.

Minimum wage – After an analysis of current staff wages, it was determined that there are no employees below minimum wage. There are a couple of employees that would be raised to the new wage effective January 1st.

Zip ties – In response to Councilor Spiller's concerns raised regarding the zip ties at Sea Point and Crescent Beach, Kelly Philbrook believed that the zip ties were attributed to Atlantic whale marking. Further information will be provided.

Councilor Lemont noted that red zip ties are for Atlantic whale marking.

Councilor Lemont felt that it is important to start sooner than later in response to the State law that would legalize marijuana. He noted that the Town would have the ability to introduce a moratorium and there is a potential risk for conceivably grandfathered rights without doing so. Chairperson Beers explained that a moratorium lasts six months and can be extended for six months. However, no licensing authority can be had until the State license agency is established, which will take about nine months. In discussion with Town Manager Amaral, it is fair to give staff time to formulate a position and return to Council at the earliest opportunity for discussion and attention to the matter.

Councilor Spiller noted that only clear, plastic zip ties were identified at the beach cleanup.

10. Acceptance of Previous Minutes

Regular Meeting – October 24, 2016

The minutes were adopted, as presented.

Special Meeting – October 25, 2016

The minutes were adopted, as presented.

11. Interviews for the Board of Appeals and Planning – None.

12. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials. – None.

13. PUBLIC HEARINGS

a. (110116-1) The Kittery Town Council moves to hold a public hearing on a multi-year contract with MSDSONline.

Chairperson Beers explained that the multi-year contract with MSDSONline provides the Town access to material safety data sheets electronically.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ORDAIN IN ACCORDANCE WITH TITLE 30A M.R.S. §3001 AND THE KITTERY TOWN CHARTER SECTION 2.07(3) AND 6.11(2) TO INSTRUCT THE TOWN MANAGER TO EXECUTE THIS THREE-YEAR ONLINE SAFETY DATA SHEET SYSTEM CONTRACT AGREEMENT WITH MSDSONLINE, SECONDED BY COUNCILOR SPILLER.

Town Manager Amaral clarified to Councilor Dennett that the rate would increase in year two and year three, if the Town were to enter into a one-year contract. For a three-year contract, the pricing is fixed each year at \$3,749.

Councilor Dennett noted that the master subscription agreement was made available online, not in paper form. Town Manager Amaral replied that MSDSONline would be entering into the Town's terms and conditions.

THE MOTION MADE BY COUNCILOR THOMSON WAS AMENDED TO INCLUDE THE TOWN MANAGER IS PERMITTED TO ENTER INTO THE TOWN'S CONTRACT WITH MSDSONLINE, SECONDED BY COUNCILOR SPILLER.

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

14. DISCUSSION

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

Holly Zurer, Government Street

Ms. Zurer expressed concerns that the Chairperson and Vice-Chairperson selection appeared as pre-decided. She encouraged the Council to work more effectively, cooperatively, and with more clarity.

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

c. Chairperson's response to public comments

Ms. Zurer – The concept of working together is of everyone's interest and all are dedicated to improving.

15. UNFINISHED BUSINESS – None.

16. NEW BUSINESS

- a. Donations/gifts received for Council disposition – None.
- b. (110116-2) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$358,823.11.
Town accounts payable of \$13,591.74.
Sewer account payable of \$25,584.18.
School accounts payable of \$587,444.18.
Total of all disbursement warrants of \$985,443.21.

Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that the School warrants are in order.

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.

- c. (110116-3) The Kittery Town Council moves to adopt its current rules for the ensuing year.

A MOTION WAS MADE BY COUNCILOR DENNETT TO ADOPT ITS CURRENT RULES FOR THE ENSUING YEAR, SECONDED BY VICE CHAIRPERSON DENAULT.

Councilor Thomson requested to amend the motion to remove Item B under Section Fifteen regarding the Ordinance Review Committee. It came into existence for a variety of reasons and it is an appropriate time to remove the Committee with the advent of a new Town Manager.

A MOTION WAS MADE BY COUNCILOR THOMSON TO REMOVE ITEM B UNDER SECTION FIFTEEN IN ITS ENTIRETY, SECONDED BY CHAIRPERSON BEERS.

Councilor Thomson felt that the ordinance review is the job of administration.

Councilor Dennett noted that the motion is not in order since the rules may not be suspended, adopted, without notice to the regular meeting. Councilor Thomson felt that any amendments and changes can be made at this time for adopting rules for the ensuing year.

Councilor Spiller noted in the past the changes have been made in the current meeting.

Vice Chairperson Denault supported postponing the change until the next meeting to allow for the opportunity for further review.

The Council reached consensus to make no action on the item to allow the revision requested by Councilor Thomson to be submitted in writing before the next regular meeting.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO POSTPONE THE ADOPTION OF ITS CURRENT RULES FOR THE ENSUING YEAR TO THE NOVEMBER 28, 2016 REGULAR MEETING, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

- d. (110116-4) The Kittery Town Council moves to appoint Council members to On-

going, Standing, Ad hoc and Council Committees.

The Council discussion changes to On-going, Standing, Ad hoc and Council Committees as follows:

- Replace Councilor Lemont with Councilor Pelletier from the Warrant Review – School Expense
- Continue Russell White on the Comprehensive Plan Update Committee
- Replace Russell White with Councilor Spiller on the Open Space Advisory Committee
- The Safford School Preservation Committee could be removed with a recommendation to be handled through a newly formed body
- The Shared Services Committee could be removed as it is inactive
- Add Councilor Pelletier to the Education Scholarship Selection Committee
- Replace Russell White with Councilor Lemont from the Warrant Review – Municipal Employee Wages & Benefits
- Replace Councilor Thomson with Councilor Spiller from the Economic Development Committee
- Add Vice Chairperson Denault to the Warrant Review – Municipal Expense
- The Eliot Sewer Committee could be removed as it is inactive
- Add Chairperson Beers to Capital Improvement Plan Committee

e. (110116-5) The Kittery Town Council moves to authorize the Town Manager to close departments with the exception of essential personnel, the day after Thanksgiving, November 25, 2016, with the understanding that employees will use their personal accumulated time.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE TOWN MANAGER TO CLOSE DEPARTMENTS WITH THE EXCEPTION OF ESSENTIAL PERSONNEL, THE DAY AFTER THANKSGIVING, NOVEMBER 25, 2016, WITH THE UNDERSTANDING THAT EMPLOYEES WILL USE THEIR PERSONAL ACCUMULATED TIME, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

f. (110116-6) The Kittery Town Council moves to schedule a public hearing for November 28, 2016, on a multi-year contract with I Am Responding.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 28, 2016, ON A MULTI-YEAR CONTRACT WITH I AM RESPONDING, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

g. (110116-7) The Kittery Town Council moves to schedule two sewer assessment hearings for November 28, 2016 and declares the time period for filing further hearing requests closed.

A MOTION WAS MADE BY COUNCILOR DENNETT TO SCHEDULE TWO SEWER ASSESSMENT HEARINGS FOR NOVEMBER 28, 2016 AND DECLARES THE TIME PERIOD FOR FILING FURTHER HEARING REQUESTS CLOSED, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

17. COUNCILOR ISSUES OR COMMENTS

Councilor Dennett asked Town Clerk Maryann Place for the casted vote counts. She expected to be making that information publicly available soon.

Councilor Dennett noted that the Water District sent out legal notices regarding increased rates effective January 1, 2017 by 3%, except for governmental and municipal customers at 8.49%. He requested that the Town Manager provide further information as to the determination for that increase.

Councilor Pelletier thanked the Town Clerk and staff for their efforts at the 2016 Election.

Councilor Spiller mentioned the positive compliments she has received regarding the work of Department of Public Works and Fort Foster staff.

Councilor Spiller suggested whether the Chairperson and Vice Chairperson would be interested in meeting with the Town Manager to review internal process improvement. Chairperson Beers and Vice Chairperson Denault concurred.

Vice Chairperson Denault thanked Russell White for his help over the past three years.

Vice Chairperson Denault thanked Maryann Place for her efforts at the 2016 Election. He did not receive any complaints about parking.

Vice Chairperson Denault thanked the public for being elected and appreciated the help from Councilor Lemont.

Chairperson Beers thanked the former Planning Board chair and former Councilor, Russell White, for his many years of service and dedication to the Town.

Chairperson Beers welcomed Councilor Pelletier and congratulated Vice Chairperson Denault.

18. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson – None.

b. Committee Reports

Councilor Spiller stated the York River Study Committee will be meeting on November 22, 2016 at 5:30 at the Grant House in York.

Councilor Thomson noted the work has been completed in the annex of the Kittery Community Center. The two S.A.F.E rooms have been moved behind the newly built wall in the hallway and there is a new card entry access system. The two vacated rooms in the main hallway will be repurposed for rentals.

19. EXECUTIVE SESSION

a. (110116-7) The Kittery Town Council moves to go in to Executive Session with the Town Manager and Town Attorney in accordance with 1 M.R.S. §405 (6) (E) to discuss sewer easements related to the 2015 Sewer project.

A MOTION WAS MADE BY COUNCILOR DENNETT TO GO IN TO EXECUTIVE SESSION AT 7:56 P.M. WITH THE TOWN MANAGER AND TOWN ATTORNEY IN ACCORDANCE WITH 1 M.R.S. §405 (6) (E) TO DISCUSS SEWER EASEMENTS RELATED TO THE 2015 SEWER PROJECT, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO COME OUT OF EXECUTIVE SESSION AT 8:15 P.M., SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

20. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 8:16 P.M., SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

Submitted by Marissa Day, Minutes Recorder, on November 21, 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>.