

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.

Council Email – If any Councilor is interested in utilizing their own town e-mail account, staff will provide the login, password, and instructions on accessing the account online.

Whipple Road Design Question – Councilor Spiller asked about bike friendly mountable curbing. The design team was asked to incorporate it into the project. MDOT would not approve due to safety issues and design standards. That was checked by a traffic engineer, it is not a safety design when you don't have a cycle lane and cycle track. At this time, they could not get in Whipple Rd sidewalk project.

Update on Dineen – Mr. Dineen remains incarcerated and will appear for another testimonial next Friday. There is evidence to suggest whether he can come to compliance with the court order.

Comcast Live Transmission Sites – The status of what has been completed by Comcast was explained. The next step is to install and activate converter boxes at four of the five sites. There is a very complex process involved with developing a live transmission.

Kittery School Committee – The committee requested that the upcoming candidate forums on January 20, 2017 at 6:00pm in Town Hall. Questions for the candidates can be submitted to Julie Dow at jdow@kiteryschools.com. Information will be available on the website and through Twitter.

Website Survey – The website survey closes this week.

Staff Recognition – Service awards were announced to seven Town employees.

Councilor Spiller suggested that traffic calming measures could be considered on Whipple Road. She suggested that the Commissioner reach out to the bicyclist groups to receive input.

Councilor Lemont announced that he received an e-mail indicated the speed limit will be lowered to 25mph on Route 103.

Chairperson Beers questioned whether the new email server will be able to handle files larger than 10 MB. He asked how many and the status of all sewer assessment arbitrations.

7. Acceptance of Previous Minutes

Regular Meeting – December 28, 2015

Line 133 – insert “by Councilor Beers.”

Line 136 – change “eliminate” to “illuminate”

The minutes were adopted, as amended, with Councilor Spiller abstaining.

Regular Meeting – January 9, 2017

Line 56 – “the” needs to be lowercase

Line 57 – replace “have” with “has”

Line 151 – correct spelling of classification

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.

(010317-1) The Kittery Town Council moves to adopt the 2015 York County Emergency Management Agency Mitigation Plan, by resolution, and authorizes its Chairperson to sign the Promulgation Statement required by FEMA.

Chairperson Beers corrected the motion to say “by resolution and sign the promulgation statement”.

Sergeant Eaton explained that the mitigation plan is required by FEMA. It is written at county level to save money and the approximate cost was \$5,000. The plan comes from National Incident Management System and is a requirement to be eligible for federal government funding programs.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO ADOPT THE 2015 YORK COUNTY EMERGENCY MANAGEMENT AGENCY MITIGATION PLAN, BY RESOLUTION AND SIGN THE PROMULGATION STATEMENT REQUIRED BY FEMA, SECONDED BY VICE CHAIRPERSON DENAULT. 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)

Vern Gardner, 2 Tuckers Cove

Mr. Gardner spoke in regards to the previous Town Council special meeting regarding the executive session. He questioned who leaked the confidential material since it has a potential for being a lawsuit of defamation. He asked whether Vice Chairperson Denault released the confidential material to the public prior to the meeting.

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

Chairperson Beers replied that the matter is unresolved and the document is confidential. Vice Chairperson Denault added that the official report was not released by him. The only people who received the report were the Council and the Attorney. The victims and witnesses got their respective copies to ensure they were accurate.

12. UNFINISHED BUSINESS

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

A MOTION WAS MADE BY COUNCILOR THOMSON TO MOVE ITEM 12C AND 12D TO THE FEBRUARY 13, 2017 REGULAR TOWN COUNCIL MEETING, SECONDED BY COUNCILOR PELLETIER. 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.

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition – None.
- b. (010317-2) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$60,929.04.
Sewer account payable of \$7,960.35.
School accounts payable of \$43,777.08.
Total of all disbursement warrants of \$112,666.47.

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

c. (010317-3) The Kittery Town Council moves to adopt its 2017 Goals, its FY'18 Budget Guidelines and the Town Manager's 2017 Goals.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADOPT ITS 2017 GOALS, ITS FY'18 BUDGET GUIDELINES AND THE TOWN MANAGER'S 2017 GOALS,

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

d. (010317-4) The Kittery Town Council moves to schedule public hearings to amend Title 2 of the Kittery Town Code to add job descriptions for Human Resources Generalist and Public Works Mechanic/Operator.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE PUBLIC
HEARING FOR FEBRUARY 13, 2017 TO AMEND TITLE 2 OF THE KITTEY TOWN
CODE TO ADD JOB DESCRIPTIONS FOR HUMAN RESOURCES GENERALIST
AND PUBLIC WORKS MECHANIC/OPERATOR, SECONDED BY CHAIRPERSON
BEERS. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

e. (010317-5) The Kittery Town Council moves to appoint Sandra Lutts as the Chairperson of the Registration Appeals Board until 12/31/20.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT SANDRA
LUTTS AS THE CHAIRPERSON OF THE REGISTRATION APPEALS BOARD UNTIL
12/31/20, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A
UNANIMOUS ROLL CALL VOTE 7/0/0.**

f. (010317-6) The Kittery Town Council move to appoint a representative to meet with the Chair of the Port Authority to interview Bryan Bush for his appointment to that board until 8/31/20.

**A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT COUNCILOR
SPILLER TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO
INTERVIEW BRYAN BUSH FOR HIS APPOINTMENT TO THAT BOARD UNTIL
8/31/20, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A
UNANIMOUS VOICE VOTE 7/0/0.**

14. COUNCILOR ISSUES OR COMMENTS

Councilor Dennett questioned what the Kittery Spirit of America Tribute is. Chairperson Beers replied that Town Manager Amaral would report back with further information at a later time.

Town Manager Amaral replied to Councilor Pelletier that the letter regarding a recent issue is confidential information.

Vice Chairperson Denault stated he received correspondence from an individual that lives on Armour Drive concerning a sign possibly containing vulgarity. He suggested that the sign ordinance be evaluated to prohibit offensive words, wherever it may be.

Vice Chairperson Denault made the Council aware that he will speak to the Town Manager regarding business activity on seasonal rental properties.

Vice Chairperson Denault recognized those that have passed.

- Carrie B. Varney
- Olive Gray
- Donna Harris

- Stephanie Tobey
- John Tilton

Councilor Lemont suggested it would be beneficial to meet with our legislative delegation to be more proactive with State matters that affect municipalities.

Chairperson Beers noted that the rental sharing was intended to be part of the earlier workshop, but was postponed due to needed discussion regarding marijuana.

Chairperson Beers noted he was familiar with situation at Armour Drive and was assured that what had been done, could be done.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

There is a workshop regarding the Kittery Outlets Project on February 13, 2017 at 6:00pm.

Chairperson Beers stated he plans to conduct a quarterly goals review.

The Town Manager is due a performance review on Apr 24th. Documentation was provided to Council regarding the format to be used.

b. Committee Reports

16. EXECUTIVE SESSION – None.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 7:32 P.M., SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

Submitted by Marissa Day, Minutes Recorder, on February 23, 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>.