

**Kittery Town Council
Wednesday, May 30, 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, Jeffrey Thomson, Matthew Brock, Vice-Chair Charles Denault and Chair Kenneth Lemont. Councilor Gary Beers was excused absent.
5. Agenda Amendment and Adoption: Chairperson Lemont asked if there were any amendments to the agenda and, seeing none, cast one vote to adopt the agenda as presented.
6. Town Manager's Report: Town Manager Amaral reminded everyone that the June 12th election will be held from 8 am – 8 pm at the Kittery Community Center and that absentee ballots are available. She said Voter Registration is ongoing. She said this year Rank Choice Voting will be taking place for the first time and a link has been provided on the town's website for more information.

Town Manager Amaral said that they have been discussing the Wind Turbine, which has not been operating for some time. She said it did not generate the energy that was expected. She said with the assistance of Julia O'Connell and Steve Bilski, who did a significant amount of research and spoke with a number of experts as well as people in the field. She said they looked at all possible options to dispose of the Wind Turbine and the report is included in Council's packets. She said she is looking for Council consensus to implement Option 1, as recommended, and that is to put out an RFP or Bids for sale of the surplus Wind Turbine as is.

Town Manager Amaral said the report concludes that the revenues received did not produce a sufficient amount of income to offset the cost savings.

Town Manager Amaral said the online permitting process is up and running and they can now submit applications to the Code Enforcement Officer through the town's website 24/7. She said the software allows someone to apply, see if the permit has been issued, track inspections to see if they have been completed and also see if a Certificate of Occupancy or Completion has been issued. She said people can login to see what is going on with the application process and they pay online.

Town Manager Amaral said she has included in Council's packet is quick screen shot to see where the permits are being pulled and staff can also run reports to see how long it takes step-by-step and to improve the process. She said also they need to learn how to use this tool more effectively. She said currently they do have sewer permits, but she hopes to bring other departments into the permitting process, i.e. Fire Dept., Parks & Rec., Harbormaster. She said she is looking forward to getting feedback from the community.

Construction Update:

Town Manager Amaral had a construction season update and asked Council if they remembered the Whipple Road project, which has been in the queue for years? She said Fairpoint has notified the

property owners within the project area of the utility easement needs, primarily for pole-guy wires and pole placements. She said the town will also need to grant an easement, which she will bring to Council in June. She said once this phase is completed, MDOT will seek a Right-of-Way easement and design will be concluded. She hoped that this project will be out to bid by 2019 with construction following.

Town Manager Amaral said they just got approval from the Regional Transportation Agency for an additional \$795,000 to complete the Walker/Wentworth project, from Walker and State Road to the Wentworth intersection and Wentworth to Whipple Road. She said the project includes sidewalks on both sides of Wentworth and parking on one side, as requested. She said this also includes a full upgrade of the Walker/Wentworth intersection that serves Gate 1 and is slated to begin in 2021.

Town Manager Amaral said MDOT has received bids for the crosswalk installation on Badger's Island. She said this project will provide safe, ADA-compliant 4-way crossing for pedestrians. She said there is a slight add-on and the town will be making additional sidewalk improvements that will provide a delineation of the sidewalk from the parking lot as it is unclear in some spots. She said this project is expected to be completed this season.

Town Manager Amaral said KACTS has recently approved the reallocation of \$464,000 to re-pave Government Street. She said DOT originally approved allocated funds for the final section of Rte. 103 connecting to York. She said after discussion with MDOT, they are swapping resources and will do an overlay on Route 103, which is already in the town's 5-year pavement management plan, rather than a broader reconstruction. She said the Government Street project will go out to bid this Fall.

Town Manager Amaral said the National Guard will be at Fort Foster on Friday while they finalize their work on the Wood Island project. She said they will be addressing the facility needs, perform construction and repair work and will be reconstructing the sea wall. She said they will be setting up camp behind the main bathrooms and they will not be impeding any entrance to the facilities. She said they will have their own list of things that are required, including low-noise generators for their electricity.

Town Manager Amaral said she is looking forward to them being at Fort Foster and they will be there through June. She said they are planning on offering tours and speaking to visitors as well as showing them their encampment while at Fort Foster.

Town Manager Amaral said that the Dept. of Public Works has been making adjustments to the recycling program. She said they are now requiring #1 PETE and #3-7 materials be sorted. She said she has spoken about this before, that China is making cuts in importation recyclables, and, as part of that sorting opportunity they can sell #3-7 to offset the costs. She said folks will see that there is a change in sorting that will help keep costs low.

Town Manager Amaral wished to announce a couple of things and asked everyone to join her in congratulating staff:

- John Brosnihan, retired Police Sergeant will be starting June 7th as Harbor Master. She said he will be applying his Coast Guard experience and police training to assist the town and Port Authority in providing responsive service to the boating public and enforcing rules and regulations.
- Jeremy Paul will be the next Recreation Director and has been employed by the town for almost 20 years and has been successful in activating the KCC, managing the theater space and

helping grow the programs and opportunities offered by the department. She said he will bring his own vision and energy to the Rec. Dept. to bring it to the next level and into the future.

Town Manager Amaral thanked Mel Bates and John Navish of the VFW, Gary Hildreth of the USS New Mexico and Gerry Mylroie and Dave Lincoln for putting up the flags on State Road. She said they went up before Memorial Day and will stay through Veteran's Day. She said between all three groups, they made sure the flags were installed and will help maintain the flags.

Town Manager Amaral summarized some important upcoming dates:

June 6th –Voter Registration

June 12th - Sarah Mildred Long Bridge grand reopening ceremony

June 13th – Janice Grady's Retirement Party – tickets are still on sale. See Suzanne Esposito for tickets

Chairperson Lemont asked if there were any questions of the Town Manager. Seeing none, he thanked the Town Manager for her report.

7. Acceptance of Previous Minutes:

April 23, 2018: Chairperson Lemont reviewed the minutes and asked for any corrections and a few were noted.

Chairperson Lemont cast one vote to place the minutes of April 23, 2018 on file as amended.

Special Meeting, May 7, 2018: Chairperson Lemont asked if there were any corrections to the May 7th minutes and a few were noted.

Chairperson Lemont cast one vote to place the minutes of May 7, 2018 on file as amended.

8. Interviews 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.

(050318-1) The Kittery moves to recognize the recipients of the 2018 Educational Recycling Scholarships.

Vice-Chairperson Denault said that he will announce the candidates for the 2018 scholarships. Jeffery Brake was also present to hand out the Certificates.

Vice-Chairperson Denault said the Educational Recycling Scholarship Committee is composed of himself and Jeffrey Pelletier, Jeffery Brake, George Dow and Herbert Kingsbury and explained the process. He said all the applications are reviewed and the money they get is from the recycling of cans at the Kittery Resource Recovery Facility. He said they did not have that many applicants this year. He read the names of the recipients: Chelsea Hoyt, \$750 who is attending the University of New Hampshire for Equine Science; Emma Kemp, \$500, who is attending Smith College as an English Major, Spanish minor; Amy Leung, \$1,000 – Kaplan University, for Business Administration, Emily Jones, \$500, attending the University of New Hampshire for Biomedical Science; Rachel Potter, \$500 attending the University of New England for Nursing and Auden Barbour - \$500, who is attending Barnard College for Liberal Arts. Those who were presented received their Certificates.

Vice-Chairperson Denault said other recipients were Odyssey of the Mind for \$1,000 and End 68 Hours of Hunger in the amount of \$1,250. Pauli Rines and Kris Lynes were on hand to receive the Certificate from Mr. Brake. Ms. Lynes said since its inception in March of 2012, this program has helped over 400 children in Kittery and they have packed 16,027 bags.

Vice-Chairperson Denault said congratulated the scholarship recipients.

10. PUBLIC HEARINGS

a. (050318-2) The Kittery Town Council moves to hold a public hearing and hereby ordains the adoption of the recodification of the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:28 and asked if anyone wished to speak to, for or against this item. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN CODE BE RECODIFIED AND ADOPTED AS PUBLICLY HEARD AND RECEIVED BY THE KITTERY TOWN COUNCIL. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Councilor Brock said he had a question for the Town Manager, through the Chair. He asked, for the record, could she clarify this proposal of the code is not intended to provide substantive changes, is that correct?

Town Manager Amaral replied correct, they are non-substantive changes, developed over the years, and put in a new format. She said this allows for on-going updates to not only our book, and the company will help us with that, but also online. She said there are no substantive changes.

Councilor Dennett asked the Town Manager if she had a correction to what was handed out to Council?

Town Manager Amaral said that Councilor Dennett identified an issue on line 148 of the ordinance which says it takes effect after adoption by the Town Council. She said as per the Town Charter, it would take effect 30 days after adoption, so strike from "upon" to the end of the line so that it reads "This ordinance takes effect 30 days after adoption, pursuant to the Town Charter, Sec.2.14, Ordinances in General."

Councilor Dennett asked now that there is clarification, is there agreement by the mover and second to include this change? Both Councilor Thomson and Vice-Chairperson Denault replied yes.

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

b. (050318-3) The Kittery Town Council moves to hold a public hearing on the application from Bapashree of New England, Inc., 169 State Road, Kittery, Maine for a Victualers' License for the 7'Eleven at 169 State Road, Kittery, Maine.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection of the establishment and it was found to be in compliance with the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:31 p.m. and asked if anyone wished to speak to, for or against the application. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED THE TOWN COUNCIL APPROVED THE APPLICATION FROM BAPASHREE OF NEW ENGLAND, INC., 169 STATE ROAD, KITTERY, MAINE FOR A VICTUALER'S LICENSE FOR THE 7 ELEVEN, 169 STATE ROAD, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

c. (050318-4) The Kittery Town Council moves to hold a public hearing on the application from Thai & I Corporation, 20 Hillside Ave., Boylston, MA for a Victualers' License for Thai & I Restaurant, 340 U.S. Route 1.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection of the establishment and it was found to be in compliance with the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:33 p.m. and asked if anyone wished to speak to, for or against the application.

Achara Weydt, owner of the Thai & I Restaurant thanked the Town Council for the opportunity to open their restaurant, which is the first one in Maine, and they are working hard to open in time for the summer so they will be able to serve authentic Thai food to the community.

Chairperson Lemont said he appreciated Ms. Weydt introducing herself and for her comments. He closed the public hearing.

VICE-CHAIRPERSON DENAULT MOVED THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM THAI & I CORPORATION, 20 HILLSIDE AVENUE, BOYLSTON, MA FOR A VICTUALERS LICENSE FOR THAI & I RESTAURANT, 340 U.S. ROUTE ONE, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

d. (050318-5) The Kittery Town Council moves to hold a public hearing on the application from Thai & I Corporation, 20 Hillside Ave., Boylston, MA for a Malt and Vinous Liquor License for Thai & I Restaurant, 340 U.S. Route 1.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection of the establishment and it was found to be in compliance with the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:35 p.m. and asked if anyone wished to speak to, for or against the application.

Ms. Weydt said they will have good authentic Thai food and good old beer and wine.

Chairperson Lemont thanked her and said it was an excellent way for Ms. Weydt to advertise her business. He closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN CONCIL APPROVE THE APPLICATION FROM THAI & I CORPORATION, 20 HILLSIDE AVE., BOYLSTON, MA FOR A MALT AND VINOUS LIQUOR LICENSE FOR THAI & I RESTAURANT, 340 U.S. ROUTE ONE, KITTERY. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX IN FAVOR, NONE OPPOSED, MOTION CARRIES.

e. (050318-6) The Kittery Town Council moves to hold a public hearing on the application from Suzanne's Village Café + Bistro LLC, 373 Southside Road, York, Maine for a Special Activity Amusement Permit for Misto! At 436 U.S. Route 1.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection of the establishment and it was found to be in compliance with the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:36 p.m. and asked if anyone wished to speak to, for or against the application. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM SUZANNE'S VILLAGE CAFÉ + BISTRO LLC, 373 SOUTHSIDE ROAD, YORK FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR MISTO! 436 U.S. ROUTE ONE, KITTERY. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

f. (050318-7) The Kittery Town Council moves to hold a public hearing on the application from Maine Ocean Lobster, LLC, PO Box 904, Kittery, Maine, for a Special Activity Amusement Permit for The Pointe at 31 Badgers Island West.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection of the establishment and it was found to be in compliance with the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:37 p.m. and asked if anyone wished to speak to, for or against the application. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM MAINE OCEAN LOBSTER, LLC, P.O. BOX 904, KITTERY FOR A SPECIAL ACTIVITY AMUSEMENT PERMIT FOR THE POINTE, 31 BADGERS ISLAND WEST. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

g. (050318-8) The Kittery Town Council moves to hold a public hearing on an application from Capital Video Corporation, 44 Bedson Road, Cranston, RI for a Viewing Booth License for Amazing.Net at 92 Route 236.

Chairperson Lemont said the Code Enforcement Officer has conducted an inspection of the establishment and it was found to be in compliance with the Kittery Town Code.

Chairperson Lemont opened the public hearing at 6:38 p.m. and asked if anyone wished to speak to, for or against the application. Seeing none, he closed the public hearing.

COUNCILOR PELLETIER MOVED THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM CAPITAL VIDEO CORPORATION, 44 BEDSON ROAD, CRANSTON, RI FOR A VIEWING BOOTH LICENSE FOR AMAZING.NET, 92 ROUTE 236, SECONDED BY COUNCILOR DENNETT.

Vice-Chairperson Denault said that he has been opposed to facing this before and is still really bothered by it; however, after speaking with the Town Manager, and based on the fact that Capital Video Corp. has paid the previous fines against the establishment and on the way the ordinance reads, he has no choice but to support it. He said he hopes that the Police Dept. is still checking on this business as required but he is still adamant that the ordinance should be changed.

ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.**11. DISCUSSION****a. Discussion by members of the public**

Judy Spiller, 3 Rosellen Drive, Kittery Point, said she has a concern and a suggestion, both involving the National Guard at Fort Foster. She said she understands that they will be fully armed while deployed there. She said people are familiar with the area and it is a small area. She said the area is used before dawn until after dusk and people go in and out. She did not think that any one is aware that they will be armed, you are. She said she cannot see any reason why the National Guard would need to be armed at Fort Foster.

Ms. Spiller said her suggestion is, during some of their down time, they could use help rebuilding some of the trails along the ocean. She wanted to know, as part of their outreach program, when they are involved in their regular duties, if the Town Manager could ask if they would be willing to do that.

Chairperson Lemont said to answer your response, the Town Manager has reached out to the National Guard regarding this issue and he asked her to share her comments.

Town Manager Amaral said they are not going to be fully armed. She said some members of the National Guard are also law enforcement personnel who will be armed as a matter of course but they will not be fully armed as a military installation would be armed.

Chairperson Lemont asked the Town Manager if she could follow up with the National Guard, in the scope of their tasks, would they look at the trails if they are so inclined?

Town Manager Amaral said yes.

Chairperson Lemont asked if there was any other discussion?

Councilor Brock wanted to know, through the Chair, before they enlist any significant money or town resources are put into that, maybe they should take a look and ask should we be rebuilding the trail as it was or is there a better engineering or technical way to do that because we will be getting more storms.

Councilor Brock said he appreciates the suggestion but they should have a plan on what to do out there. He said they could do a temporary dressing for the summer but a long-term strategy is required.

Chairperson Lemont asked Councilor Brock if he would want the Town Manager to investigate that.

Councilor Brock replied that he would, yes, if she could put it on her small "to-do" list.

Chairperson Lemont asked if Council was comfortable with that and there was a Council consensus. Council agreed.

Councilor Thomson said, as a point of clarification, through the Chair, that the Town Manager mentioned some of the National Guard are also law enforcement officers. He wanted to know, when they are here, are they law enforcement officers or are they members of the National Guard?

Town Manager Amaral responded they are serving as members of the National Guard but as she understands it, they do carry fire arms. She said the Police Chief has been notified that they are still carrying fire arms and the Police Dept. is aware of that.

Councilor Thomson asked if some of them do not need weapons, why do some of them do? He said he did not mean to put the Town Manager on the spot, he is just trying to understand this.

Town Manager Amaral replied she never wants to answer a Councilor in a deflection manner, but she has been advised by the National Guard that they do not want to see a broadcast discussion of their safety protocols and how they intend to maintain safety in their camp. She said she feels uncomfortable getting into a discussion about that.

Councilor Thomson retorted it is not "their camp," it is the Town's property.

Councilor Pelletier assumed that there is a military police element to this and they are required to carry fire arms to facilitate their duties. He said he is not particularly worried they are carrying fire arms. He said there are people working at the Ship Yard who carry fire arms and he does not think it will be an issue. He said he appreciated the discussion.

Chairperson Lemont asked if there was any further discussion? Seeing none, he said they have no unfinished business tonight.

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition – none
- b. (050318-9) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Denault if the Town and Sewer payable were in due form?

Vice-Chair Denault responded yes, they are.

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

Councilor Pelletier replied yes, it is.

Chairperson Lemont read the amounts of the disbursement warrants: Town - \$184,658.38; Sewer = \$1,343.93 and School = \$131,813.18.

COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS SHOULD BE PAID AS PRESENTED, SECONDED BY VICE-CHAIR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 6-0, MOTION CARRIES.

- c. (050318-10) The Kittery Town Council hereby ordains amendments to Title 13.04 – Taxpayer Relief Program.

Chairperson Lemont said what they have before them this evening reflects the changes made in April to the original amendments.

Councilor Brock asked if the version that they now have is the same version they had for the public hearing?

Chairperson Lemont replied yes.

Councilor Dennett said before they go further, he said the agenda states Title 13.04, which should be changed to 13.4.

Chairperson Lemont thanked Councilor Dennett. He asked if they need an official action to move and second or deny the action?

Councilor Thomson asked what happened after the public hearing? He wanted to know wasn't it moved and seconded that night?

Chairperson Lemont replied no, but it should have been.

Town Manager Amaral said that what was on the agenda simply read "moves to hold a public hearing" and did not state "hereby ordains the changes" and that is why it is shown without the public hearing.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAINS AMENDMENTS TO TITLE 13.4 – TAXPAYER RELIEF PROGRAM AS PRESENTED, SECONDED BY COUNCILOR THOMSON.

Councilor Thomson said to gain a better understanding, he wanted to know why the asset test is part of the process and will not be included in the ordinance.

Chairperson Lemont replied it is better served in front of us as during a public hearing. He said the asset test is a Draconian change and is certainly not immune to taking another look at it one year from now to see how the process worked.

Councilor Thomson said he understood the process.

Councilor Dennett said he finds having the means test included here almost essential. He said there is a test for age which helps people pay their taxes or rent, aged 70 or over and they have a homestead in Kittery. He said the way it reads now the means test is only for income.

Councilor Dennett asked, through the Chair, if the Town Manager could give us information on the Federal Poverty level figures on income?

Chairperson Lemont asked Councilor Dennett if he first wanted to address the asset test?

Councilor Dennett responded someone can be cash poor and property rich and the only thing they are considering is income, then "John Doe" can have a half-million-dollar property and only be making \$15,000 but he doesn't want to sell the property.

COUNCILOR DENNETT MOVED TO AMEND THE MOTION THAT, ONE OF THE CRITERIA UNDER SEC. 13.4.3.2 READS THAT THE APPLICANT HAS ASSETS, EXCLUDING THE HOMESTEAD, OF NO MORE THAN \$40,000 FOR SINGLE AND NO MORE THAN \$50,000 FOR MARRIED. COUNCILOR THOMSON SECONDED THE MOTION FOR DISCUSSION.

Vice-Chairperson Denault asked Chairperson Lemont if he had any experience, while he was on the Legislature, in applying an asset formula to these types of programs that are popping up all over Maine with relative success?

Chairperson Lemont thanked Vice-Chair Denault and said he would like to talk about this. He said he was approached by the Chair of the Town Council, Ann Grinnell to see if something could be done about property taxes on a local level. He said she was impressed with the Circuit Breaker program that benefited taxpayers all over Maine. He said there was an enabling State Statute that allowed him to do that, but the Kittery Town Council chose not to do this. He said a few years later, the Legislature passed the Homestead Exemption. He said there was a great deal of debate on how to put value on an asset and they through their hands up and said "we can't debate this". He said the Homestead Exemption does not have an asset test. He said it is modeled after other communities and he is very satisfied with the program and how it works.

Chairperson Lemont said it is disingenuous to say someone has a "half-million-dollar property" but if the couple's assets are set at \$50,000, they are disqualified.

Chairperson Lemont said if someone bought a vehicle, a '63 Corvette for \$1500 and kept it for years. He said now he wants to turn it over to the kids and the car has to be worth \$80,000, but the maximum is \$50,000 so he is disqualified. He said there are a lot of ways to look at this and they struggled on what the asset limit was and how do they find out? He said if they have only allocated \$50,000 for this. He said it benefits long-term Kittery residents. He said he can't imagine someone moving into town in the last 8 years and buying a half-million-dollar house who doesn't have the income.

Chairperson Lemont said he is very comfortable with this program and, once again, this is a small way to reward the many citizens of this community who have paid their taxes for years and years. He said it was his idea but the Town Manager deserves the credit because she did all the work. He said she reached out to MMA and talked with Legislative leaders. He said he thought they have come a long way and the program is well vetted. He said he would like to move forward with the three requirements within this program. He said he would certainly like this Town Council, or whatever Town Council, go forward and take a look at this again to see how well it worked.

Councilor Dennett said he believes that our good neighbors to the south in Massachusetts have the means test and asked if the Town Manager if she could clarify?

Chairperson Lemont replied he does not know if they want the Town Manager to debate this. He said based on his own experience on the Town Council, and while serving on the Legislature, he is not crazy about anything Massachusetts does. He said he is not sure how the Town would administer this. He said this is about a program within our community in our borders and he doesn't want to go there, but if Councilor Dennett wants to talk about it, he believes their asset test is \$250,000, not \$50,000.

Councilor Dennett said, inasmuch as this is it would allow him to get more information. He wanted to know, through the Chair to the Town Manager, since this is based on a percentage of the Federal poverty level, if she has any figures?

Chairperson Lemont thanked Councilor Dennett and said that was an appropriate question.

Town Manager Amaral replied the 2018 individual figure is \$12,140 and Two-person/family is \$16,460 but based on the way the ordinance reads, people can qualify if they make up to 300% of the Federal Poverty level which is \$36,420 annually for an individual and \$49,380 for a family of two.

Councilor Dennett asked what was the figure for two people?

Town Manager Amaral replied \$49,380.

Councilor Dennett wanted to know, in short, if a family of two, as he understands correctly, with an income under \$49,380 would be eligible for this program?

Town Manager Amaral responded yes, providing they are 70 years old or over and have been residents in the Town for 10 years or more.

Chairperson Lemont acknowledged Councilor Dennett had another comment.

Councilor Dennett addressed Chairperson Lemont and said while he appreciated the eloquence in which he presented his basis, he still has to disagree. He said just fears there are far too many cases where people are beating the system. He said he has to stick with his original intent to add a means test, but if someone wants to make the levels higher, he is willing to entertain higher figures but to allow this to go on without another means test, as far as other assets are concerned, is not correct in his mind.

Councilor Dennett said that Chairperson Lemont's story about the Corvette reminds him about a man who owned a Rolls Royce, Silver Shadow, valued at \$185,000 but he was not going to give it up for anybody because he did not want to pay his taxes out of his income, which was low.

Councilor Brock said he wanted to have a better understanding of how this will operate as proposed. He said in the first year, let's assume an individual qualifies, but during the course of the year, he inherits money or something and wanted to know if the income is reviewed on an annual basis, or is it once you are in, you are in? He asked how it work?

Chairperson Lemont replied it is reviewed annually and they would have to apply every year.

Councilor Brock said okay, but he had a separate comment about the means test. He said if they have to apply on an annual basis, then the Town Council reserves the right to amend the ordinance if we determine it is being misused. He said he would rather start with the more-inclusive approach that the Chair is offering. He said with the implementation of a "means test" he believes the Town Manager and staff could be tied up significantly trying to value various assets different people have. He said he would like to see how the program plays out and if problems are brought to their attention, they can address them at that time.

Vice-Chairperson Denault moved the question.

Councilor Pelletier asked Chairperson for a chance to discuss this a little more?

Chairperson Lemont acknowledged Councilor Pelletier.

Councilor Pelletier said he appreciated Councilor Dennett's questions around the means test. He said Councilor Brock took a little bit of his thunder. He wanted to know, from an administrative perspective, how would they determine what someone's assets were? He said certainly they would take a look at their income tax returns, but it only tells you so much. He said while the means test philosophically makes sense, he thought administratively, it would be quite difficult to determine what their means are. He said he was curious about the figures he used, \$40,000 for single and \$50,000 for married, and asked Councilor Dennett what was he basing that on?

Councilor Dennett replied that it was based on his discussions with someone in town government.

Councilor Pelletier said okay, but he will not support the amendment. He thought that if the Town Manager reviews the applications and tax returns they could deal with that on an annual basis, but otherwise it would be administratively impossible. He said he will support the main motion.

ROLL CALL VOTE WAS TAKEN ON THE AMENDMENT TO THE MOTION AND VOTED 1-5 (COUNCILOR BROCK, COUNCILOR PELLETIER, COUNCILOR THOMSON, VICE-CHAIRPERSON DENAULT AND CHAIRPERSON LEMONT VOTED IN OPPOSITION). MOTION FAILS.

Chairperson Lemont said once again, he brought up Chairperson Grinnell's name because she deserves the credit, bringing the Circuit Breaker program to the local level. He said he cared about this and thought about it ever since she brought that forward. He said this is a huge way to say thank you to our long-term residents of Kittery, all over the age of 50 and on a fixed income.

ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH SIX IN FAVOR, NONE OPPOSED. MOTION CARRIES.

d. (050318-11) The Kittery Town Council moves to approve the policy of Collection of Unpaid Property Taxes.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE POLICY FOR COLLECTION OF UNPAID TAXES AS PRESENTED TO US, SECONDED BY VICE-CHAIRPERSON DENAULT.

Chairperson Lemont asked if there was any discussion?

Councilor Dennett said he would like to try again. He said one of the provisions of this policy for collection of taxes indicates delinquent taxes of \$20 or less will be written off in the current year and not pursued for collection. He said Downeasters are pretty smart people sometimes and if he knew he was about to get his tax bill, he will make a fast \$20 and discount the bill \$20 and pay it accordingly and put the money in his pocket.

Councilor Dennett said there was a situation in Kittery many years ago – an emporium called Kittery TV & Electric. He said it was pretty big in appliances and the owner decided he was going to be king of the food freezer market. He said this owner had a deal, in order to sell freezers, that people could buy the freezer with free food and all was good and wonderful. He said they were selling freezers like crazy but 120 days later, when the first bills came due, and most of the freezers were financed, repossession started. He said people did not want the freezer because there was no food. He said they kept the food for their own consumption and the owner had to repossess the freezers. He said this is a true story, by the way.

Councilor Dennett did not think it was a good idea to write off \$20 or less and would make a motion to amend.

COUNCILOR DENNETT MOVED TO AMEND THE POLICY OF COLLECTION OF UNPAID PROPERTY TAXES, IN PARTICULAR LINE ITEM 28 FROM \$20 TO \$5 OR LESS WILL BE WRITTEN OFF, SECONDED BY VICE-CHAIRPERSON DENAULT.

Councilor Thomson asked, through the Chair to the Town Manager could Council hear from the proposer of the policy why the \$20 amount was chosen and wanted to know if there is a financial, logistical rationale for it?

Town Manager Amaral said they reviewed the over and under payments of folks' real estate tax bills for the last couple of years and found that the average was \$2.50, but some were in the range of \$17 and a few were up to \$18. She said these amounts get charged interest and, based on the policy, we would put a lien and foreclose on. She said it just seems process-wise appropriate that we could write off up to \$20 so we are not going through the process of a liening and foreclosing on properties that may have had a transposing error and the interest accumulated over time and the taxpayer was unaware.

Town Manager Amaral said it is her understanding that the Finance Director and Manager had written these off as past practice as a matter of course and not in the policy. She said she is a process person and she put it in the policy to make it a more consistent application and agreed upon policy.

Chairperson Lemont asked if everyone understood the amendment, that the amount is being changed from \$20 to \$5?

ROLL CALL VOTE WAS TAKEN ON THE AMENDMENT AND VOTED 1-5 (COUNCILOR PELLETIER, COUNCILOR THOMSON, COUNCILOR BROCK, VICE-CHAIRPERSON DENAULT AND CHAIRPERSON LEMONT VOTED IN OPPOSITION). MOTION FAILS.

Chairperson Lemont asked if there was any discussion on the main motion? Hearing none, he asked for a roll call.

ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION, 6-0, SIX IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairperson Lemont thanked the Town Manager for all her work that she did on this policy.

e. (050318-12) The Kittery Town Council moves to approve the renewal application from Suzanne's Village Café and Bistro LLC, for a Malt, Spirituous and Vinous Liquor License for Misto!, 436 U.S. Route 1.

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

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM SUZANNE'S VILLAGE CAFÉ AND BISTRO LLC FOR A MALT SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR MISTO!, 436 U.S. ROUTE ONE. COUNCILOR PELLETIER SECONDED THE MOTION.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0. MOTION CARRIES.

f. (050318-13) The Kittery Town Council moves to approve the annual renewal list for Victualers Licenses.

VICE-CHAIRPERSON DENAULT MOVED THAT THE TOWN COUNCIL APPROVE THE ANNUAL RENEWAL LIST FOR VICTUALERS LICENSES AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0. MOTION CARRIES.

g. (050318-14) The Kittery Town Council moves to approve the annual renewal list for Amusement Device Licenses.

COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE ANNUAL RENEWAL LIST FOR AMUSEMENT DEVICE LICENSES AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0. MOTION CARRIES.

h. (050318-15) The Kittery Town Council moves to authorize the Shapleigh 6th Grade Odyssey of the Mind students to collect donations at the Kittery Resource Recovery Center on June 9th from 9:00 a.m. to 2:00 p.m. to raise money to attend the World finals at the University of Iowa.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL AUTHORIZE THE SHAPLEIGH 6TH GRADE ODYSSEY OF THE MIND STUDENTS TO COLLECT DONATIONS AT THE KITTERY RESOURCE RECOVERY CENTER ON JUNE 9TH FROM 9:00 A.M. TO 2:00 P.M. TO RAISE MONEY TO ATTEND THE WORLD FINALS AT THE UNIVERSITY OF IOWA. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, MOTION PASSES.

i. (050318-16) The Kittery Town Council moves to approve a request from the Kittery Block Party Committee to place banners at the following locations: Each building location for the Rice Public Library, Bob's Clam Hut, York Hospital in Kittery, Kittery Trading Post, Kennebunk Savings and Lil's Café. The banners will be hung from June 1st to June 18th, 2018 and to post directional signs at various locations around town to help direct traffic.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE REQUEST FROM THE KITTERY BLOCK PARTY COMMITTEE TO PLACE BANNERS AT THE FOLLOWING LOCATIONS: EACH BUILDING FOR THE RICE PUBLIC LIBRARY, BOB'S CLAM HUT, YORK HOSPITAL IN KITTERY, KITTERY TRADING POST, KENNEBUNK SAVINGS AND LIL'S CAFÉ, TO BE HUNG FROM JUNE 1ST TO JUNE 18TH AND TO POST DIRECTIONAL SIGNS AT VARIOUS LOCATIONS AROUND TOWN TO HELP DIRECT TRAFFIC. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Councilor Thomson said this was brought up two weeks' ago and asked if this was again a banner for the town. Town Manager Amaral replied yes.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, MOTION CARRIES.

j. (050318-17) The Kittery Town Council moves to appoint a representative to meet with the Chair of the KCC Board of Directors to interview Michael Downs for his re-appointment to that board until 12/31/21.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL RE-APPOINT MICHAEL DOWNS TO THE KCC BOARD OF DIRECTORS TO THAT BOARD UNTIL 12/31/21 WITHOUT THE BENEFIT OF AN INTERVIEW. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0. MOTION CARRIES.

k. (050318-18) The Kittery Town Council moves to schedule a public hearing and Amend Appendix A – Sewer Service Rates on June 11, 2018.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR JUNE 11TH AS REQUESTED, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR 6-0. MOTION CARRIES.

I. (050318-19) The Kittery Town Council moves to schedule a public hearing and hereby ordains an amendment to Title 13 – Rates and Charges on June 11, 2018.

COUNCILOR THOMSON MOVED THE KITTERY TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR JUNE 11TH AS REQUESTED AND HEREBY ORDAINS AN AMENDMENT TO TITLE 13, RATES AND CHARGES. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0. MOTION CARRIES.

14. COUNCILOR ISSUES OR COMMENTS

Chairperson Lemont asked if any Councilors had any comments this evening?

Councilor Thomson said there have been agenda requests for signage from various individuals and the Fire Dept. has placed signs advertising their “Ham and Bean Suppers” or “Road Race” in various locations in town.

Councilor Thomson showed everyone a “NOW HIRING” sign from Crate & Barrell. He said he does not want to see the Town of Kittery be a giant “WANT AD” space. He said we all have seen the “Mattress Sale” signs and in the Spring, the ever popular, and oh-so-holy Helicopter Egg Drop and he is looking for clarification.

Councilor Thomson wanted to know why do these signs appear, and does anyone know that they are happening? He said we have a sign ordinance and he would like to see it followed.

Vice-Chairperson Denault said Councilor Thomson beat me, he was going to have show and tell but he did not want to bring in all the poop bags he saw lying in the roads at Fort Foster. He said it doesn't seem to stop. He said if you see people picking up the poop bags, thank them but if you see someone leaving a poop bag, say something or get their plate number. He said sooner or later this will come to a head and these people are ruining it.

Vice-Chairperson Denault said he would like to acknowledge those who have passed away recently and gave a brief synopsis of their life: John McArdle; Marian Clough; Milton Hall; Robert Tobey; Dr. Henry Altenberg; Caleb Revak; John Rick Emery; Karen Slaughenhoup (Jankauskas) Judy Neal; Barbara Mae Tapley and Daniele Weyand.

Vice-Chairperson Denault expressed the sentiment of the Council and said they are saddened by their loss.

Chairperson Lemont wanted to know if Councilor Denault was going to mention the Town employee who went above and beyond the call of duty. He said they both saw her but he did not want to steal Councilor Denault's thunder.

Vice-Chairperson Denault said that he and Chairperson Lemont saw something the other day. He said this customer had to go back and forth several times and left his briefcase. He said the clerk got up and chased the guy down as he was leaving the parking lot. He said we hear so many sad, bad and picayune things about town employees and this was exceptional. He said she went above and beyond her call of duty and was outstanding.

Councilor Brock said the Inclusionary Housing Committee continues to meet. He wanted to express thanks to the Seacoast Work Force Housing Coalition in Portsmouth. He said they have agreed to

provide us with technical and expert support. He said there will be a Charette public discussion to talk about housing options, probably in October. He thanked the Chair and thanked them.

Chairperson Lemont asked if Councilor Pelletier had anything and he said he did not.

Councilor Dennett wanted to only say that he has fought the good fight and has lost the battle, but he shall go home tonight and lick his wounds and come back another evening to fight.

Chairperson Lemont said he did not know how to respond to Councilor Dennett, but he thanked him.

Chairperson Lemont asked if there were any other comments?

Town Manager Amaral said she is seeking Council consensus on the Wind turbine.

Chairperson Lemont asked if she had a consensus. Councilors Pelletier, Thomson and Brock agreed as well as Vice-Chairperson Denault.

Councilor Dennett had a question. He said this is a new subject and he feels rejuvenated now. He said he does not understand what the Town Manager is seeking and it seems to be double edged. He asked his only question is this a request for bids or RFP or is it both? He said the way it reads it is both.

Town Manager Amaral said they would probably do an RFP.

Councilor Dennett said he agrees with option 1A.

Chairperson Lemont asked if Councilor Dennett agreed to option 1?

Councilor Dennett replied 1A, option 1 is for both A and B. He said he is in favor of option 1-A.

Vice-Chairperson Denault asked the Town Manager for the name of the clerk who sits at the first desk as you go in.

Town Manager Amaral replied Jillian.

15. COMMITTEES AND OTHER REPORTS

Chairperson Lemont asked if there were any Committee reports this evening?

Councilor Brock asked if he could go back to the Wind Turbine? He thanked Julia O'Connell and Steve Bilski for working hard to get this done. He said he was curious. He said the unit is a respected unit but the problem is not in the technology, but the site.

Steve Bilski, 26 High Pasture Road, Kittery Point approached the podium. He said a little bit of due diligence did not arrive when the unit was cited. He said most of the expected energy, based on site maps, really did not prove to be accurate enough; however, when the unit was installed, it had about 9 months of very accurate data that the machine generated. He said they looked back at the data and, although the expected annual average wind speed of 5 meters per second, it actually turned out to be 3.2 meters per second. He said the machine does not start to produce energy until 5.2 meters per second. He said a lot of time went by and the machine did not produce anything at all.

Mr. Bilski said several machines are operating around the world, most are in Alaska and are still producing energy, at the average of 7 to 10 meters per second. He said unfortunately this unit will never produce what it was initially hoped for.

Councilor Brock thanked Mr. Bilski for better clarification. He said when Kittery does venture back into energy, they will do a better job of matching technology with siting. He said it looks like we need to move on from this one.

Mr. Bilski said he had one comment on the difference between option 1A and B. He said there is a possibility that you go ahead with an RFP from educational institutions and you may not get any response back. He said it may be possible, that there may actually be people in the outside world, who are interested in using the machine for its intended use. He said to keep that separate of why the machine actually exists in the world. He said this would be useful for them as well as if Educational Institutions are interested and it was just a thought on the matter.

16. EXECUTIVE SESSION

(050318-20) The Kittery Town Council moves to go into Executive Session with the Town Manager in accordance with 1 M.R.S. §405 (6) (A) to discuss a personnel matter.

COUNCILOR THOMSON MOVED TO ENTER EXECUTIVE SESSION AT 7:28 P.M. IN ACCORDANCE WITH 1 M.R.S., §405 (6) (A) TO DISCUSS A PERSONNEL MATTER, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0, MOTION CARRIES.

Chairperson Lemont said that Council will not be taking any action once they exit Executive Session.

COUNCILOR THOMSON MOVED TO EXIT EXECUTIVE SESSION AT 7:40 P.M., SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 6-0. MOTION CARRIES.

17. ADJOURNMENT

VICE-CHAIRPERSON DENAULT MOVED TO ADJOURN THE MEETING AT 7:41 P.M., SECONDED BY COUNCILOR THOMSON. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 6-25-18