

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. 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.

5. Agenda Amendment and Adoption

Agenda was adopted, as presented.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

**Recognition of Mr. Thomas Dinsmore** – Mr. Dinsmore was recognized for his volunteer services in contributing support for the excavation, pipe laying, and sewer connection work to his neighbors as part of the Sewer Expansion project. Town Manager Amaral and Chairperson Beers presented Mr. Dinsmore a certificate.

**Website Survey** – A 5-question survey has been posted on the Town's website and available at Town Hall, Kittery Community Center, and the Rice Public Library to collect feedback regarding the current website. Responses will be collected until the end of January and is publicized in the Portsmouth Herald, Channel 22, and elsewhere. She encouraged all to participate in the survey. Launch of the new website is expected by early July.

**Report to Council: Cullen Development Proposal** – A Report to Council regarding William Cullen's development proposal was provided in the Council Packet. There are opportunities on Mr. Cullen's site for development. The Town Manager has spoken with Mr. Cullen and others regarding the opportunities. The business park zones consist of parcels owned by three separate entities and several wetlands. She believed that the Town does not have sufficient information indicating the most cost effective and efficient option for providing utilities to the site in order to respond to Mr. Cullen's proposal. Thus, the Town is pursuing a feasibility study for the Business Park zone. She provided an overview of the project scope for that study and requested additional guidance from the Council.

Chairperson Beers concurred with the approach presented. Councilor Thomson advised that it may be an opportune time to seek a consultant with expertise in achieving the economic growth and tax revenue desired from this area. The Council reached consensus to proceed with

conducting the study.

Town Manager Amaral recognized the Kittery Department of Public Works for their efforts during the recent snowstorms.

7. Acceptance of Previous Minutes

Regular Meeting – January 11, 2016

One minor spelling error was corrected. The minutes were adopted, as amended.

Regular Meeting – January 25, 2016

The minutes were adopted, as presented.

Regular Meeting – December 28, 2016

The motion under Item 13i was corrected to indicate a unanimous vote. Councilor Spiller abstained from voting on the minutes due to her absence. The minutes were adopted, as amended.

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

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

10. PUBLIC HEARINGS

Notice of the following public hearings were posted, as required, on December 30, 2016.

a. (010117-1) The Kittery Town Council moves to hold a public hearing on an application from Woodland Farms Brewery LLC, 1 Rowans Way, Kittery ME for a Special Activity Amusement Permit for Woodland Farms Brewery, 306 US Route 1, Suite C.

Chairperson Beers explained that the application is for a new business in the Weathervane complex and have received their Victualer's license and Spirituous and Vinous Liquor License at the previous meeting. Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AN APPLICATION FROM WOODLAND FARMS BREWERY LLC, 1 ROWANS WAY, KITTERY ME FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR WOODLAND FARMS BREWERY, 306 US ROUTE 1, SUITE C, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

b. (010117-2) The Kittery Town Council moves to hold a public hearing on amendments to Title 2 of the Kittery Town Code to add the Harbormaster position.

Chairperson Beers noted that the public hearing is a result of an agreement pending between the Kittery Port Authority and Town of Kittery, which was approved by the Kittery Port Authority in their previous meeting. The amendment allows for the Harbormaster to be covered by the Kittery employment benefits and compensation provisions under Town Code Title 2.

Chairperson Beers opened the floor for public comment.

Mr. Milton Hall, 27 Old Ferry Lane, provided written suggestions indicating that the Town Manager advise the tasks conducted by the KPA. Chairperson Beers clarified that the public hearing addresses Title 2 only that does not relate to the job description.

Chairperson Beers called for anyone else wishing to speak to, for, or against the matter. Hearing none; Chairperson Beers closed the public hearing.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO ORDAIN THE CREATION OF THE HARBORMASTER POSITION AND THE ESTABLISHMENT OF TITLE 2.4.1.11 HARBORMASTER AS PRESENTED TO COUNCIL AT THE BEGINNING OF THE MEETING, SECONDED BY VICE CHAIRPERSON DENAULT.**

Councilor Thomson referenced the facts bearing on the equation in the Report to Council that indicated the Personnel Board has reviewed and approved the Harbormaster job description. Town Manager Amaral explained how the determination was made to consider the quorum of the Board as the majority of the appointed members. She noted that a full board was present when the Personnel Board approved the amendment.

Councilor Thomson referenced Section 2.4.1.1.11 and asked to define the meaning of general oversight. Town Manager Amaral noted that the agreement best defines this. There are requirements of the Town to follow certain policies and protocols that is referred to under the general oversight. She explained that situations where the Harbormaster could potentially receive conflicting directives would be if the KPA is directed the Harbormaster to perform an illegal action or act in a manner that puts the Town at risk. The Council further discussed details of the amendment regarding directed tasks of the Harbormaster position.

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

**A MOTION WAS MADE BY COUNCILOR DENNETT TO ORDAIN A REVISION TO TITLE 2.5 COMPENSATION AND 2.4.1.11 HARBORMASTER, SECONDED BY COUNCILOR PELLETIER.**

Councilor Thomson noted that compensation is established by the KPA, which is contrary to the draft amendment. Town Manager Amaral clarified that, although the KPA is the appointing authority, the Town approves the budget through the Town Council.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO AMEND THE PROPOSED REVISION TO TITLE 2.5 COMPENSATION AND 2.4.1.11 HARBORMASTER TO INDICATE THE COMPENSATION FOR THE HARBORMASTER IS ESTABLISHED BY THE KITTELY PORT AUTHORITY, SECONDED BY COUNCILOR THOMSON. 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.**

**11. DISCUSSION**

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

Milton Hall, 27 Old Ferry Lane

Mr. Hall stated specific corrections to the Town Code regarding the Harbormaster duties and responsibilities.

- b. Response to public comment directed to a particular Councilor – None.
- c. Chairperson's response to public comments

Mr. Hall – His comments will be addressed when those agenda items appear later in the meeting.

**12. UNFINISHED BUSINESS**

(110216-2) The Kittery Town Council moves to continue the Assessment Hearing for Dow Highway Properties, LLC.

The three Sewer Assessment Hearings will be conducted in a special meeting on Wednesday, January 18<sup>th</sup>.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO CONTINUE THE ASSESSMENT HEARING FOR DOW HIGHWAY PROPERTIES, LLC UNTIL JANUARY 18, 2017, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

**13. NEW BUSINESS**

- a. Donations/gifts received for Council disposition

(010117-3) The Kittery Town Council moves to accept an anonymous donation in the amount of \$200.00 to be deposited in account # 2063-43600 Kittery Community Center.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT AN ANONYMOUS DONATION IN THE AMOUNT OF \$200.00 TO BE DEPOSITED IN ACCOUNT # 2063-43600 KITTEY COMMUNITY CENTER, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

- b. (010117-4) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$146,128.44.  
Sewer account payable of \$12,702.96.  
School accounts payable of \$443,264.40.  
Total of all disbursement warrants of \$602,095.80.

Chairperson Beers stated that the Town and Sewer warrants are in due form. Councilor Pelletier that the School warrants are in due form.

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

- c. (010117-5) The Kittery Town Council moves to approve an Inter Municipal Agreement between the Town of Kittery and the Kittery Port Authority.

Chairperson Beers noted that the KPA requested to revise the motion to read as an Agreement between the Town of Kittery and the Kittery Port Authority.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO POSTPONE THE MOTION TO APPROVE AN AGREEMENT BETWEEN THE TOWN OF KITTERY AND THE KITTERY PORT AUTHORITY AND TO POSTPONE THE MOTION TO AMEND THE PERSONNEL POSITION-CLASSIFICATION POLICY TO ADD THE HARBORMASTER JOB DESCRIPTION UNTIL THE JANUARY 23, 2017 REGULAR MEETING, SECONDED BY COUNCILOR DENNETT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

d. (010117-6) The Kittery Town Council moves to amend the Personnel Position-Classification Policy to add the Harbormaster job description.

It was previously moved, seconded, and approved to postpone action on this item.

e. (010117-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview Alan Rindler for his appointment as an alternate member to that board until 12/31/20.

**A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT COUNCILOR PELLETIER TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW ALAN RINDLER FOR HIS APPOINTMENT AS AN ALTERNATE MEMBER TO THAT BOARD UNTIL 12/31/20, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

f. (010117-8) The Kittery Town Council moves to accept the resignation of Peter S. Johnson from the Port Authority effective immediately.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT THE RESIGNATION OF PETER S. JOHNSON FROM THE PORT AUTHORITY EFFECTIVE IMMEDIATELY WITH LETTER OF GRATITUDE, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

g. (010117-9) The Kittery Town Council moves to authorize the Town Manager to seek an agreement with Fairpoint to affix flags to telephone poles along State Road.

Councilor Dennett requested that any agreement with Fairpoint be subject to final review by himself and the Town Manager prior to final signature.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO AUTHORIZE THE TOWN MANAGER TO SEEK AN AGREEMENT WITH FAIRPOINT TO AFFIX FLAGS TO TELEPHONE POLES ALONG STATE ROAD SUBJECT TO CONCURRENCE WITH COUNCILOR DENNETT FOR THE FINAL DOCUMENT, SECONDED BY COUNCILOR PELLETIER.**

Councilor Dennett briefly stated an example of a condition that may require further negotiations or clarification with Fairpoint.

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

Councilor Thomson noted that the dates indicated in the draft agreement should be further

revised given the Thresher Memorial anniversary date. Chairperson Beers noted that will be reviewed during negotiations and by the Town Manager and Councilor Dennett.

h. 010117-10) The Kittery Town Council moves to approve a renewal application from Loco Coco's Tacos Corp., 36 Walker Street, Kittery, ME for a Spirituous and Vinous Liquor License for Loco Coco's Tacos, 36 Walker Street.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM LOCO COCO'S TACOS CORP., 36 WALKER STREET, KITTERY, ME FOR A SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS, 36 WALKER STREET, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

**14. COUNCILOR ISSUES OR COMMENTS**

Councilor Dennett stated that Oxbow has officially deorganized and will become known as Township 9, Range 6. The residents tax rate is expected to decrease from about \$20 to \$6.

Councilor Spiller referenced a letter that was submitted to the Portsmouth Herald that stated the Kittery Town Council has done nothing to change the Memorial Circle. She asked if this was mentioned in the previous meeting.

Councilor Spiller stated that a list has been developed for the informal group of Friends of the Rice Public Library and will be meeting in the next few weeks.

Councilor Spiller noted that a group of about 70 people have been involved in cleaning up dog waste at Fort Foster.

Councilor Spiller stated she will be attending the MMA training event regarding recreational and medical use of marijuana on February 28<sup>th</sup> in Freeport, ME.

Councilor Thomson was pleased to see the sidewalk plow being used during the recent snowstorm.

Councilor Thomson noted that Nancy Colbert Puff is Acting City Manager in Portsmouth.

Vice Chairperson Denault mentioned that some issues he previously raised was submitted in writing prior to the workshop.

**15. COMMITTEE AND OTHER REPORTS**

**a. Communications from the Chairperson**

Three Sewer Assessment Hearings will be held on January 18, 2017.

The MMA training event regarding recreational and medical use of marijuana on February 28, 2017 in Freeport, ME is open to all councilors to attend.

**b. Committee Reports**

**16. EXECUTIVE SESSION – None.**

17. ADJOURNMENT

**A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 7:56 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 January 17, 2017.

*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>.*