

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, Jeffrey Thomson, Judith Spiller, and Kenneth Lemont.

5. Agenda Amendment and Adoption

Item 13g. was withdrawn from the agenda per the applicant's request. Original Item 13k. was revised to replace "their" with "Fort Foster". Original Item 13n. was moved and re-lettered as Item 13a. Councilor Spiller requested to add an item under New Business to read "The Kittery Town Council moves to rescind its March 27, 2017, censure of a municipal official member of the Planning Board because of the Town's failure to maintain confidentiality as promised and required under 1 M.R.S. §405 (6) (F) and 1 M.R.S. §402 (3)(C-1)(1)(D)."

The agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

Library Public Workshop – The first public workshop will be held on Saturday, April 22nd at 10:00am at the Traip Academy Gymnasium. A brief presentation and overview of three options will be provided for the public to provide feedback and suggest a preferred option.

Rokunohe Visit – The Council is invited to join the annual Rokunohe visit welcome dinner on April 27th at 6:00pm. Council is also invited to attend the assembly on April 26th at 7:30AM at Traip Academy.

2017 Construction Season – Town Manager Amaral provided details regarding the major construction projects occurring in the upcoming year.

Crosswalk at Walker Street on Main – Staff reviewed the request for a crosswalk on Walker Street at Main Street and it is recommended to refer to the current Kittery Foreside Land Use, Parking and Traffic Circulation Study to determine the safest and most advantageous option for pedestrians.

Parking Violation in Foreside – The Police Department identified the vehicle that was a

frequent violator of parking regulations in the Foreside along Walker Street and is following up with enforcement.

Public Road at Rogers Road and Whipple Road – Information regarding the commonly used pass through in this area was provided and additional research is forthcoming.

Parking at Fort Foster Gate House – The Police Department will make periodic checks to ensure that no vehicles are blocking Pocahontas Road.

Town Manager Amaral replied to Councilor Lemont that the request for a sidewalk on Route 103 extending from Austin Hill to Kittery Point Bridge is currently in design and Right-of-Way work and scheduled to be constructed in 2018.

Town Manager Amaral provided specific details regarding legal considerations and timeline in order to demolish the building on the Dineen property.

Town Manager Amaral noted that MDOT intends to complete drainage work on Route 1 while the Sara M. Long bridge is under construction.

7. Acceptance of Previous Minutes

The minutes of March 27, 2017 regular meeting were adopted, as amended, with Councilor Thomson abstaining.

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 – None.

11. DISCUSSION

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

Vern Gardner, 2 Tuckers Cove

Mr. Gardner spoke about a citizen's right to speak freely without fear of being evicted or bullied. He disclosed that he filed a personal lawsuit against Gary Beers and noted it is not against the Council.

Susan Johnson

Ms. Johnson spoke in favor of allowing low income, elderly residents to attend adult education classes at no charge. In response to the Foreside study, she advocated for new design ideas that preserve trees, provide green space, and to bury utility poles underground.

Susan Emery, 5 School Lane

Ms. Emery provided history and information regarding the ballot initiative seeking a York County casino or slot machine facility. She spoke in opposition of the initiative highlighting the negative impacts a casino would impose on Kittery and York County.

George Dow, 1 Bartlett Road

Mr. Dow thanked Superintendent Allyn Hutton for her dedicated service. He described and

complimented the recent Heart to Art event. At the event, third graders of the Horace Mitchell Primary School and the Maine Chapter of the Alzheimer's Association taught art lessons to seniors with early on-set dementia.

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

c. Chairperson's response to public comments

He provided no comment to Mr. Gardner since he had departed the room. In response to Ms. Johnson, he referred to Town Manager Amaral regarding adult education classes for the elderly and any plans for cutting trees in the Foreside. In response to Ms. Emery, he welcomed her sentiments regarding the York County ballot initiative. In response to Mr. Dow, he echoed his sentiments regarding the accomplishments of the School Department under Superintendent Hutton's leadership.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

a. (040117-14) The Kittery Town Council moves to reaffirm the Town of Kittery's opposition to a casino in Kittery, as stated in Sec. 1.04 of the Kittery Town Charter and asks the Town Manager to work with comparable officials in surrounding communities to develop a strategy in opposition to the November statewide ballot referendum question on locating a casino in York County.

A MOTION WAS MADE BY COUNCILOR SPILLER TO REAFFIRM THE TOWN OF KITTERY'S OPPOSITION TO A CASINO IN KITTERY, AS STATED IN SEC. 1.04 OF THE KITTERY TOWN CHARTER AND ASKS THE TOWN MANAGER TO WORK WITH COMPARABLE OFFICIALS IN SURROUNDING COMMUNITIES TO DEVELOP A STRATEGY IN OPPOSITION TO THE NOVEMBER STATEWIDE BALLOT REFERENDUM QUESTION ON LOCATING A CASINO IN YORK COUNTY, SECONDED BY COUNCILOR THOMSON.

The Council discussed the purpose of reaffirming Section 1.04 of the Charter. Councilor Spiller explained that it reinforces her view of opposing any casino along I-95 and spoke about the negative impacts that are associated with this type of proposal. Councilor Dennett asked to divide the referendum question. Councilor Lemont stated in support of the motion and expressed concerns for potential impacts to surrounding communities.

THE MOTION TO REAFFIRM THE TOWN OF KITTERY'S OPPOSITION TO A CASINO IN KITTERY, AS STATED IN SEC. 1.04 OF THE KITTERY TOWN CHARTER PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

Councilor Spiller clarified that surrounding communities consists of at least, but not limited to, any Town adjacent to Kittery. Councilor Dennett spoke in opposition of the motion because he could not speak for other communities in York County and he did not support requesting the Town Manager work on a task that is not directly related to the Town. Councilor Pelletier felt that the motion allows for the Town Manager to work with other York County communities. Vice Chairperson Denault echoed Councilor Dennett's statement.

THE MOTION PASSED BY A ROLL CALL VOTE 5/2/0 WITH VICE CHAIRPERSON DENAULT AND COUNCILOR DENNETT OPPOSED.

b. Donations/gifts received for Council disposition – None.

c. (080316-4) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$186,633.47.

Town accounts payable of \$13,058.96.

Sewer account payable of \$22,537.89.

School accounts payable of \$372,962.88.

Total of all disbursement warrants of \$595,193.20.

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

d. (040117-2) The Kittery Town Council moves to receive a presentation from the Superintendent of Schools on the FY'18 School Budget.

Superintendent Allyn Hutton provided a presentation of the FY'18 School Budget, which included details supporting the proposed 2.95% budget increase. She highlighted the School Department's goals, programs, and accomplishments.

e. (040117-3) The Kittery Town Council moves to give preliminary approval on the FY '18 School Budget and schedule a public hearing on May 8th to adopt the FY '18 School Budget and to schedule the Budget Validation Referendum for June 13th.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO GIVE PRELIMINARY APPROVAL ON THE FY '18 SCHOOL BUDGET AND SCHEDULE A PUBLIC HEARING ON MAY 8TH TO ADOPT THE FY '18 SCHOOL BUDGET AND TO SCHEDULE THE BUDGET VALIDATION REFERENDUM FOR JUNE 13TH, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

f. (040117-4) The Kittery Town Council moves to approve a renewal application from Sonmat, Inc., 7 Wallingford Square, Kittery for a Malt, Vinous and Spirituous Liquor License for Anju Noodle Bar, 7 Wallingford Square.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM SONMAT, INC., 7 WALLINGFORD SQUARE, KITTERY FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ANJU NOODLE BAR, 7 WALLINGFORD SQUARE, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

g. (040117-5) The Kittery Town Council moves to approve a one day extension of the service area of the premises externally on the current liquor license for The Black Birch, 2

Government Street, from 9:00am – 10:00pm for the Kittery Block Party on June 17, 2017.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A ONE DAY EXTENSION OF THE SERVICE AREA OF THE PREMISES EXTERNALLY ON THE CURRENT LIQUOR LICENSE FOR THE BLACK BIRCH, 2 GOVERNMENT STREET, FROM 9:00AM – 10:00PM FOR THE KITTERY BLOCK PARTY ON JUNE 17, 2017, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

h. (040317-7) The Kittery Town Council moves to authorize the Kittery Fire Station Association to post road signs at locations in the community to advertise the Annual Pancake Breakfast and 5K Road Race on Saturday, May 20th and Sunday May 21, 2017, and to hang a banner across Rogers Road advertising the 5K Road Race and a banner on York Hospital's outside wall on the corner of Walker Street and Route 1 to advertise both events from May 1st through May 21st.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY FIRE STATION ASSOCIATION TO POST ROAD SIGNS AT LOCATIONS IN THE COMMUNITY TO ADVERTISE THE ANNUAL PANCAKE BREAKFAST AND 5K ROAD RACE ON SATURDAY, MAY 20TH AND SUNDAY MAY 21, 2017, AND TO HANG A BANNER ACROSS ROGERS ROAD ADVERTISING THE 5K ROAD RACE AND A BANNER ON YORK HOSPITAL'S OUTSIDE WALL ON THE CORNER OF WALKER STREET AND ROUTE 1 TO ADVERTISE BOTH EVENTS FROM MAY 1ST THROUGH MAY 21ST, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

i. (040117-8) The Kittery Town Council moves to authorize the Kittery Schools Odyssey of the Mind students to hold a tag day at the Resource Recovery Facility on Saturday, May 6, 2017 from 9:30 a.m. – 12:30 p.m. to support the Odyssey of the Mind.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE KITTERY SCHOOLS ODYSSEY OF THE MIND STUDENTS TO HOLD A TAG DAY AT THE RESOURCE RECOVERY FACILITY ON SATURDAY, MAY 6, 2017 FROM 9:30 A.M. – 12:30 P.M. AT THE DESIGNATED EXIT AREA, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

j. (040117-9) The Kittery Town Council moves to approve a request from Kittery/Eliot VFW Memorial Post 9394 to hold the Memorial Day Parade and Ceremonies on Saturday, May 27th beginning at 9:00 a.m. on Walker Street.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A REQUEST FROM KITTERY/ELIOT VFW MEMORIAL POST 9394 TO HOLD THE MEMORIAL DAY PARADE AND CEREMONIES ON SATURDAY, MAY 27TH BEGINNING AT 9:00 A.M. ON WALKER STREET, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

k. (040117-10) The Kittery Town Council moves to authorize the Rice Public Library to use the Fort Foster facility (baseball field) on Friday, August 25, 2017 and to extend Fort Foster hours until 9:30 p.m. to show an outdoor movie for the closing celebration of their Summer

Reading Program.

A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE THE RICE PUBLIC LIBRARY TO USE THE FORT FOSTER FACILITY (BASEBALL FIELD) ON FRIDAY, AUGUST 25, 2017 AND TO EXTEND FORT FOSTER HOURS UNTIL 9:30 P.M. TO SHOW AN OUTDOOR MOVIE FOR THE CLOSING CELEBRATION OF THEIR SUMMER READING PROGRAM, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

l. (040117-11) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 a.m. and the closing at 8:00 p.m. for the June 13, 2017 State Referendum, Town Meeting, and School Budget Validation Referendum Elections as recommended by the Town Clerk.

A MOTION WAS MADE BY COUNCILOR PELLETIER TO APPOINT JOYCE TOBEY AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN AND THE OPENING OF THE POLLS AT 8:00 A.M. AND THE CLOSING AT 8:00 P.M. FOR THE JUNE 13, 2017 STATE REFERENDUM, TOWN MEETING, AND SCHOOL BUDGET VALIDATION REFERENDUM ELECTIONS AS RECOMMENDED BY THE TOWN CLERK, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

m. (040117-12) The Kittery Town Council moves to review and finalize wording on the Warrant Articles for the June 13, 2017 Town Meeting/Secret Ballot Election and make its recommendations on each article. Motion: Thomson wording on 2-7 and 7-0 on every article, beers. RR 7-0-0.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE FINAL WORDING OF WARRANT ARTICLES 2 THROUGH 7 FOR THE JUNE 13, 2017 TOWN MEETING/SECRET BALLOT ELECTION, AS PRESENTED, AND RECOMMEND THE VOTE BE LISTED AS 7-0-0 ON EACH ARTICLE, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

n. (040117-13) The Kittery Town Council moves to give reasonable consideration to the Stephen A. Hynes Real Property Trust Agreement Conservation Easement Cession offer and Management Plan for approximately 36.5 acres on Tax Map 66 Lots 24 and 25, if returned with a favorable recommendation after review by the Town Manager and Town Attorney; and, MDEP acceptance of same.

A MOTION WAS MADE BY COUNCILOR THOMSON THAT THE ITEM NOT BE FURTHER HEARD UNTIL THE TOWN MANAGER'S RECOMMENDATION IS MADE WORKING WITH THE TOWN PLANNER, CONSERVATION COMMISSION, OPEN SPACE COMMITTEE, AND ANY OTHER APPROPRIATE BOARDS, INCLUDING LEGAL CONSIDERATIONS, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A ROLL CALL VOTE 6/0/1 WITH CHAIRPERSON BEERS RECUSED.

o. (040117-15) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Education Scholarship Committee to interview Herbert Kingsbury for his

re-appointment to that board until 12/31/20.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO RE-APPOINT HERBERT KINGSBURY TO THE EDUCATION SCHOLARSHIP COMMITTEE UNTIL 12/31/20 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A ROLL CALL VOTE 5/1/1 WITH VICE CHAIRPERSON DENAULT OPPOSED AND CHAIRPERSON BEERS ABSTAINED.

p. (040117-16) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Conservation Commission to interview Herbert Kingsbury for his re-appointment to that board until 12/31/20.

A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO RE-APPOINT HERBERT KINGSBURY TO THE CONSERVATION COMMISSION UNTIL 12/31/20 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A ROLL CALL VOTE 5/1/1 WITH VICE CHAIRPERSON DENAULT OPPOSED AND CHAIRPERSON BEERS ABSTAINED.

q. (040117-17) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Page Mead for his re-appointment to that board until 12/31/20.

A MOTION WAS MADE BY COUNCILOR PELLETIER TO RE-APPOINT PAGE MEAD TO THE PARKS COMMISSION UNTIL 12/31/20 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

r. (040117-18) The Kittery Town Council moves to authorize the release of funds in the amount of \$1,000 from unassigned funds (unencumbered surplus) as approved by the voters at the June 14, 2016 Town Meeting, and to deposit said funds into account #101740-68427 Expense Self-Insurance Claims, to cover the cost of the deductible for an insurance claim.

A MOTION WAS MADE BY COUNCILOR SPILLER TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$1,000 FROM UNASSIGNED FUNDS (UNENCUMBERED SURPLUS) AS APPROVED BY THE VOTERS AT THE JUNE 14, 2016 TOWN MEETING, AND TO DEPOSIT SAID FUNDS INTO ACCOUNT #101740-68427 EXPENSE SELF-INSURANCE CLAIMS, TO COVER THE COST OF THE DEDUCTIBLE FOR AN INSURANCE CLAIM, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

s. (040117-19) The Kittery Town Council moves to discuss the annual Town Council and Town Manager goals.

Town Manager Amaral reviewed the status of the adopted goals for the calendar year.

t. (040117-21) The Kittery Town Council moves to rescind its March 27, 2017, censure of a municipal official member of the Planning Board because of the Town's failure to maintain confidentiality as promised and required under 1 M.R.S. §405 (6) (F) and 1 M.R.S. §402 (3)(C-1)(1)(D).

A MOTION WAS MADE BY COUNCILOR SPILLER TO RESCIND ITS MARCH 27, 2017, CENSURE OF A MUNICIPAL OFFICIAL MEMBER OF THE PLANNING BOARD BECAUSE OF THE TOWN'S FAILURE TO MAINTAIN CONFIDENTIALITY AS PROMISED AND REQUIRED UNDER 1 M.R.S. §405 (6) (F) AND 1 M.R.S. §402 (3)(C-1)(1)(D), SECONDED BY COUNCILOR PELLETIER.

Councilor Spiller explained why the failure to maintain confidentiality is basis for a void motion resulting in rescinding the censure. Councilor Dennett noted that a motion may not be acted on if it has been fully or partially carried out. Chairperson Beers concurred.

COUNCILOR THOMSON APPEALED THE DECISION OF THE CHAIRPERSON, SECONDED BY COUNCILOR SPILLER. THE APPEAL FAILED TO PASS BY A ROLL CALL VOTE 2/5/0 WITH COUNCILOR DENNETT, COUNCILOR LEMONT, VICE CHAIRPERSON DENAULT, COUNCILOR PELLETIER, AND CHAIRPERSON BEERS OPPOSED.

14. COUNCILOR ISSUES OR COMMENTS

In response to the previous meeting's executive session, Councilor Thomson encouraged moving forward with the matter and believed the community wants the Council to govern. He expressed concerns regarding signage recently placed in Town. He requested a workshop regarding LED lighting. He announced the Kittery Community Center's 5-year anniversary celebration will be held on Saturday, May 20th from 10:00am-1:00pm. He noted an additional part-time preschool program at KCC will be added in the future.

Vice Chairperson Denault referred to Town Manager a complaint he received regarding runoff directed onto residents' properties on Woodlawn Avenue.

Councilor Spiller reported that the recent dog waste cleanup effort resulted in a minimal amount of dog waste collected. She noted that the Comprehensive Plan Update Committee will be looking into ways to encourage the use of solar power on private properties.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

The Town Manager's 6-month performance review will be held in Executive Session on April 24th.

b. Committee Reports – None.

16. EXECUTIVE SESSION

a. (040117-20) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (D) to discuss labor negotiations.

A MOTION WAS MADE BY COUNCILOR SPILLER TO GO IN TO EXECUTIVE SESSION AT 9:08 P.M. WITH THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S. §405 (6) (D) TO DISCUSS LABOR NEGOTIATIONS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF EXECUTIVE SESSION AT 9:32 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING AT 9:33 P.M., SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

Submitted by Marissa Day, Minutes Recorder, on April 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>.