

**Kittery Town Council
Regular Meeting – Council Chambers
February 12, 2018**

1. Call to Order: Chairperson Lemont called the meeting to order at 6:00 p.m.
2. Introductory: Chairperson Lemont read the introductory.
3. Pledge of Allegiance: Chairperson Lemont led all present in the Pledge of Allegiance.
4. Roll Call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Matthew Brock, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth Lemont.
5. Agenda Amendment and Adoption: Chairperson Lemont cast one vote to accept the agenda as presented.
6. Town Manager's Report: Kendra Amaral said the Quarter 2 financial update is included in Council's packets. She said generally they are on track for revenues in respect to the second quarter, but they are watching the Solid Waste budget very closely. She said as Council may, or may not be aware, China has ended imports of all mixed recyclables.

Town Manager Amaral said they are gaining ground on excise taxes, and as she reported they were falling behind in Quarter 1.

Town Manager Amaral said that CEO and Planning fees have increased, especially the CEO budget has generated revenues on permit applications and they are ahead in revenue projections with the Planning Board. She said they are typically not large line items, but this signals growth and value are coming and this will help to keep the tax rate manageable in the future. She said they are seeing more fees coming in, but this is not expected to hit until 2020. She said they are doing a thorough review of projected revenues for '19, and are keeping an eye on that.

Town Manager Amaral said they were watching cash flows so there would be sufficient funding for large projects going on, such as Emery Field and the Memorial Circle, but now that they have gone through those projects, and they have gotten back reimbursements on them, we can put that money away. She said she will be meeting with the bankers in the next couple of weeks to discuss this.

Town Manager Amaral said expenditures ended Quarter 1 with a \$107,000 deficit in TIF funds due to a seven-year miscalculation, and they are watching it. She said she will feel better when they get through this quarter with the major snow and ice projections.

Town Manager Amaral said they are keeping an eye on overtime in the Police Dept. She said typically the Police Dept. generates \$3,500 of overtime a week and there will be a \$24,000 overage in this account. She said that Chief Soucy has been keeping an eye on this.

Town Manager Amaral said that they are watching the salt budget and they are \$65,000 over. She said this is due to a lot more ice than snow, and they have been using more salt to keep up the management of the road conditions.

Town Manager Amaral said they are down two staff in the Planning Dept. and they are relying on consultants, with assistance from SMPDC.

Town Manager Amaral said they have identified the issue with the Sewer Fund which they have to address and the auditor spoke to Council and provided them with a report last month. She said they have engaged the services of Woodard & Curran to help us do an analysis of the Sewer operation. She said they are looking at revenues to make sure they are not leaving any revenues on the table and they will develop a financial model so that the Sewer Fund can remain solvent into the future. She said that will be coming up in the next couple of months.

Town Manager Amaral said a copy of the electricity supply contract is in Council's packets. She said they went out to bid, but they locked in a good price for four years at a rate of \$0.0674 per kWh starting in Nov. 2018. She said by comparison completely unintentionally Kittery had locked in a four-year high rate five years ago, and this savings will help offset that.

Town Manager Amaral said they put a bid out for our natural gas supply, but they are actually getting a better rate being billed monthly with their current supplier, Unitil, so they decided to stay with them.

Town Manager Amaral said the Kittery Port Authority held a public hearing on Feb. 1st to gather public input on the reconstruction of the Government Street pier. She said they had a study done which identified structural deficiencies and the people want to keep it working as a commercial pier, so they had to put weight limits on the use of it. She said the Port Authority now wishes to expedite the implementation of the project. She said the current plan is to fund \$50,000 per year through CIP until they get sufficient funding, including the expectation of a SHIP grant.

Town Manager Amaral said that Chair Ken Lemont, Patricia Moore, Finance Director and Port Authority members Bruce Crawford and Steve Lawrence and she met to discuss options to expedite funding, and will be potentially seeking a Warrant Article in June for the funding of this project.

Town Manager Amaral said that they have received phone calls that the flags have been missing at the Memorial Circle and the DPW Commissioner has had challenges with the current vendor in that the repairs of the flags have not been lasting as long as they had in the past, meaning both flags have been out for repair or replacement at the same time. She said he has been addressing this issue with the vendor.

Town Manager Amaral asked Council to join her in congratulating both George Kathios as the recipient of the New England Water Environment Association's James J. Courchaine Collections Systems Award, which he received in January at their annual conference for excellence in wastewater collections system management, and Scott Lincoln on his recent promotion to Building Maintenance Supervisor. She said he has been working as Head Custodian at the KCC and with his skill set, will bring greater efficiency to the maintenance of the town's other buildings.

Town Manager Amaral cited upcoming dates: Feb. 15th – tax bills due, Feb. 22nd, 6 p.m. the Planning Board will be presenting a discussion on Affordable and Workforce Housing at the Kittery Community Center, and 10th annual KCC Auction, April 6th, 6:30 p.m. at the Regatta Room in Eliot.

Town Manager Amaral also wanted to mention that Town Clerk Maryann Place will be retiring after 29 years of service to the Town of Kittery and they will be hosting a dinner for her on March 8th at 6:00 p.m. at the Kittery Community Center. She said tickets go on sale and all are welcome to come and help us recognize Maryann for her tremendous service to the community.

Chairperson Lemont asked if there were any questions of the Town Manager.

Councilor Thomson said he had one quick question. He said he was not able to attend the Port Authority's public hearing, and that he has brought this up before. He wanted to know if, part of the planning for this pier, for lack of a better term, is making it more "citizen-friendly"?

Town Manager Amaral responded that they are doing a survey of the Foreside, but there is not a whole lot of space to add a ramp without reducing the services of the pier itself. She said they need to look at the design.

Councilor Thomson asked what did she mean by "ramp"?

Town Manager Amaral replied that Councilor Thomson had mentioned at the last meeting of possibly doing a boat launch or a ramp where recreational boaters could get into the water.

Councilor Thomson said no, he was talking more about pedestrians, walking to the Foreside while waiting for reservations and so forth on a summer evening, or going down to the water.

Town Manager Amaral said that is more a part of the Foreside Development Study. She said what they were talking about in terms of this project is the reconstructing of the pier from the seawall into the water and not necessarily the infrastructure outside of that. She said that is definitely something that at we have been talking about with the Foreside Committee, making a connection that will be more active and visible from the Foreside area.

Councilor Brock wanted to follow-up with the consultants doing the Foreside Study, there is an interest by the public to have access, leisure pedestrian access, as well as water access to the extent feasible. He said he appreciates the commercial lobstering down there, and thought it needs to be protected. He said it is important to look to see if it fits in to have public accessibility and dovetail that, if it will be handled separately through the Foreside study, and coordinated so that we can do better to enhance this for the public overall.

Chairperson Lemont said, following up on Councilor's Brock's point, maybe the Town Manager could follow up with the Foreside Committee. He believes the Port Authority's thinks the time is short, and that is why they made the effort to meet with us to find funding sooner rather than wait 3-4 years. He thanked the Town Manager.

Chairperson Lemont asked if there were any other questions. There were none.

7. Acceptance of Previous Minutes: 9/25/17 Regular Meeting, 1/17/18 Special Meeting and 1/22/18 Regular Meeting

Chairperson Lemont said they will start with the minutes of September 25th and asked if there are any corrections, omissions or deletions to the minutes. Some corrections were noted by the Chair and Councilor Dennett.

Chairperson Lemont said he will cast one vote to accept the minutes of September 25th 2017 minutes as amended.

Chairperson Lemont asked if there were any corrections, omissions or deletions to the minutes of January 17th 2018 and he had one correction. Ms. Place noted the Recorder had made the grammatical changes and other corrections that Councilor Dennett had sent to her and that the Recorder had made the correction the Chair had mentioned as well.

Chairperson Lemont said he would cast one vote to accept the minutes of January 17, 2018 as amended.

Chairperson Lemont asked if there were any corrections, omissions or deletions to the minutes of January 22, 2018. Hearing none, he said he would cast one vote to accept the minutes of January 22nd as presented.

8. Interviews for the Board of Appeals and Planning Board:

Chairperson Lemont said they have five applicants for one appointment to the Board of Appeals for a term until 12/1/19. He said he will be interviewing the applicants in the order that they are listed on the agenda, and for the sake of fairness, will be asking five questions of each applicant. He said any Councilor will have the opportunity for a follow-up question if they so choose.

Councilor Brock asked if all five interviewed would then be nominated.

Chairperson Lemont said he will talk about that after questioning the applicants. He said he will start with **Vern Gardner**.

Chairperson Lemont asked Mr. Gardner what did he see as the primary role of the Board of Appeals.

Mr. Gardner answered the primary role of the Board of Appeals is to administer Title 16 with an objective of fair play and a measure of compassion. He said that Title 16 is a set of rules and statutes that members of the Board administer with fair play and compassion in mind.

Chairperson Lemont asked Mr. Gardner why is he interested in serving on the Board of Appeals?

Mr. Gardner replied that he has spent much of his career in analyzing land uses, which is the basis for the Board of Appeals. He said much of the work he does these days is some form of land use regulation before the courts. He said in that role it is a policing authority. He said there are four general provisions under the law and Title 16, zoning, falls into policing activity.

Chairperson Lemont asked Mr. Gardner what relevant experience, education or prior service does he have that will benefit him as a member of the Board of Appeals.

Mr. Gardner responded that he has served on the Board of Appeals for 9 years and was Chair for 7 and he has served on the Comprehensive Plan Committee for four years and has served as Chair for more than three.

Chairperson Lemont asked Mr. Gardner what has he done, or plans to do, to prepare himself to be on the Board of Appeals.

Mr. Gardner answered he probably already answered that, but he is very familiar with Title 16 and has had the opportunity to use it following an appeal to the Board.

Chairperson Lemont asked Mr. Gardner if he is able to commit to the time necessary to become familiar with the Code, review applications and attend meetings of the Board of Appeals.

Mr. Gardner replied yes.

Chairperson Lemont asked if any other Councilor had questions. There were none.

Chairperson Lemont asked **Drew Fitch** what did he see as the primary role of the Board of Appeals.

Mr. Fitch replied their role is as a back stop to insure development occurs in town consistent with the land use regulations that exist.

Chairperson Lemont asked Mr. Fitch why he is interested in serving on the Board of Appeals.

Mr. Fitch replied he would like to contribute to the town. He said he is in a position to have more time available and lend his expertise to the Board of Adjustment.

Chairperson Lemont asked Mr. Fitch what education, relevant experience or prior service did he have that would benefit him as a Board of Appeals member.

Mr. Fitch answered he has been involved in financing and development of real estate for 20 years, with his focus on affordable housing. He said he is very familiar with how the zoning affects development. He thought he has the broad knowledge of the intent of zoning and how it applies to new development.

Chairperson Lemont asked Mr. Fitch what he had done, or plans to do to prepare to be on the Board of Appeals.

Mr. Fitch responded he has read the zoning ordinance and reviewed the Comprehensive Plan. He thought he understands the intent and desire of the town as conveyed in the ordinances and the comprehensive plan.

Chairperson Lemont asked Mr. Fitch if he would be able to commit to the time necessary to become familiar with the code, review applications and attend meetings.

Mr. Fitch answered yes, he is.

Chairperson Lemont asked if any Councilors had questions of the applicant.

Councilor Thomson said he had a quick question. He said that Mr. Fitch indicated he is president of Atlantic Development LLC and wanted to know exactly what does Atlantic Development do.

Mr. Fitch replied that they are developers of affordable housing, but frankly, they have not had any development lately. He said he would classify himself as semi-retired and the function at this time is to manage the current portfolio.

Chairperson Lemont recognized Councilor Dennett.

Councilor Dennett said that Mr. Fitch answered the questions a little fast and asked if he heard him correctly but did Mr. Fitch say Board of Adjustment.

Mr. Fitch responded yes, that was a mistake and he apologized.

Councilor Dennett said then he presumed that Mr. Fitch has New Hampshire experience.

Mr. Fitch replied yes, he has been on boards in New Hampshire.

Councilor Dennett asked Mr. Fitch if he worked in real estate in New Hampshire.

Mr. Fitch answered yes, early on he was a Dept. Head for funding affordable housing at the New Hampshire Financing Authority, from 1995-98.

Councilor Dennett said that is where you picked up the term used in New Hampshire as opposed to Maine.

Mr. Fitch said yes, that would be a safe assumption.

Chairperson Lemont asked if there were any other questions from Councilors? There were none.

Chairperson Lemont asked **Todd Rollins** what did he see as the primary role of the Board of Appeals?

Mr. Rollins asked if he could use Vern Gardner's answer?

Chairperson Lemont replied sure.

Mr. Rollins replied he see it as situations that deviate from the norm and people are looking for exceptions to the written law of the Planning Board. He said that the committee hears and acts on situations like that.

Chairperson Lemont asked why is Mr. Rollins interested in being a member of the Board of Appeals.

Mr. Rollins answered he has worked and lived in this area for 15 years, closer to 20 because he went to UNH. He said he loves the area and he has some time now that he works from home and he would like to contribute if he can.

Chairperson Lemont asked Mr. Rollins what relevant experience, education or prior service does he have that would benefit him as a member of the Board of Appeals?

Mr. Rollins responded he does not have any town background other than he has attended a couple of meetings. He said he is a financial analyst and works in a bank and is a technology project manager. He said he can dot "i's" and cross "t's", that type of thing, and he is eager to learn.

Chairperson Lemont asked Mr. Rollins what he has done, or plans to do to prepare to be on the Board of Appeals.

Mr. Rollins replied he has read as much information as he could find on the website and has been attending as many Town Council meetings as he can make and learning how this operation works.

Chairperson Lemont asked Mr. Rollins if he has the time necessary to commit to become familiar with the Code, review applications, and attend meetings.

Mr. Rollins responded yes.

Chairperson Lemont asked if there were any other questions Councilors had for the applicant.

Councilor Dennett said he appreciates Mr. Rollins dotting "i's" and crossing "t's", but wanted to know why didn't he answer the last two questions on his application?

Mr. Rollins answered he did not know what they might have been.

Ms. Place showed Mr. Rollins his application.

Mr. Rollins apologized and said he probably did not see them. He said he had also filled out an application for the Planning Board and rushed through the last one.

Chairperson Lemont asked if Councilor Dennett would like to ask the applicant the questions now.

Councilor Dennett replied that Mr. Rollins already answered one – the reason why he applied to the board – but he wanted to know if the applicant has attended at least one or two meetings of the Board for which an application has been made, yes or no?

Mr. Rollins replied yes.

Chairperson Lemont asked if there were any other questions. There were none.

Chairperson Lemont asked **Suzanne Dwyer-Jones** what she saw as the primary role of the Board of Appeals.

Ms. Dwyer-Jones replied that she believes the Board of Appeals hears and decides administrative appeals of the Planning Board as well as cites variances, specific variances and miscellaneous variances pursuant to Title 16 and Maine law. She said they look at errors of law or whatever an aggrieved party brings forth along with the variance.

Chairperson Lemont asked Ms. Dwyer-Jones why she is interested in serving on the Board of Appeals.

Ms. Dwyer-Jones responded she has a daughter going into high school and has the time now to commit. She said she no longer practices law and although she is licensed in Massachusetts, she is no longer doing work down there. She said she has extra time and loves Kittery. She said she has been in the York-Kittery area for 40 years, and she is not a native, and still can't consider herself one, but she would like to get involved.

Chairperson Lemont asked Ms. Dwyer-Jones what relevant experience, education or prior service does she have that would benefit her as being a member of the Board of Appeals.

Ms. Dwyer-Jones replied she does not have any specific town board experience. She said she has done a few cases with her uncle, who is a builder in York over the years. She said she was basically a public defender in Massachusetts, for 14 years, and was an appellate defender for the Commonwealth of Massachusetts in Boston. She said she did a total of 15 cases to the SJC, which

is different administratively, but she did fairly well and won five out of the 15, so she did okay with that. She said she is fairly detail-oriented and is familiar with the town codes. She has read up on them and she is willing to learn.

Chairperson Lemont asked Ms. Dwyer-Jones what has she done, or plans to do, to prepare to become a member of the Board of Appeals.

Ms. Dwyer-Jones answered she has tried to memorize Title 16, but she isn't finished yet.

Chairperson Lemont said perhaps she could recite it for them.

Ms. Dwyer-Jones asked what is it, M.R.S.A. Chapter 30, Sec. 4353, but she has read more on the website and she needs to get more involved.

Chairperson Lemont asked if Ms. Dwyer-Jones is willing to commit to the time necessary to become familiar with the Town Code, review Board of Appeals applications and attend meetings.

Ms. Dwyer-Jones responded absolutely and that she spends her time researching and reading. She said this is an opportunity to give some time back which is very important. She said the town is unbelievable from what she has seen. She said she was a child when she first came here and the town is beautiful.

Chairperson Lemont asked if any Councilors had any questions.

Councilor Dennett said madam, on your application, under "Education/training" you listed a BA from Colby College and a J.D. from MSL?

Ms. Dwyer-Jones replied, Massachusetts School of Law, night school.

Councilor Dennett thanked her for clarifying that and said he was not familiar with the jargon, it could have been Maine. He said she has had experience in that other State.

Ms. Dwyer-Jones said yes, that other State, much experience, trial experience.

Councilor Dennett thanked her.

Chairperson Lemont asked **Judy Spiller** what did she think is the primary role of the Board of Appeals.

Ms. Spiller answered the Board of Appeals plays an important role in fairness and gives people the opportunity to challenge the decisions of the Code Enforcement Officer if they think that person has made an error in some way. She said there is an opportunity for people to request variances under Title 16, the land use code.

Chairperson Lemont asked Ms. Spiller why she was interested in serving on the Board of Appeals.

Ms. Spiller replied she is interested in continuing her service to the community and she thought that the Board of Appeals serves an important function. She said she knows in the past years they have had a difficult time finding people for that board or not being available to serve on the Board of Appeals. She said she is both interested in serving on the Board and is available to serve.

Chairperson Lemont asked Ms. Spiller what relevant experience, education or prior service does she have that would benefit her being a member of the Board of Appeals.

Ms. Spiller responded she has served on the Town Council and on the Comprehensive Plan Update Committee, is familiar with Title 16, and, in an earlier life, was involved in writing regulations and reviewing regulations, and she has also taught environmental risk assessment. She said she has a pretty good knowledge of environmental issues and the degree of uncertainty around those issues.

Chairperson Lemont asked Ms. Spiller what has she done, or plans to do, to prepare herself to be a member of the Board of Appeals.

Ms. Spiller replied, like the other candidates, she has reviewed all the materials on line regarding the Board of Appeals, Maine laws and has read the MMA comprehensive handbook on the Board of Appeals. She said she is also available to attend the March 20th Maine Municipal Association's workshop on the Planning Board and Board of Appeals. She said she attended a meeting, which was a lengthy meeting where the Board of Appeals deliberated for two hours on one issue. She said it was very interesting and it helped her understand the importance of knowledge of the law and regulations in making decisions for that Board.

Chairperson Lemont asked Ms. Spiller if she was able to commit to the time necessary to....

Ms. Spiller interrupted and said yes, she is.

Chairperson Lemont asked if she wanted to listen to the whole question.

Ms. Spiller said she has heard it.

Chairperson Lemont said he was getting really good at reading it.

Ms. Spiller told Chairperson Lemont to read it backwards.

Chairperson Lemont asked if there were any other questions. Hearing none, he said he wanted to thank all the applicants for coming out this evening. He said that Council has just received a resignation from the Planning Board, so there will be an opening on the Planning Board. He said a lot of the names have also applied to the Planning Board.

Chairperson Lemont said that Council can nominate as many as they would like to, but it requires four like votes. He said he will announce the number of like votes.

COUNCILOR THOMSON MOVED TO NOMINATE JUDY SPILLER AS A MEMBER OF THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019, SECONDED BY COUNCILOR BEERS.

Chairperson Lemont asked for any discussion.

Councilor Brock asked for a point of clarification. He said if one is nominated and let's say gets one vote, and another gets five, is that the end of it.

Chairperson Lemont said they can nominate as many as they want.

ROLL CALL VOTE TAKEN, 4-3 (COUNCILOR DENNETT, VICE-CHAIRPERSON DENAULT AND CHAIRPERSON LEMONT IN OPPOSITION). CHAIRPERSON LEMONT SAID THERE ARE FOUR "YES" VOTES.

Chairperson Lemont asked if there were any further nominations.

VICE-CHAIRPERSON DENAULT MOVED TO NOMINATE SUZANNE DWYER-JONES AS A MEMBER OF THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019, SECONDED BY CHAIRPERSON LEMONT FOR DISCUSSION.

Vice-Chairperson Denault thought in this particular case, it is refreshing to see new people applying with her experience. He said she has been here several times and she is doing her homework, and learning about the process, she shows a great interest and that is why he nominated her.

Chairperson Lemont asked if there was further discussion. Hearing none, he asked for a roll call.

ROLL CALL VOTE WAS TAKEN, 3-4 WITH COUNCILORS THOMSON, BEERS, BROCK AND PELLETIER VOTING IN OPPOSITION. CHAIRPERSON LEMONT SAID THERE ARE THREE "YES" VOTES.

Chairperson Lemont asked if there were any further nominations.

VICE-CHAIRPERSON DENAULT MOVED TO NOMINATE DREW FITCH AS A MEMBER OF THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019, SECONDED BY CHAIRPERSON LEMONT FOR DISCUSSION.

ROLL CALL VOTE WAS TAKEN, VOTED 2-5, WITH COUNCILORS DENNETT, PELLETIER, THOMSON, BROCK AND BEERS VOTING IN OPPOSITION. Chairperson Lemont said there are two "yes" votes.

Chairperson Lemont asked if there were any further nominations.

VICE-CHAIRPERSON DENAULT MOVED TO NOMINATE TODD ROLLINS AS A MEMBER OF THE BOARD OF APPEALS FOR A TERM THAT ENDS DECEMBER 1, 2019. MOTION FAILS FOR LACK OF A SECOND.

Chairperson Lemont asked if there were any other nominations. Hearing none, he congratulated Judy Spiller on her appointment to the Board of Appeals. He thanked the applicants and reminded them once again about the vacancy on the Planning Board.

Chairperson Lemont said to Ms. Spiller she knows how this works and that she should see the Clerk within a week to be sworn in.

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

(020118-1) The Kittery Town Council moves to receive a presentation from the Town Manager on the 2019-2023 Capital Improvement Program.

Town Manager Amaral said she would give an overview of the CIP Program and what the Committee has been discussing, but there is more detailed information in Council's packets. She said that the presentation will be available online for folks to view. She said the Committee is comprised of Gary Beers, Council Rep, Jonathan Rivers, School Rep, Jeff Clifford and Chris Perkins, Citizen reps, Patricia Moore, Finance Director, Supt. Eric Waddell and herself.

Town Manager Amaral outlined the process: update the policy, reorganization of CIP funds, review status of approved projects, evaluate project requests, consider financial capacity and finalize projects. She said one thing the Committee discussed was the Channel 22 PEG fund, which receives revenues through the cable license and now has a balance of \$250,000. She said that this is sufficient funds for broadcasting purposes, but they would like to make use of this fund as it keeps growing. She said they changed the policy to transfer from this fund to capital needs when the fund balance exceeds \$200,000, so there will be at least \$125,000 in the account.

Town Manager Amaral said it is just common sense and that she researched this. She found out in FY'12 there was \$60,000 and \$300,000 will be available for other capital needs. She said there is a transition for the boiler replacement to the Fire Facility Reserve Fund. She said they re-categorized Town Hall Records Preservation as a Reserve Fund, since it is not a one-time project. She said in FY 18 the amount in the budget was \$1,509,303 and what was approved for FY '19 is \$1,753,281, exclusive of the debt proposal, so the taxpayers will have a "zero" increase in property taxes. She said this is a one-time infusion.

Town Manager Amaral said they will never be done with the five-year Pavement Management Plan as project requests increased by \$70,000. She said the Town Debt has decreased by \$35,478 and the Library Bond project will hit in FY 21. She said she is not assuming voter approval of the Bond for the Library.

Town Manager Amaral reviewed CIP funding by category. She said they put a lot of money into vehicles and equipment, such as fire trucks, DPW trucks, police cars. She said infrastructure is the next biggest investment. She said they are asking for an increase to the Right-of-Way Account of \$400,000. She said that it does not allow them to gain on the five-year pavement management plan, but it allows them not to fall behind. She said they looked at whether it makes sense for bonding for saving and it does not.

Town Manager Amaral spoke about other holding accounts. She said the question is what is the next project. She said they have been discussing the Athletic Field Master Plan with Mike Roberge and Supt. Waddell to make sure they have put away the money. She said she does not have a replacement schedule for the Municipal Facility, but it is being developed.

Town Manager Amaral reviewed Reserve Accounts: \$50,000 for the Government St. pier, asking for \$50,000 increase in Technology to keep up with the hardware replacement, the Fire Facility Reserve for Lewis Square Fire Station boiler. She said the Library project has been removed from the CIP following the non-binding referendum vote for the design and renovation of the expansion of the Rice Library Building; Pepperrell Cove paving the parking lot – Harbormaster Scott Alessi is asking for additional money to complete the project.

Town Manager Amaral said they will not see money for recodification, and that later on, there will be a \$25,000 transfer from the Comp. Plan to this. She said she did not think they needed FY'19 funding for that.

Town Manager Amaral pointed out, in the next slide, projects that are not funded: Police A.E.D.'s, Radios, Variable Speed Detection Signs, which will be put three public safety impact fees. She said they will be able to get one variable speed detection sign.

Town Manager Amaral said conclusions include that the CIP includes no new bonding in FY21 and the new debt would be potentially for the library project, that the proposed use of \$243,978 from the Channel 22 PEG surplus to keep CIP flat with FY 18.

Chairperson Lemont asked if Councilors had any questions of the Town Manager.

Councilor Beers wanted to offer his comment as Council Committee member and compliment the Town Manager, Finance Director and Department Heads for the diligence, increase in accuracy, and attention to detail, and reliable basis of estimate brought to this project. He said notably Town Council established the CIP policy in October 2008, and, over the past 10 years, significant projects have been undertaken with minimum impact on the tax rate. He said in October 2008, the Public Safety Impact Fee was implemented.

Councilor Beers said in the packet, despite the magnitude of must needs being done progressively, it is well below Council's established thresholds. He said State law allows towns to incur debt up to 7 ½ % of their total valuation, excluding schools and sewer, and Kittery could have had \$138 million dollars in debt. He said Council's 2 ½ % threshold would constrain us to \$38,795,000 for FY'19 debt or 1.94% of our valuation. He said they are \$8.7 million dollars below Council's allowed threshold. He said this is a testimony to the Town Manager and Finance Director that we can do what we need to do without killing the taxpayers.

Councilor Thomson said to piggyback off of Councilor Beers' congratulations to the Town Manager, Finance Director and the Committee for their tremendous work. He said when the entire budget is before us, we could discuss this. He said he is a little hesitant because the Town Manager indicated it is a one-time infusion and the cash amount raised is \$1.5 million dollars raised, which will not be the case moving forward. He said looking at this for FY'20, it could grow potentially to over \$2 million dollars.

Councilor Thomson said he didn't want to date himself, but as he had said, he served on the Town Council back in the 70's, when Revenue Sharing existed, and Council would put that Federal share check in the "revenue pot" to decrease the Federal Revenue sharing amount of tax rate increase, but then the Federal Revenue Sharing went away, the spending levels of the town did not go away. He said this was a significant impact on the town to absorb that and he is wondering if we may want to look at this, and half off included not being financed for this other fund.

Councilor Thomson said maybe they could bite half off and not being financed through this other fund.

Town Manager Amaral said she does not have the same discomfort on these funds. She said she keeps looking at a half-million dollars and they do not need \$250,000. She said the idea of

increasing the property tax assessment when we have this money, she would have a hard time doing that.

Councilor Thomson said one way to approach this, would be to allocate \$150,000 for FY'19 and \$150,000 for FY'20, but we can talk about that later. He said this would lessen the impact on the tax rate.

Councilor Beers said part of this concern, which was addressed by the Committee, is the unknown factor of the Library and, if the numbers are not realized, there would be a \$350,000 reduction in FY 20 and '21, if it goes to bond, it would be stretched out so there is some ambiguity in the outer years which needs to be part of the equation as well.

Vice-Chairperson Denault asked the Town Manager using the \$243,978 from Channel 22, what do we have left over after that.

Town Manager Amaral replied they will have about \$250,000.

Vice-Chairperson Denault asked \$250,000? He said the public needs to realize we are getting this money from Comcast, is that correct?

Town Manager Amaral responded yes, it is actually an assessment on their bills.

Vice-Chairperson Denault asked what?

Town Manager Amaral said on their bills.

Vice-Chairperson Denault wanted to know, as part of that funding for Channel 22, even if we use this money going forward, will we get more programming and still have enough money to keep that going as money comes back in.

Town Manager Amaral responded most definitely. She said it is important to grow broadcasting capabilities and that is why we set the number they did. She said Randy, and the Town Council have done a great job of adding community programs on Channel 22 and they want to make sure we continue to support that.

Vice-Chairperson Denault said what concerns him the most, is that Channel 22 is not a failsafe for the budget. He said it is designed for something and to keep taking a little bit from this is like what the Governor did with the PC apps until it disappeared. He said Channel 22 is not a slush fund, it is there for a reason and this cannot keep happening.

Councilor Beers wanted to follow-up on that. He said Councilor Dennett was the primary instigator of the Franchise Agreement negotiations in 2010 with Comcast and there is approximately \$75,000 spent a year for improvements in technology and to Channel 22. He said this transfer request would leave \$250,000 available. He said over the next 10 years, and there would be \$112,000 in revenue for anticipated operating expenses of about \$60,000. He said this is a prudent request for funds that have no particular foreseeable purpose.

Chairperson Lemont asked if there were any other questions. Hearing none, he thanked the Town Manager for her presentation.

10. PUBLIC HEARINGS:

a. (020118-2) The Kittery Town Council moves to hold a public hearing on an application from LaCasita LLC 58 A Bradstreet Lane, Eliot, ME 03903 for a Victualer's License for LaCasita, 181 State Road.

Chairperson Lemont said establishment is in compliance with town code and ordinances. He opened the public hearing at 7:11 pm and asked if any one wished to speak to, for or against the application.

Chairperson Lemont closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM LACASITA, LLC, 58A BRADSTREET LANE, ELIOT, ME FOR A VICTUALER'S LICENSE FOR LACASITA, 181 STATE ROAD. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

b. (020118-3) The Kittery Town Council moves to hold a public hearing on transfer of Other Funds between accounts.

Chairperson Lemont asked the Town Manager to give Council a little background.

Town Manager Amaral said one of the things we are trying to do is clean up some of the deficits and some inactive surpluses that we have in our other funds account as we get ready for FY '19. She said they are seeking a number of transfers that will address a couple of deficits in the grant accounts and the dispatch account where we mistakenly charged the rent for an antenna at the Mt. Agamenticus site to a capital fund account as opposed to operating and we need to address that.

Town Manager Amaral said they will be moving money around, \$25,000 Comp. Plan surplus into zoning recodification so we do not have to see funds for that project in FY '19, Fire Dept. SCBA's into Fire Equipment Reserve Account, funding from the Pepperell Cove Wave Mitigation project into the KPA Facility Reserve. She said they are trying to match like with like. She did note that this is not all the funds from surplus nor all the deficits. She said one more deficit, the Gorges Rd. Fire Station boiler replacement system, will be addressed later on this year.

Chairperson Lemont opened the public hearing at 7:13 pm and asked if any one wished to speak to, for or against the transfers of other funds between accounts.

Chairperson Lemont closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAINS THE FOLLOWING FUND TRANSFERS: FROM ACCT. 2013, GMH FIRE/POLICE PROTECTION IN THE AMOUNT OF \$483 TO ACCT. 2077, BROWNFIELDS GRANT; ACCT. 2033 PROPERTY REVALUATION IN THE AMOUNT OF \$3,058 TO ACCT. 2077 BROWNFIELDS GRANT; ACCT. 4057 RTE. 1 BYPASS AND RTE. 1 TWO WAY PLAN IN THE AMOUNT OF \$1,500 TO ACCT. 2077, BROWNFIELDS GRANT; ACCT. 2033 PROPERTY REVALUATION IN THE AMOUNT OF \$421 TO ACCT. 4027, MUNICIPAL FACILITY; ACCT. 4000 KCC ANNEX & ECONOMIC

DEVELOPMENT IN THE AMOUNT OF \$6,397 TO ACCT. 4027, MUNICIPAL FACILITY; ACCT. 2076 WAVE MITIGATION – PEPPERRELL COVE IN THE AMOUNT OF \$4,000 TO ACCT. 4116 KPA FACILITY RESERVE; ACCT. 2080 COMPREHENSIVE PLAN UPDATE IN THE AMOUNT OF \$25,000 TO ACCT. 4122 ZONING RECODIFICATION; ACCT. 4037 FIRE DEPT. SCBA'S IN THE AMOUNT OF \$493 TO ACCT. 4056 FIRE DEPT. EQUIPMENT RESERVE; AND ACCT. 4057 RTE. 1 BYPASS AND RTE. 1 TWO WAY PLAN TO ACCT 2092, DISPATCH CENTER FOR A TOTAL OF \$42,352 TRANSFERRED.

COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

11. DISCUSSION

a. By members of the public

Chairperson Lemont asked if any members of the public would like to speak, and if so, to please respect the three-minute time limit.

Vern Gardner said he attended the Council meeting where the financial auditor presented the audit. He said in the auditor's presentation, he said the Sewer Dept., which has been self-sustaining for the past 9 years preceding the most recent expansion, is not operating at a deficit, and in order to prevent, failure, the town is drawing on the General Fund. He said this is a fund we all contribute to, whether or not we are on the public system, and those of us who are not on the public system are paying for something that we are not receiving.

Mr. Gardner said that, at the conclusion of the discussion, Councilor Beers suggested a fee increase to cover the deficit, which sounds reasonable, except it is cover the expansion of the sewer to the Business Park. He said this is where it does not pass the smell test. He said Councilor Beers helped to write Title 13, which governs Connections, Special Assessments and Impact Fees to the sewer system.

Mr. Gardner said that on October 17, 2017, Councilor Beers applied for one and then three more building permits to connect homes in the Mobile Home Park to the sewer system. He said the town denied the applications, but these permits would have allowed Councilor Beers to connect 71 individual mobile homes, defined as 71 individual units to the sewer line for a fee of \$3,000.

Mr. Gardner said that on January 27, 2018, the Board of Appeals heard an administrative appeal to the town's denial of Councilor Beer's building permits for the Mobile Home Park, which Councilor Beers managed this real estate, therefore, by definition, indirect control, Title 13, which Councilor Beers helped write, describes special assessments of \$3,000 for each dwelling unit. He said if his math is correct, the total payment owed by the Mobile Home Park should have been \$213,000 and not \$3,000. He said this would have resulted in a wind fall savings of \$210,000 to Councilor Beers, which the taxpayers would have ended up paying for.

Mr. Gardner said that, in so doing, Councilor Beers appears to have violated the Town Charter, Sec. 2.11.3, 12.1.2, which reads "direct or indirect ownership or control of real estate" and also appears to have violated Sec. 15.3.61, 64 and 65b. He said the thing that really stinks is all the Board of Appeals members voted against Councilor Beer's application except for Charles Denault, III, Councilor Denault's son. He said if Charles the 3rd would have bothered to read Title 13, Councilor Beers, and his employer should have been treated exactly like the rest of us. He said gentlemen, this is what cronyism looks like. He said this board member was trying to help his

father, Councilor Denault, help his friend, Councilor Beers to benefit his employer, and indirectly himself, at the expense of the taxpayers of Kittery.

b. Chairperson's response to public comments

Chairperson Lemont asked if anyone else wished to speak? Hearing none, he closed the public forum.

Councilor Beers said Mr. Chairman....

Chairperson Lemont asked that he address Mr. Gardner's comments and then he would give him the opportunity to speak.

Councilor Beers said for the record, to be clear, he has had no ownership or association with the Mobile Home Park in question. He said he has had no management or control relating to the property since 2010. He said he has not been employed by Steven A. Hynes Real Property Trust group since July 1st, 2017. He said he was called to come back as a consultant to process some business permits with the new staff and ended that association on December 1st.

Councilor Beers said the fact is that the Mobile Home Park will pay \$432,000 in Sewer Assessment fees and an additional \$280,000 of other related fees. He said the interesting aspect of the appeals decision is that the new hotel going on Rte. 1 will pay \$480,000, Dominoes will pay \$12,000 and Landmark Hill will pay \$6,000 times all new connections. He said every added new connection in town will pay \$6,000.

Councilor Beers also wanted to note that Mr. Gardner referenced, in a number of passages, to the number 15, which does not exist in the Town of Kittery.

Chairperson Lemont said he would like to address the first part of Mr. Gardner's comments. He said that Mr. Gardner touched on the sewer deficit, which the Town Manager addressed in her report, which she is aware of. He thanked Mr. Gardner for raising that.

Chairperson Lemont said, concerning a member of the Board of Appeals, he does not sit in judgement, nor does he question anyone's vote, who sits on a board of the town.

Chairperson Lemont asked Councilor Denault if he wished to respond, since his name had been brought up.

Vice-Chairperson Denault replied it is not worth it, thank you.

12. UNFINISHED BUSINESS

(010818-10) The Kittery Town Council moves to establish and approve the charges for three Library Committees as recommended by the Town Manager.

Chairperson Lemont said he would like to postpone this item since they are not ready to move forward until March 12, 2018.

COUNCILOR THOMSON MOVED THAT THIS ITEM BE POSTPONED TO THE REGULAR MEETING OF MARCH 12, 2018, SECONDED BY COUNCILOR PELLETIER.

Chairperson Lemont asked for any discussion.

Councilor Dennett said that it cannot be a formal appointment moved and seconded before Council. He said they could informally agree to postpone this item until that date.

Councilor Brock asked, as a point of clarification, if they were talking about the Library Committee.

Chairperson Lemont said yes, and they did not need a motion.

Council consensus was not to take any action on this item until the March 12th meeting.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

Chairperson Lemont said they have two donations to the town and they can be taken as one motion. He read the donations from Robert and Colette Taylor and York Hospital as stated.

(020118-4) The Kittery Town Council moves to accept the following donations:

- \$90.00 from Robert C. and Colette A. Taylor to be deposited in account #2063-43600 Kittery Community Center Donations
- \$9,250 from York Hospital to be deposited in account #5003-43600 York Hospital Scholarship

COUNCILOR THOMSON MOVED TO ACCEPT THE CHECKS AND TO BE DEPOSITED IN THE ACCOUNTS AS READ, SECONDED BY COUNCILOR PELLETIER.

Councilor Dennett said he had a problem with the motion and it needs to be straightened out. He said in looking at the paperwork, it states a check in the amount of \$90, and \$40 cash from Robert and Colette Taylor, which should be \$130.

Chairperson Lemont thanked Councilor Dennett and asked for clarification on that from the Town Manager. Town Manager Amaral said it should be \$130.

Councilor Dennett suggested changing the motion to state accepting the donations. He said State law allows them to accept donations in any form.

COUNCILOR THOMSON MOVED TO ACCEPT THE DONATIONS AND THAT THEY BE DEPOSITED IN THE SPECIFIED ACCOUNTS AS READ, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE.

b. (020118-4) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Beers if the Town Accts. Payable and Sewer Payable warrants were in due form. Councilor Beers replied yes, indeed they are.

Chairperson Lemont asked Councilor Pelletier if the School Payable warrant was in due form. Councilor Pelletier responded, yes it is.

COUNCILOR PELLETIER MOVED THAT THE DISBURSEMENT WARRANTS: TOWN PAYABLE IN THE AMOUNT OF \$269,696.96, SEWER PAYABLE, IN THE AMOUNT OF \$71,815.74 AND SCHOOL PAYABLE IN THE AMOUNT OF \$464,463.34, BE PAID AS REVIEWED. COUNCILOR THOMSON SECONDED THE MOTION. ALL WERE IN FAVOR, BY A VOICE VOTE, AYE, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (020118-5) The Kittery Town Council moves to approve the 2019-2023 Capital Improvement Program in accordance with Town Charter Section 6.05 and Council policy, as presented.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE 2019-2023 CAPITAL IMPROVEMENT PROGRAM IN ACCORDANCE WITH TOWN CHARTER SECTION 6.05 AND COUNCIL POLICY, AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT.

Councilor Thomson said he will explain the terminology change. He said they had this same conversation a year ago, by approving this it is a tacit endorsement and appropriation. He said he believed that if they accept this information as placed in the overall budget as presented to us, a public hearing is held and at that time, appropriation is made. He said until that time, all they can do is accept the fine work, with gratitude.

ROLL CALL VOTE WAS TAKEN WITH SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

d. (020118-6) The Kittery Town Council moves to approve the fiscal year 2019 Capital Improvement Program budget in accordance with Town Charter Sec. 6.04(2) and Council policy, in the amount of \$1,753,281.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE PROPOSED FY'2019 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$1,753,281, SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN, SEVEN IN FAVOR 7-0, NONE OPPOSED, MOTION CARRIES.

e. (020118-7) The Kittery Town Council moves to authorize the Kittery Rotary After Hours Club to place 10 signs, no larger than real estate signs, be placed in various locations around Kittery to advertise their St. Patrick's Day Dinner.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE REQUEST OF THE KITTERY ROTARY AFTER HOURS CLUB TO PLACE 10 SIGNS (NO LARGER THAN REAL ESTATE SIGNS) IN VARIOUS LOCATIONS AROUND KITTERY TO ADVERTISE THEIR ST. PATRICK'S DAY DINNER. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

f. (020118-8) The Kittery Town Council moves to authorize the Kittery Little League to hang a banner on Rogers Road across from the Community Center from February 13th through March 9th, 2018 to advertise their registration is open.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE REQUEST FROM THE KITTERY LITTLE LEAGUE TO HANG A BANNER ON ROGERS ROAD ACROSS FROM THE COMMUNITY CENTER FROM FEBRUARY 13 – MARCH 9, 2018 TO ADVERTISE THEIR REGISTRATION IS OPEN, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN, WITH SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

g. (020118-9) The Kittery Town Council moves to approve a renewal application from Badger's Island Pizza LLC, 30 Remicks Lane, Kittery, ME for a Malt and Vinous Liquor License for Badger's Island Pizza, 3 Island Ave.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM BADGER'S ISLAND PIZZA LLC 30 REMICKS LANE, KITTERY, ME FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER'S ISLAND PIZZA, 3 ISLAND AVE. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.

h. (020118-10) The Kittery Town Council moves to elect a Chair Pro Tem for the February 26, 2018 Town Council meeting during the absence of Chairperson Lemont and Vice-Chair Denault.

Vice-Chairperson Denault nominated Councilor Beers as Chair pro tem for the February 26th meeting.

Councilor Beers said he respectfully declines the honorific position.

Vice-Chairperson Denault said he would like to change his nomination to Councilor Thomson.

VICE-CHAIRPERSON DENAULT MOVED TO ELECT COUNCILOR THOMSON TO SERVE AS CHAIR PRO TEM FOR THE FEBRUARY 26, 2018 TOWN COUNCIL MEETING. CHAIRPERSON LEMONT SECONDED THE MOTION.

Chairperson Lemont asked for any discussion.

Councilor Dennett said he will not vote against the motion, but he thought they should allow a member with no experience as Chair to be a part of that honorific position.

ROLL CALL VOTE WAS TAKEN 7-0 WITH SEVEN VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairperson Lemont thanked Councilor Thomson for again stepping up and doing that job.

14. COUNCILOR ISSUES OR COMMENTS

Chairperson Lemont asked if any Councilor had any comments.

Councilor Dennett said as of several weeks ago, we were able to hear, if we could stand it, the State of the Union address by the President. He said very shortly, they will receive the State of the

State address by our governor. He asked when the Chair was going to present the State of the Town.

Chairperson Lemont replied on February 26th.

Councilor Beers complimented the Kittery Community Center staff and associates celebrating their fifth anniversary last Wednesday. He said he would have liked to have been there; however, his wife slipped on the ice and they spent the afternoon in the Emergency Room.

Councilor Brock said the Town Manager previously referred to the Affordable Workforce Housing on February 22nd at 6:00 p.m. at the Community Center. He said he will be monitoring that event. He said he is trying to raise this issue that is important to this community and he hoped that people will consider showing up.

Councilor Thomson said he would like to wish the 16th President, Mr. Lincoln, a happy 209th birthday. He said he is his one and only favorite Republican President.

Councilor Thomson said he would like to piggyback on the editorial that appeared in the Portsmouth Herald a couple of days ago on the Sarah Mildred Long Bridge situation. He said they have seen it move back to September, October, November, December and now they are saying May. He said they have no specific information forthcoming. He thought that it is rude to the two communities that are impacted the most by the bridge being closed.

Councilor Thomson said the date has been pushed back four times and what happens when they get to May and they say it won't be open until July? He said they will be looking at the same situation they had last year, closing roads off quickly. He said what he finds interesting is, that when things were going well, and they had meetings at the KCC, they were patting each other on the back that they were on time, and since things have gone south – crickets.

Councilor Thomson asked, again, through the Chair to the Town Manager if there is some way they can get a representative from DOT or Cianbro if they could write a letter with what the specific issue is. He thought that the two communities and the public officials involved would appreciate it.

Councilor Thomson said, to piggyback what Councilor Brock mentioned on Workforce Housing, is certainly a meaningful discussion to have in this community. He said that he and Councilor Brock attended last month's session and he is a little concerned about the periphery conversation he was hearing and he does not want to disrupt the focus on Workforce Affordable Housing.

Councilor Thomson said, for example, he went into a local business establishment, and someone he has known for many years, told him "Jeff, you and the other Councilors have to stop these people from moving into town and ruining it." He said "these people" have a right to move into Kittery and buy property. He said if someone is willing to pay the price for the property, it is a private, real estate business transaction. He said let's try to start on the real issue – finding workforce housing solutions for our community.

Councilor Thomson said the sand pile in the corner has been depleted a number of times. He received an e-mail from a citizen inquiring as to its status. He said he watched a vehicle with New Hampshire plates drive in, realized there was nothing there, and drove out – but we cannot police it 24 hours a day. He wanted to know how to address this issue in fairness to the citizens and recognizes that we cannot be providing the sand for the Seacoast area.

Councilor Dennett said before the Chair closes, he needed to bring up another thing – the vehicle driver who was looking for sand is probably someone living in Kittery with New Hampshire plates.

Councilor Dennett said regarding the situation with the Sarah Long bridge, there was an article in the Portsmouth Herald that the spokesperson for Cianbro said “do not bother us, send all inquiries to DOT, it’s out of our hands” so he guessed that they can tell what they are saying about it.

Councilor Dennett said this did not show up tonight, but he left something with Administration.

Town Manager Amaral said it is in Council’s mailboxes.

Councilor Dennett said that he brought up the Oxford Serial comma error in the State law which ended up in Court and the bulletin was in their packets several weeks ago. He said the company involved settled out of court – which happened to be a dairy operation, which is facing the cost of upwards of five million dollars – all because of a misplaced comma. He said it behooves us to be careful with what we do.

- 15. COMMITTEE AND OTHER REPORTS - none
 - a. Communications from the Chairperson
 - b. Committee Reports

- 16. EXECUTIVE SESSION - none

- 17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN THE MEETING AT 7:42 P.M. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. SEVEN IN FAVOR BY A UNANIMOUS VOICE VOTE. MOTION CARRIES. MEETING ADJOURNED.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 3-12-18