

**Kittery Town Council
April 23, 2018
Regular Meeting – 6:00 p.m.
Council Chambers**

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 those present in the Pledge of Allegiance.
4. Roll Call: Answering the roll were Councilors Frank Dennett, Jeffrey Pelletier, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Ken Lemont. Councilors Jeffrey Thomson and Matthew Brock were absent.
5. Agenda Amendment and Adoption: Chairperson Lemont said he will cast one vote for the agenda as presented.
6. Town Manager's Report: Town Manager Amaral gave an update on the 3rd Quarter FY'18 financial report. She said they are on target with revenues, but not all revenues have been brought in. She said some are definitely on a time scale and they are looking at that.

Town Manager Amaral said one thing they are watching is the recyclables market because in January, China was going to limit the import of recyclables. She said typically they take in the recyclables and sell them to other countries, after processing them. She said the cost of mixed paper has dropped to zero, and the revenue we got from that we used to offset the costs of processing. She said they have been in contact with other communities to make arrangements to cover the costs for that recyclable material and to discuss other options.

Town Manager Amaral said that the collected Code Enforcement Officer's fees are ahead of where they projected for in FY17-18. She said people are investing in their property and this will increase their value in the coming years.

Town Manager Amaral said the Homestead Exemption came in higher than what they expected. She said this is due to an increase in the exemption amount and not so much the number of people participating in the program.

Town Manager Amaral reported that currently there is a \$60,000 deficit in the operating budget which needs to be resolved. She said that they will also need to resolve the \$107,000 deficit in the TIF accounts, which has been happening for the last several years.

Town Manager Amaral said some things driving up the costs are unplanned absences and overtime in the Police Dept. She said typically the average cost for overtime, per pay period, is \$3500 and Chief Soucy is managing to try to keep this to a minimum.

Town Manager Amaral said there is a major shortfall in the Public Works account, due to the ice storms and icy road conditions, we used more product this year and the Town has been billed for \$200,000.

Town Manager Amaral said the budget is significantly over \$16,000 in miscellaneous accounts, due to the change in retiree medical health benefits and they have to cover that. She said she has instituted a spending freeze for the last quarter of the year, which she had to set last year, and is the worst way to manage budgets.

Town Manager Amaral said that they are watching the Sewer Dept. account closely and, as they recall from the workshop, currently the revenue is not meeting the expenditures in the budget. She said expenditures are down prior to last year, but she put a spending freeze on in January. She said she has included charts in Council's packets depicting this information.

Town Manager Amaral said that the Harbor Master's last day was April 11th and they have been searching for a new one. She said in the meantime Peter Walsh has been appointed Interim Harbor Master.

Town Manager Amaral said they have been working with the Kittery Port Authority getting the floats ready and the facilities. She said internally, both she and Ms. Esposito have been working with the customers renewing their moorings and making sure their paperwork is in order. She said as Council knows, the Port Authority implemented new rules and proof of residency is needed to register moorings. She thanked Ms. Esposito and the customers for their patience.

Town Manager Amaral said that Councilor Beers had requested Town Council consensus for a Cemetery Perpetual Care committee, and if approved, she would like to create an ad hoc working group to discuss where we need to go from here. She said the funds have been spent down to nothing, and yet, the Town is still responsible for the sites.

Town Manager Amaral said to note a couple of dates: April 24th, 6 pm here in the Chambers, there will be a public hearing on the Comprehensive Plan Update 2015-2025 and the deadline for applications to join the Library Committees is May 9th.

Town Manager Amaral said she would like to note that the new Director of Planning & Development, Adam Causey is here this evening and invited him to come up to the podium to say a few words and introduce himself to Council.

Mr. Causey said he is the town's new Director of Planning & Development born and raised in Atlanta, Georgia. He said he appreciates the confidence from the Town Manager and is excited to get started. He said he does have family in the area, so he is not here by himself.

Mr. Causey said that he has about 13 years planning and economic development experience, is a member of the AICP, and although his primary role has been in Economic Development, he has always kept his planning certification.

Mr. Causey said that Kittery is a dynamic, historic community and he is fortunate to be here.

Chairperson Lemont thanked Mr. Causey and asked him if he was receptive to questions from the Council if they have any?

Mr. Causey replied sure.

Chairperson Lemont asked Council, but they didn't have any questions for Mr. Causey, other than them welcoming him.

Chairperson Lemont said he had one, and said that the homestead exemption, when it started, was supposed to be 100% funded by the State and asked what is the percentage now?

Town Manager Amaral said she was not sure, but she would check on that and let him know.

Chairperson Lemont said that the Town Manager and staff deserve kudos for stepping in and issuing moorings and collecting fees and thanked her and the staff. He said now they just have to get her to buy a boat.

Chairperson Lemont asked if there were any other questions. Hearing none, he proceeded with the next item on the agenda.

7. Acceptance of previous minutes – 3/26/18 and 4/9/18 Regular Meetings

Chairperson Lemont said he will place the March 26th minutes on file as amended.

Chairperson Lemont said he will place the April 9th minutes on file as amended.

8. Interview for the Board of Appeals and Planning Board – none

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

(040218-1) The Kittery Town Council moves to receive a presentation by Jessa Kellogg, Shoreland Resource Officer/Stormwater Coordinator and Kristie Rabasca from Integrates Environmental Engineering on the MS4 Permit for Stormwater Discharges.

Chairperson Lemont thanked Jessa Kellogg and Kristie Rabasca for coming tonight.

Jessa Kellogg thanked Council and said she is the Shoreland Resource Officer/Stormwater Coordinator for the town. She said part of her responsibilities is to insure all the different boards, staff and volunteers in town are fully aware of the stormwater permit the town is subject to, the MS4 Permit, which stands for Municipal Separate Storm Systems for stormwater. She said Kristie Rabasca will explain the history of the MS4 permit and how the town is required to comply with the municipal control measures in the permit. She said Kristie Rabasca is the town's stormwater consultant and she wanted to have her help.

Kristie Rabasca said that there is a Fact Sheet in Council's packets which gives a description of the Stormwater Program, which Jessa Kellogg prepared. She said this will provide Council with good information on how the program touches all departments in Kittery. She said the Public Works Dept. carries the large burden of work in order to implement this permit. She said all details are in there and she will let Council read through that.

Ms. Rabasca said the primary purpose for her being here tonight is to update Council on the next permit that it is going to be issued in the next few months. She said first, this is a Clean Water Act permit, and its roots date back to the 70's when the Clean Water Act began.

Ms. Rabasca said in Council's packet is a poster, "Follow the Flow" which they use for educational purposes. She said there were studies done by the DEP and EPA that stormwater has a lot of pollutants such as fertilizer, brake dust, pet waste, food waste, and litter, which all makes its way into the stormwater system before it makes its way into the water bodies.

Ms. Rabasca said stormwater treatment hit the State of Maine in the early 2000's where communities began to ask for regulations. She said the EPA wanted to phase in the program to see how it went in the larger cities first. She said one of the triggers they used to decide who is regulated and who is not regulated is the US Census concept called "urbanized area." She said when the town has a high population density, and a lot of impervious cover, the town gets the US Census "urbanized area" designation and that pulls the town into this Clean Water Act permit. She said the "urbanized area" map and all this information is available on the town's website, under Public Works, in case anyone wants to look at it.

Ms. Rabasca said the ultimate goal for the Clean Water Act program is fishable and swimmable waters. She said in order to do that, the town has had, over the last 15 years, a lot of operational changes. She said the town began regulations when the first permit was issued in 2003. She said the permits are issued in five-year cycles by law, and the town is just completing its third-year of the five-year cycle. She said the next one is due to be issued in June 2018.

Ms. Rabasca said that she, and Ms. Kellogg, have been reviewing the draft permits from the EPA. She said they have been able to push back on some of the regulations in New Hampshire and Massachusetts that were coming to Maine. She said this permit being issued in July is very close to the same set of requirements the Town has to currently comply with, which is a good thing in terms of staffing and funds and her services.

Ms. Rabasca said there are a couple of specific areas where the burden has been relaxed are administrative issues and relaxing some catch basin cleaning requirements, out-fall inspection requirements, and maintenance of storm water systems continues to be updated so there won't be as much savings there. She said the town has to do as much as they have done before with each new permit issued.

Ms. Rabasca said the two areas for additional requirements are first, the Planning Board construction site inspections – town has to update the Kittery ordinance – putting enforcement directly on the Code Enforcement Officer for sediment and erosion control. She said the CEO has always done that, it just means a change in the Town Code.

Ms. Rabasca said the other area, they do not have the final permit from DEP has to do with Not-for-Profit organizations requiring sampling and analysis and the implementation of studies of impaired waters. She said the Spruce Creek Association has been doing a lot of good work for the town and is very protective of the water quality. She said that, with some assistance from the MMA, the 30 communities in the State have been able to push back on some of the regulations that the Not-for-Profit organizations are trying to get impeded in our regulations for impaired water.

Ms. Rabasca said a quick overview coming down the pike, the bottom line, is most things will stay status quo for the next five years.

Chairperson Lemont thanked Ms. Rabasca and asked if there were any questions.

Councilor Dennett asked Ms. Rabasca if the town is still looking at Federal enhancement of nitrogen release which will cause stricter regulations in the town's sewer facility?

Ms. Rabasca said that is not just a stormwater issue, not just waste, and that is one of the reasons the Not-for-Profit's are pushing to have municipalities due more studies. She said even though she does not see it in the foreseeable future, in the next two years, there is still a lot of pressure for it.

Vice-Chairperson Denault said that several years ago, he ran a video on Channel 22, "Rubber Ducky" and wanted to know if they could get a new version. He asked if Ms. Rabasca had anything to do with that?

Ms. Rabasca replied yes - but let Ms. Kellogg answer Vice-Chairperson Denault's question.

Ms. Kellogg responded that came from a State-wide effort and she believes they are rejuvenating that video in the next permit cycle. She said she is starting to work with some Traip Academy sophomores and will be coming before Council in the next couple of weeks to do a presentation. She said they are going out with her on Thursday to do some stormwater drain stenciling. She said she will put together a PSA and have it on Channel 22.

Vice-Chairperson Denault asked if there was an updated video on Rubber Ducky or is it still the same?

Ms. Kellogg replied there are two versions of Rubby Ducky, one is Happy Rubber Ducky and the other one is Devil Rubber Ducky, and they are both on the town's Public Works stormwater page. She said as far as the State-wide update, she has not been given a definitive answer.

Vice-Chairperson Denault spoke to the viewers and explained that the Rubber Ducky follows the flow of water and you can see "what it picks up along the way." He said he will check with the Town Manager and drop off the old Rubber Ducky video.

Ms. Kellogg said she will be happy to share that to get that video on.

Chairperson Lemont asked if there were any other questions. Hearing none, he said he had a couple. He said under Executive Summary, it says it is a federally mandated program, but asked if that meant the Federal government has any money invested in this to help the town out?

Ms. Kellogg said that is a good question, but she said the town is required to comply with the program but they do not receive any compensation for it.

Chairperson Lemont said he likes the highlighted bullets on the back. He wanted to know what does an average citizen do if they have a storm drain within 10 ft. – or in front – of their house and could they expect to have any help from the town with it?

Ms. Kellogg responded the town has over 850 catch basins that are annually inspected and cleaned. She said one of the outreach programs for the next permit is to ask people to help with the catch basin in their front yard by keeping it clean. She said it is kind of like an "Adopt-a-Storm-Drain" program and help sweep away debris that may be blocking the drain. She said everybody has a part in this, not just municipal staff, to help keep the water clean in Kittery.

Ms. Kellogg said that out of the 30 communities regulated in the State of Maine, to her knowledge, most of them have been audited by the U.S. EPA or the Maine Dept. of Environmental Protection and Kittery is the only one that has not received a violation or a warning. She said they are a role model for other communities and she is very proud of that.

Chairperson Lemont thanked Ms. Kellogg and Ms. Rabasca.

10. PUBLIC HEARINGS - none

11. DISCUSSION

a. By members of the public

Brett Carney, 25 Wilson Road, said he is standing before Council to discuss traffic issues we had last year. He said he wanted to pick up on that, with summer just around the corner. He said he has been speaking with Chuck on different ideas to make the side roads not become arteries for the main roads for traffic. He said he did mention reducing the speed limit to 20 mph and he liked that concept.

Mr. Carney said he lives in a small neighborhood and it is nice to see cars not speeding down the road. He said another potential better situation is changing the speed limit, so the slower traffic may take more time to get through local roads and this may detour the traffic back to the main roads. He asked if there are any ideas or has anything been put in place? He wanted to know if he will be seeing a miniature Route 1 in front of his house or will he be able to kick back and relax this summer.

Shawn Harris said he wanted to jump on that. He said there have been a bunch of studies done on Picott on traffic – before the traffic started cutting through.

Mr. Harris said another comment he wanted to make was on the sand lot. He said earlier in the year Council discussed this and there was speculation that a lot of non-residents were taking the sand because it was disappearing quickly. He thought it must be the natural reason and the DPW was over budget, and he would expect the same situation. He said the Council should not assume that non-residents were taking the sand.

Mr. Harris said he had a question on the proposed investment policy. He said he found the new investment policy interesting as the old policy had a \$100,000 limit. He said the background on this is it was temporarily moved up to one-quarter million dollars. He said it was supposed to have dropped down in 2014 but in 2010 it was made permanent at one-quarter million dollars.

Mr. Harris thought they are missing some of the language because of the redundancy, the \$100,000 was crossed out and on lines 114 and 120, and the new limits on lines 125 and 127 were brought up to one-quarter million dollars. He said they will go over the limit in the Money Market accounts.

Mr. Harris said some language should be added. He said if it is the institution where you have the quarter million dollars, the language should state that the CD's should not be there. He said Certificates of Deposit should not be at the same institution. He said another suggestion is to remove the limit of \$100,000 on the old CD and perhaps, should put a quarter million dollars limitation back into the CD's. He said this still pertains to the CD's by themselves.

Mr. Harris said line 93 states the treasurer shall establish written procedures on the investment policy and asked if this is contained in the PNPM and has it been updated to reflect the changes? He said Council should not act on this policy unless the PNPM is also updated to coincide with it. He said if Council had any questions he would be around.

- b. Response to public comment directed to a particular Councilor
- c. Chairperson's Response to public comments

Chairperson Lemont thanked Brett Carney for speaking tonight. He said as you know, the Town Manager was directed to come up with a solution to this problem and that is on the agenda later on tonight. He said he hoped at some point they will be able to debate about that.

Chairperson Lemont addressed Mr. Harris and said he is not aware of any traffic studies out there. He said they are aware of the problem with the sand lot.

Chairperson Lemont thanked Mr. Harris for his comments about the investment policy and noted he saw the Town Manager wrote down his points. He said he hoped she can speak to those. When we get to that part of the agenda.

12. UNFINISHED BUSINESS - none

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition.
- b. (040218-2) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Beers if the Municipal and Sewer warrants were in due form.

Councilor Beers replied that they were.

Chairperson Lemont asked Councilor Pelletier if the School Payable was in due form.

Councilor Pelletier answered that it was.

Chairperson Lemont read the warrant amounts: Municipal = \$75,426.55; Sewer = \$2,730.55; School = \$173,614.50 for a total of \$251,771.60.

COUNCILOR PELLETIER MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 5-0. MOTION CARRIES.

c. (040218-3) The Kittery Town Council moves to appoint Cassandra O'Brian to the Conservation Commission as an Associate member until 12/31/2021.

Chairperson Lemont said that he interviewed her along with the Chair of the Conservation Commission and she is an excellent candidate. He said he agreed with the Chair that she should be appointed to the Commission, so the process works.

COUNCILOR PELLETIER MOVED TO APPOINT CASSANDRA O'BRIAN TO THE CONSERVATION COMMISSION AS AN ASSOCIATE MEMBER UNTIL 12/31/2021. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

d. (040218-4) The Kittery Town Council moves to schedule a public hearing on May 7th 2018 to adopt the recodification of the Kittery Town Code.

COUNCILOR BEERS MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 7TH 2018 TO ADOPT THE RECODIFICATION OF THE KITTERY TOWN CODE. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE. MOTION CARRIES.

e. (040218-5) The Kittery Town Council moves to schedule a public hearing on May 14th 2018 for the enactment of the Taxpayer Relief Program.

COUNCILOR BEERS MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 14TH, 2018 FOR THE ENACTMENT OF THE TAXPAYER RELIEF PROGRAM. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.

f. (040218-6) The Kittery Town Council moves to schedule a public hearing on May 7th, 2018 on School Budget Ordinances for Fiscal Year '18.

COUNCILOR BEERS MOVED TO SCHEDULE A PUBLIC HEARING ON MAY 7TH 2018 ON SCHOOL BUDGET ORDINANCES FOR FISCAL YEAR '18. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE. MOTION CARRIES.

g. (040218-7) The Kittery Town Council moves to direct the Town Manager to seek speed limit reductions on cut-through roads.

Chairperson Lemont asked the Town Manager if she would like to speak to this.

Town Manager Amaral said as Council recalls, they asked her to take a broader look at the cut-through issues, basically, vehicles cutting through secondary roads in order to avoid traffic on the main roads, the Turnpike or Route One. She said that is why she was exasperated with the Sarah Mildred Long bridge being closed, which added more traffic on Kittery's roads.

Town Manager Amaral said she has created a working group with two Councilors and volunteers. She said that Chair Lemont and Vice-Chair Denault helped do some research locally with traffic engineers as well as with the regional transportation planning organization.

Town Manager Amaral said the way-finding apps have a logarithm that predicts when traffic is slow and if vehicles are travelling at 20 mph, it will send people down secondary roads. She said typically, the GPS will not re-route people onto those roads if the traffic is going 20 mph.

Town Manager Amaral said she has come up with a plan on speed limit reductions on the main roads to get from the northern part of Kittery to New Hampshire to avoid the turnpike. She said the list of roads is included in Council's packets. She said the way it works is that we have to request MDOT to consider lowering the speed limits on these roads, even our local roads. She said DOT have criteria to review and once they review their roads first, they will review our local roads. She said they may not agree with all the roads, but we think it's worth a shot to lower the overall speed.

Town Manager Amaral said as part of this, the DPW Commissioner did research on posted roads with MDOT and what was noted was the speed limit posted on a couple of roads was not consistent with DOT requirements. She said she is requesting Council direction to proceed with MDOT.

COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL DIRECT THE TOWN MANAGER TO SEEK SPEED LIMIT REDUCTIONS ON CUT-THROUGH ROADS, AS PRESENTED. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Councilor Dennett said he has to oppose this for a number of reasons. He said the subject matter report to Council is for seasonal traffic management, and they are not looking to do this on a seasonal basis. He said if the speed limit should be set for a mile, then he would be stuck traveling at 20 mph because a lot of people are getting off in a different season.

Councilor Dennett wanted to ask the Chair if they change the speed limit on the roads from say 40 mph to 30 mph, would that be one way only or both ways?

Chairperson Lemont said if that is the question, he will be happy to answer that – yes, it is his understanding, absolutely, it would be both ways.

Councilor Dennett said he will use Haley Road as an example of a traffic problem from Route 1 to the Kittery Point Fire Station, and wanted to know, if he is going from the Fire Station to Route 1, with little traffic, does he have to follow the speed limit? He said when he sees brake lights on, he gets nervous – if there is no accident.

Chairperson Lemont replied yes. Councilor Dennett asked if he may continue?

Councilor Dennett said it was pointed out in the report that the majority of the cars on the roads are local cars and could increase speed violations was not considered by the group. He said there are 29 on the list and he randomly checked three of them – one is okay and the other two are way out of whack.

Councilor Dennett said first is Haley Road to Bartlett Road: the proposed limit of 25 mph for the whole road is listed as 25 mph. He said he looked at Lewis Road.

Chairperson Lemont said, to clarify, that road is posted at 25?

Councilor Dennett replied that the MDOT limit is listed at 35 from Route 1 to Bartlett, but the proposed is 25. He said it is well posted on the whole road from Route 1 to the Point as 25.

Chairperson Lemont asked if it was the whole road?

Councilor Dennett replied he checked today and Friday and it is posted as 25 mph on the whole road, to the Point.

Councilor Dennett said 29 Lewis Road, from Rte. 1 to Norton Road is posted as 40 mph and 30 mph is proposed but he checked and the signs already say 30 mph. He suspected that all of these are not correct and asked how can he ask the Town Manager to proceed?

Town Manager Amaral said they need to address those two roads but the posted speed limits were not approved by MDOT. She said they are trying to get this resolved because the town put up the signs.

Councilor Dennett said when he sees 29 roads on the list and one is correct and two are wrong, he is not sure if they are all correct. He said only one is correct, Martin Road.

Town Manager Amaral said no they are correct.

Councilor Dennett addressed the Chair and said he would like to put this item on hold until they get it straightened out.

COUNCILOR DENNETT MOVED POSTPONING THIS ITEM UNTIL THE FIRST COUNCIL MEETING IN MAY IN ORDER TO GET CLARIFICATION ON SOME INFORMATION ON THE LIST. THERE WAS NO SECOND. MOTION FAILS.

Councilor Beers asked to be recognized.

Chairperson Lemont said yes.

Councilor Beers said, through the Chair, that he did not consider this as a final, set-in-stone action plan, but to give the Town Manager direction to seek reductions in limits, and presumably, she would be in contact with MDOT for the production of accurate information and a presentation to Council to consider speed limits on specific roads. He thinks it is a waste of time and would like to move forward.

Vice-Chairperson Denault said that Councilor Dennett raised some valid points. He said part of one of the meetings they had, they were going to recommend to the Town Manager to go to the State and discuss this. He said to take two other roads and combine them. He thought it would be a waste of time to discuss seasonal speed limit and add roads that need to be clarified. He said they did take into consideration that people would be driving on residential roads, but there would be advertising and the educational part of that would need to be drummed up in a bigger way to alert the residents to that but they would be the recipients of that speed.

Vice Chairperson Denault said they focused on the roads where there were the most complaints and people came forward and asked us to do local traffic only. He said a lot of people came forward.

Vice-Chairperson Denault said they are looking at the logarithm data going to the GPS companies. He said if the speed limit is reduced to 20 mph and use the 80th percentile, which is the speed most people are driving on the road. He said if they look at 25 it will be 35 mph, but if we drop the speed to 20 mph, it will bring it down to 30 and we will see a reduction in accidents. He will say this again, most of the roads in Kittery are accident prone. He said this will be added safety for people who will be traveling on snow-covered roads. He said as Councilor Beers mentioned, we are just trying to get something going, moving quickly before it's too late.

Chairperson Lemont said he appreciated the working group and all they did with this issue. He said there was direction from the Town Council for the Town Manager to look at this problem and come up with a solution. He said it may not be perfect, but it needed to be timely. He said Councilor Thomson spoke so passionately about this at the last meeting, he knows he would supported this. He said they did try this on the local roads only but it was impacting the other roads in the community.

Chairperson Lemont said he would think by reaching out to DOT, they would look to them for endorsement to correct two of the roads.

Town Manager Amaral asked for clarification and wanted to know what are they voting on for her to do?

Chairperson Lemont replied the working group's recommendation was to approach the State to lower the speed limits on 29 roads that were identified.

Councilor Dennett asked if DOT agrees with this, are we stuck with it?

Chairperson Lemont answered that he thought Councilor Beers had addressed that issue very well.

Town Manager Amaral replied if they meet the criteria, and M.D.O.T. agrees, there will be a lot of objection and that is why she is asking for clarification. She said once they agree to lower the speed limit they will be lowered.

Councilor Beers said that is a different understanding than what he had thought. He wanted to know if they have any authority to establish speed limits on town-owned roads?

Town Manager Amaral replied no, it seems to be unilateral on Wilson and Haley Roads.

COUNCILOR BEERS AMENDED HIS MOTION TO DIRECT THE TOWN MANAGER TO SEEK DIRECTION ON THE TOWN'S RECOMMENDATION TO LOWER THE SPEED LIMIT ON 29 ROADS, AFTER COOPERATION WITH MDOT AS TO WHAT THEY MAY BE IN SPECIFIC DETAIL. VICE-CHAIRPERSON DENAULT SECONDED OF THE AMENDED MOTION.

Councilor Dennett said he did not understand the motion.

Councilor Beers said to coordinate with DOT what roads may be reduced, if any, and to come back to Council with recommendations.

Councilor Dennett said that MDOT will do whatever they want.

Councilor Beers said they are the body that has the authority to orchestrate its affairs to its best legal and technical advantage. He said if the Town Manager will allow this and then DOT says "no" the matter will be dropped. He said the original motion was to give direction to the Town Manager and make that happen, which is not what he agreed to.

Councilor Dennett said if MDOT agrees to something, this is it and we have no choice.

Councilor Beers replied if DOT agrees to Council's request that they do that, then the Town Manager will send the detailed list to DOT and they will say ok, but we are faced with a different consideration.

Councilor Dennett said they are not going to do that.

Councilor Beers said they are working to solve the problem reasonably and prudently and thought they should go with it.

Councilor Pelletier said it is certainly worthy of a discussion with DOT, with the recent history of the traffic. He said he is somewhat concerned about making the roads a snail's pace, when in the summer, they are already a snail's pace, but he did not think they have anything to lose. He said Kittery has unique circumstances and wanted to know if perhaps lowering the limits could be seasonal, if they would consent to that, would they allow us to lower them from May to September, if that is an option?

Vice-Chairperson Denault said he could speak to that. He said signs would have to be changed to show that and appropriately posted. He said there would be a possibility of a motorist doing 25 and saying he did not realize it was May 1st. He said York does this and he thinks it is a great idea.

Vice-Chairperson Denault said he will speak to that. He said they will have to make sure that the posted speed limit is pretty clear and the sub-committee did come up with that suggestion. He said the likelihood of the town workers changing signs May 1st, and asked what if they do not get to them? He said people will have to look at the signs and slow down.

ROLL CALL VOTE WAS TAKEN WITH FOUR VOTING IN FAVOR, AND ONE OPPOSITION, 4-1-0 (COUNCILOR DENNETT). MOTION CARRIES.

Chairperson Lemont asked the Town Manager if she understood what she is being asked to do. Town Manager Amaral replied, yes, she does.

h. (040218-8) The Kittery Town Council moves to approve a request from the Granite State Wheelmen Inc. to have a rest stop at Fort McClary for their 2018 Seacoast Century Bicycle Ride on September 22, 2018 thru September 23, 2018.

VICE-CHAIRPERSON DENAULT MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM GRANITE STATE WHEELMEN, INC. TO HAVE A REST STOP AT FORT MCCLARY FOR THEIR 2018 SEACOAST CENTURY BICYCLE RIDE ON SEPTEMBER 22ND THRU SEPTEMBER 23, 2018. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 5-0. MOTION CARRIES.

i. (040218-9) The Kittery Town Council moves to authorize the Kittery Community Market requests to hang 3 banners: (2) at Post Office Square from May 15, 2018 to October 15, 2018 and (1)

banner over Rogers Road, in front of the Kittery Community Center from May 22, 2018 until June 21, 2018 and to post directional signs at various locations around Kittery and Kittery Point.

VICE-CHAIRPERSON DENAULT MOVED TO AUTHORIZE THE KITTERY COMMUNITY MARKET REQUESTS TO HANG 3 BANNERS: TWO AT POST OFFICE SQUARE FROM MAY 15TH TO OCTOBER 15TH, 2018 AND ONE BANNER OVER ROGERS ROAD, IN FRONT OF THE KITTERY COMMUNITY CENTER FROM MAY 22, 2018 UNTIL JUNE 21, 2018 AND TO POST DIRECTIONAL SIGNS AT VARIOUS LOCATIONS AROUND KITTERY AND KITTERY POINT. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, 5-0. MOTION CARRIES.

j. (040218-10) The Kittery Town Council moves to approve a renewal application from John K. Reed, for a Malt, Vinous and Spirituous Liquor License for The Corner Pub, 4 Wallingford Square.

Chairperson Lemont said the Code Enforcement Officer has conducted the inspection and the establishment is in compliance with the Town Code.

COUNCILOR PELLETIER MOVED THAT THE TOWN COUNCIL APPROVE A RENEWAL APPLICATION FROM JOHN K. REED FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE CORNER PUB, 4 WALLINGFORD SQUARE. COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH FIVE VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

k. (040218-11) The Kittery Town Council moves to approve a renewal application from Sonmat INC. for a Malt, Vinous and Spirituous Liquor License for Anju Noodle Bar, 7 Wallingford Square.

Chairperson Lemont said the Code Enforcement Officer has conducted the inspection and the establishment is in compliance with Town Code.

VICE-CHAIRPERSON DENAULT MOVED TO APPROVE A RENEWAL APPLICATION FROM SONMAT INC. FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ANJU NOODLE BAR, 7 WALLINGFORD SQUARE. COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Lemont asked if there were any questions.

Councilor Dennett what was the name of the applicant?

Chairperson Lemont said it is listed differently on the application.

Councilor Dennett said the agenda is correct.

Chairperson Lemont said duly noted.

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

l. (040218-12) The Kittery Town Council moves to approve the revised Investment Policy.

Councilor Beers said after hearing Mr. Shawn Harris speak tonight, he would like history on this policy and wanted to withdraw this item until additional information can be provided related to the points made by Mr. Harris on the accounts.

Councilor Beers said he is uncomfortable with this and thought that it is not appropriate at this time.

COUNCILOR BEERS MOVED TO POSTPONE TAKING ACTION ON THIS ITEM UNTIL INFORMATION CAN BE BROUGHT FORWARD SECONDED BY VICE-CHAIRPERSON DENAULT.

Councilor Dennett said he should table it to a time certain.

Councilor Beers said that is his motion request.

Councilor Dennett said in as much as he supports this item, the Chair could ask for this to be withdrawn.

Chairperson Lemont asked if Council agreed to withdraw this item, and the majority, by a show of hands, agreed to withdraw this item.

Chairperson Lemont asked if the Town Manager could meet with Mr. Harris and answer his questions.

m. (040218-13) The Kittery Town Council moves to sign the warrant for the June 12, 2018 Town Meeting/Secret Ballot Election.

VICE-CHAIRPERSON DENAULT MOVED TO SIGN THE WARRANT FOR THE JUNE 12, 2018 TOWN MEETING/SECRET BALLOT ELECTION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, FIVE IN FAVOR, NONE OPPOSED, MOTION CARRIES.

n. (040218-14) The Kittery Town Council moves to appoint Nicole Maurice as Registrar of Voters for the Town of Kittery until 12/31/2018.

COUNCILOR BEERS MOVED TO APPOINT NICOLE MAURICE AS REGISTRAR OF VOTERS FOR THE TOWN OF KITTERY UNTIL 12/31/18. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Councilor Dennett asked if the individual consented to such appointment?

Ms. Maurice replied yes.

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

o. (040218-15) The Kittery Town Council moves to appoint the election clerks as nominated by the local political parties for the ensuing two years (April 2018 – April 2020).

COUNCILOR BEERS MOVED TO APPOINT THE ELECTION CLERKS AS NOMINATED BY THE LOCAL POLITICAL PARTIES FOR THE ENSUING TWO YEARS (APRIL 2018-APRIL 2020) AS

PRESENTED. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, FIVE IN FAVOR, NONE OPPOSED, MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Dennett said very briefly, through the Chair, if the Town Manager goes over the investment policy, and he has spoken to her somewhat, he asked that she please review in detail the idea of incorporating one line into this item. He said under the provisions of Maine State statutes, we are permitted, it is currently Line 134 which says it is a new line item #3, obligations permitted, under Title 30-A, M.R.S. Sec. 657, §1 and 2. He said as it stands at this point they cannot invest in certain bonds of the State of Maine and its' instrumentalities. He thinks that they should have the opportunity to consider such investment as is allowed by State law. He said if they avail themselves of that or not is a different story, but we should have the opportunity to do so.

Vice-Chairperson Denault said, through the Chair, he has a couple of complaints that there is an increase in speeding on Stevenson Road, Martin Road and Manson Road and obviously the bridge traffic has started. He would like to say something positive about the Speed trailer set up on Rte. 236. He said that is an outstanding location, he has seen vehicles slowing down, so it is right on the money and is working great. He said it is running for almost four days without now and is working well.

Chairperson Lemont said he would like to compliment the CEO, Bob Marchi. He said he saw that he had pulled over to the side of the road and was removing illegal signs. He said it is nice to see the CEO is out there, seeing what is right or wrong and taking care of it.

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 7:22 P.M. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 5-30-18