

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, and Judith Spiller.

Absent from the roll call was Jeffrey Thomson.

5. Agenda Amendment and Adoption

**A MOTION WAS MADE BY CHAIRPERSON BEERS TO MOVE ITEM 16A AND 16B AS ITEM 6 AND TO AMEND THE MOTION TO READ ‘THE KITTELY TOWN COUNCIL MOVES TO GO INTO EXECUTIVE SESSION WITH THE TOWN MANAGER, ANN GRINNELL, AND ATTORNEY PETER TAYLOR IN ACCORDANCE WITH 1 M.R.S §405 (6) (F) TO DISCUSS INFORMATION CONCERNING CONSTITUENT COMPLAINTS CONTAINED IN RECORDS RECEIVED BY THE TOWN, WHERE ACCESS BY THE GENERAL PUBLIC TO THOSE RECORDS IS PROHIBITED BY 1 M.R.S. §402 (3) (C-1) (1) (D), SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

Agenda was adopted, as amended.

6. EXECUTIVE SESSION

a. (030217-10) The Kittery Town Council moves to go into executive session with the Town Manager, Ann Grinnell, and Attorney Peter Taylor in accordance with 1 M.R.S §405 (6) (F) to discuss information concerning constituent complaints contained in records received by the Town, where access by the general public to those records is prohibited by 1 M.R.S. §402 (3) (C-1) (1) (d).

**A MOTION WAS MADE BY COUNCILOR SPILLER TO GO IN TO EXECUTIVE SESSION AT 7:04 P.M. WITH THE TOWN MANAGER, ANN GRINNELL, AND ATTORNEY PETER TAYLOR IN ACCORDANCE WITH 1 M.R.S §405 (6) (F) TO DISCUSS INFORMATION CONCERNING CONSTITUENT COMPLAINTS CONTAINED IN RECORDS RECEIVED BY THE TOWN, WHERE ACCESS BY THE GENERAL PUBLIC TO THOSE RECORDS IS PROHIBITED BY 1 M.R.S. §402 (3) (C-1) (1) (D), SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

**A MOTION WAS MADE BY COUNCILOR SPILLER TO COME OUT OF EXECUTIVE SESSION AT 7:17 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

b. (030217-11) The Kittery Town Council, finding sufficient evidence of conduct in certain matters raised in constituent complaints, moves to censure a municipal official member of the Planning Board.

**A MOTION WAS MADE BY COUNCILOR DENNETT, FINDING SUFFICIENT EVIDENCE OF CONDUCT IN CERTAIN MATTERS RAISED IN CONSTITUENT COMPLAINTS, TO CENSURE A MUNICIPAL OFFICIAL MEMBER OF THE PLANNING BOARD, SECONDED BY VICE CHAIRPERSON DENAULT.**

Chairperson Beers made a statement regarding the legal justification of confidentiality pertaining to the issue and municipal officers' standards of conduct. He thanked Town Manager Amaral and Attorney Dale for maintaining the confidential integrity of the situation.

**THE MOTION PASSED BY A ROLL CALL VOTE 5/1/0, WITH COUNCILOR PELLETIER OPPOSED.**

7. Town Manager's Report

Town Manager Amaral reviewed her written report.

**Storm Stella** – She recognized the Department of Public Works, Fire Department, Police Department, and Central Maine Power for their efforts during Storm Stella. The Fire Department addressed fallen power lines and assisted citizens needing power and shelter. The Sewer Department worked diligently to power the pump stations with generators. Fallen trees and limbs cleanup has almost finished.

**Comprehensive Plan** – The Comprehensive Plan Update Committee will meet in mid-April to develop an action plan for the top 25 recommendations. The draft is currently being reviewed by the State.

**Library Working Group** – The group is organizing two public workshops on April 22<sup>nd</sup> and May 13<sup>th</sup> and an online tool to solicit public feedback. She explained the three options that will be identified and presented by the Working Group.

**Business Park Development** – Consultants are currently working on market research, an environmental review, and a zoning review to determine whether or not the area is advantageous for public investment.

**Update on Dineen** – Maine Supreme Court has issued a decision to declare Mary's Store property to be demolished. She is reviewing the 2016 Council order for demolition to determine whether or not additional Council action is necessary.

**Emery Field Phase 1** – A number of bids were received for the Emery Field Phase 1 improvements and the Town has chosen Aqua Turf. Town Manager Amaral noted there are two phases subsequent of Emery Field Phase 1.

**Marijuana Update** – A meeting will be held on April 13<sup>th</sup> to finalize the short-term approach to define what both medical and recreational marijuana. It is essentially prohibited through the definitions, rather than through a moratorium. At this time, only Primary Care Giver uses in home occupations is recommended. The public survey will be launched this week and informative resources are being collected. Those will be posted online and made available in public spaces.

Town Manager Amaral clarified that an Ordinance is being drafted to allow by zoning for licensed caregiver use as a major home occupation. The Board of Appeals would review every application and can make conditions regarding impact on the area, uses, and other controls.

**Misplaced Application for Personnel Board Appointment** – An application was misplaced and she advised the person who may have submitted the application to contact the Town Clerk.

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

**Water District Financial Report** – The Kittery Water District submitted their financial report and it is available in the Town Clerk's office.

Chairperson Beers thanked staff for their efforts during the power outages. He highlighted the Fire Department responded 41 times during the storm period, employees spent up to 28 hours at the stations, and they performed elderly welfare checks.

8. Acceptance of Previous Minutes

It was moved, seconded, and voted to approve the minutes of October 26, 2015, as amended, with Chairperson Beers abstained. The minutes of December 14, 2015 Regular Meeting were adopted, as presented. The minutes of February 27, 2017 Regular Meeting were adopted, as amended. The minutes of March 13, 2017 Regular Meeting were adopted, as presented.

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

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

a. (030217-1) The Kittery Town Council moves to approve and authorize the Town Manager to sign a York County Maine Public Works Mutual Aid Agreement.

Town Manager Amaral explained the matter was before the Council in 2016 and Councilor Dennett raised various questions and concerns. The organizing agency's Attorney and MMA attorneys reviewed the document and made a majority of the applicable changes.

**A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE AND AUTHORIZE THE TOWN MANAGER TO SIGN A YORK COUNTY MAINE PUBLIC WORKS MUTUAL AID AGREEMENT, SECONDED BY CHAIRPERSON BEERS.**

Councilor Dennett spoke in opposition of the motion due to the revisions that were not made.

**THE MOTION PASSED BY A ROLL CALL VOTE 5/1/0, WITH COUNCILOR DENNETT OPPOSED.**

11. PUBLIC HEARINGS – None.

12. DISCUSSION

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

Holly Zurer, Government Street

Ms. Zurer advised that the Mary's Store building be properly marked to prevent unauthorized entry. She stated her concerns in response to the constituent complaints matter and felt an alternative course of action should have been taken.

Steve Brett

Mr. Brett asked that the Coastal New England Baseball League banner request extend to April 15<sup>th</sup>.

David O'Brien, 28 High Pasture Road

Mr. O'Brien described a recent incident that occurred during a Fire Department emergency call. The individual attempting to rescue a dog, which was stranded on the ice, was bit and rushed to the hospital. The owner confirmed the dog was not registered and could not verify what vaccinations it had received. He felt the root cause of the situation was a failure of the Town to ensure rules and regulations regarding dogs are adopted and enforced.

D. Allen Kerr, 4 Colonial Road

Mr. Kerr spoke in response to the information regarding constituent complains. He explained how the Council was following through with a complaint received and that it was an example of transparency.

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

In response to Ms. Zurer, he welcomed her opinion on the matter. In response to Mr. Brett, he stated there should be no issue extending the date. In response to Chief O'Brien, he noted that there is a pending provision to Title 6 addressing animal control issues. Perhaps the episode he described will expedite that process. In response to Mr. Kerr, he thanked him for his comments.

13. UNFINISHED BUSINESS – None.

14. NEW BUSINESS

- a. Donations/gifts received for Council disposition

(030217-2) The Kittery Town Council moves to accept a gift of a framed portrait of William Whipple and the Declaration of Independence, gifted from D. Allen Kerr.

Mr. Kerr provided a brief background of the gift and William Whipple's history. He hoped that the gift will help to make William Whipple a local folk hero.

**A MOTION WAS MADE BY COUNCILOR SPILLER TO ACCEPT A GIFT OF A FRAMED PORTRAIT OF WILLIAM WHIPPLE AND THE DECLARATION OF INDEPENDENCE, GIFTED FROM D. ALLEN KERR WITH GREAT THANKS, SECONDED BY COUNCILOR LEMONT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

- b. (030217-3) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$113,613.98.  
Sewer account payable of \$77,305.60.  
School accounts payable of \$101,387.69.  
Total of all disbursement warrants of \$292,307.27.

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 VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

- c. (030217-4) The Kittery Town Council moves to authorize Tributary Brewing Co. to hold a special event on Saturday, April 8, 2017, 12 noon to 8:00 p.m. and to extend the bonded area to a tent outside the tasting room.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO AUTHORIZE TRIBUTARY BREWING CO. TO HOLD A SPECIAL EVENT ON SATURDAY, APRIL 8, 2017, 12 NOON TO 8:00 P.M. AND TO EXTEND THE BONDED AREA TO A TENT OUTSIDE THE TASTING ROOM, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

- d. (030217-5) The Kittery Town Council moves to authorize Coastal New England Baseball League to hang a banner across Rogers Road in front of the Kittery Community Center from April 5th – April 15th, 2017, to advertise their league.

**A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO AUTHORIZE COASTAL NEW ENGLAND BASEBALL LEAGUE TO HANG A BANNER ACROSS ROGERS ROAD IN FRONT OF THE KITTERY COMMUNITY CENTER FROM APRIL 5TH – APRIL 15TH, 2017, TO ADVERTISE THEIR LEAGUE, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

- e. (030217-6) The Kittery Town Council moves to appoint Kenneth Lemont to the Economic Development Committee as a Council Representative.

**A MOTION WAS MADE BY COUNCILOR BEERS TO APPOINT KENNETH LEMONT TO THE ECONOMIC DEVELOPMENT COMMITTEE AS A COUNCIL REPRESENTATIVE, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

- f. (030217-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Richard DeMarco, Jr. for his re-appointment to that board until 12/31/20.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO RE-APPOINT RICHARD DEMARCO, JR. TO THE PARKS COMMISSION UNTIL 12/31/20 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY CHAIRPERSON BEERS. THE**

**MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

g. (030217-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Gale Turner for her re-appointment to that board until 12/31/20.

**A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO RE-APPOINT GALE TURNER TO THE PARKS COMMISSION UNTIL 12/31/20 WITHOUT BENEFIT OF AN INTERVIEW, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

h. (030217-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Personnel Board to interview Kathi Hatch for her appointment to that board until 12/31/20.

**A MOTION WAS MADE BY COUNCILOR DENNETT TO APPOINT COUNCILOR THOMSON TO MEET WITH THE CHAIR OF THE PERSONNEL BOARD TO INTERVIEW KATHI HATCH FOR HER APPOINTMENT TO THAT BOARD UNTIL 12/31/20, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

**15. COUNCILOR ISSUES OR COMMENTS**

Councilor Spiller asked if the directional signage indicating the Sarah M. Long bridge closure could direct traffic to I-95. She asked if staff could work with the State to assess the traffic circulation around John Paul Jones Park as it is difficult to cross Route 1 during peak times. She asked whether the Town can advise Seacoast Helicopters of noise concerns. She questioned whether or not there has been consideration for an Ordinance requiring cyclists to ride single file. Chairperson Beers noted that the Town has initiated discussions to address anticipated traffic congestion. He suggested that the Town Manager address Seacoast Helicopters.

Councilor Lemont offered to participate in that discussion with Seacoast Helicopters. Councilor Lemont recognized the generosity of Mr. Kerr's gift.

Chairperson Beers expressed admiration of staff for the Battle of the Badges event.

**16. COMMITTEE AND OTHER REPORTS**

**a. Communications from the Chairperson.**

Chairperson Beers stated that the Port Authority Chairman had advised him that they had no issues to address for next month's quarterly workshop and the they were working on major revision to their Rules and Regulations.

A workshop is scheduled for April 3<sup>rd</sup> at 6:00pm with the Kittery Land Trust.

**b. Committee Reports – None.**

**17. ADJOURNMENT**

**A MOTION WAS MADE BY COUNCILOR SPILLER TO ADJOURN THE MEETING AT 8:02 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION**

**PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

Submitted by Marissa Day, Minutes Recorder, on March 29, 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>.*