

**Kittery Town Council  
June 11, 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, Gary Beers, Vice-Chairperson Charles Denault and Chairperson Kenneth Lemont.
5. Agenda Amendment and Adoption: Councilor Thomson wanted to add item “13j” under New Business: *“The Kittery Town Council moves to release grant match funds in the amount of \$10,000 from unassigned funds, unencumbered surplus, as approved by the voters at the June 13, 2017 Town Meeting, to be deposited in the Ogden Foundation Program Developer Account #2210 as the second installment in the town’s match for the Kittery Community Center Program Developer contract.”*

Councilor Thomson said as the Chair may remember, when the town first received the grant, we gave an initial \$10,000 match and agreed to give another \$10,000 at the end of the fiscal year to add additional hours to the position at the Kittery Community Center.

Chairperson Lemont cast one vote to accept the agenda as amended.

Chairperson Lemont said he had eye surgery on Friday and he cannot see out of his left eye and jokingly mentioned that the Councilors on his left will not be recognized this evening.

6. Town Manager’s Report: Town Manager Amaral first wanted to thank all who came out for the Sarah Mildred Long bridge ceremony. She said it wasn’t technically an opening ceremony because the bridge has been open for a little while, but it was a nice ceremony. She said that Vice-Chairperson Denault joined her and they had nice speaking programs. She said we provided items for the time capsule that will be buried in the park on the Kittery side.

Town Manager Amaral also showed everyone the picture book of the Sarah Mildred Long bridge she received and said it will be on display at the Town Hall through June 30<sup>th</sup> and then it will be donated to the Library so that any one who is interested will have a chance to look at it.

Town Manager Amaral said for this meeting, she has included in Council's packets a quarterly annual goal update of where she is in fulfilling the goals that the Town Council has set out for her. She said she would like to highlight a few of them. She said in supporting long-term planning, she hired a Director of Planning and Economic Development, and she is very excited about that.

Town Manager Amaral said that she has been working with the developer looking to do work on the Sowerby parcel, the old nursing home, and they have received grants to get that done. She said they have also contacted the property managers on Route 1 on the re-zoning of Route 1. She said the Mixed Use re-zone, the Business Park, is a new zone and will be going before the Planning Board on

June 14<sup>th</sup>. She said Councilor Brock's efforts is that he has started a working group for inclusionary housing.

Town Manager Amaral said that the Title 16 Recodification is going out this week. She said they have produced a FY'19 budget to keep a stable tax rate and have worked closed with the School Dept. and will keep an eye on any increases put forward that will affect the mill rate. She said that they will be bringing liens in line and processing them.

Town Manager Amaral said that they are working on a Facility Master Plan with the Building Maintenance Supervisor, Scott Lincoln. She said Mr. Lincoln showed her where they are today to keep the costs down, and what to put away each year to replace everything from roofs to mechanical, plumbing and electrical systems in the building.

Town Manager Amaral said that the Safety Committee has been active coming up with options to keep employees safer and lower the Workers' Comp. costs. She said our mod rate has gone down from 1.23 to 1.17, which is lower than it has been in recent years.

Town Manager Amaral said they are continuing to work on getting the word out on volunteer opportunities in the town.

Town Manager Amaral said that Chairperson Lemont's Property Tax Relief program got approved last month and they are developing clear guides for the residents which will be effective July 1<sup>st</sup>. She said they need to wait and see what they have in funding after tomorrow. She said to make sure that the residents understand all options under State law.

Town Manager Amaral said that Central Maine Power has approved an amendment to their existing agreement to allow the town to install Variable Speed monitoring signs on CMP poles. She said as you know these are signs that show the speed limit and how fast you are driving.

Town Manager Amaral said that the Request for Proposals has gone out for the Route 236 traffic study for the intersections of Aroma Joe's, Fernald Road and Bolt Hill Road to address safety issues that would allow for improvements to the road.

Town Manager Amaral said to join her in congratulating Todd Henley who will be Assistant Recreation Director. She said he has been with the Rec. Dept. for over 10 years and was part of the initial team in the transition to the KCC building. She said he has successfully overseen the After-School program, senior program and the development of KCC marketing materials. She said he will serve in a critical role within the department rounding out #2 on the team leading the KCC forward. She said his appointment is effective June 25<sup>th</sup>.

Town Manager Amaral noted some upcoming dates: Election/Town Meeting Secret Ballot is tomorrow from 8 am to 8 pm at the Kittery Community Center, Janice Grady's Retirement Party is June 13<sup>th</sup> at 6:00 p.m. at the KCC and the Kittery Block Party is June 16<sup>th</sup> 10:00 a.m. – 4:00 p.m. in the Foreside.

Chairperson Lemont asked if there any questions.

Councilor Thomson said he had a quick one, on item #3, the Variable Speed Radar signs. He wanted to know, if he is reading what the Town Manager is saying correctly, that the town has to go through a process with Central Maine Power in order to put up signs on their power poles, but anyone within a 200-mile radius can plaster the damn yard sale signs on the poles?

7. Acceptance of Previous Minutes – 5/14/18 Regular Meeting

Chairperson Lemont cast one vote to place on file the minutes of May 14, 2018 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.

Chairperson Lemont said this is the best part of the meeting. He said the Town Council and the Town Manager get the opportunity to recognize two employees who are retiring for their outstanding service to the town. He said they will take them in order of seniority.

b. (060118-2) The Kittery Town Council moves to recognize Janice Grady for 35 years of dedicated service as the Kittery Recreation Director.

Chairperson Lemont read the agenda item.

**COUNCILOR THOMSON MOVED UNANIMOUS CONSENT ON WHAT CHAIRPERSON LEMONT STATED, SECONDED BY VICE-CHAIRPERSON DENAULT.**

Chairperson Lemont said he would like to recognize and congratulate Janice Grady on her retirement of 35 years of exceptional service as Recreation Director. He said Janice has accomplished so much during her time with the Town of Kittery, securing grant funding and scholarships, spearheading programs and events for residents and growing revenue close to one million dollars for the FY2017-18 budget. He said her achievements are undoubtedly highlighted by the transformation of the Recreation Department.

Chairperson Lemont thanked Ms. Grady for her many years of outstanding contributions to the community and congratulated her on her well-deserved retirement. He asked her to come forward and presented her with a certificate, card and a bouquet of flowers as a small token of their appreciation. Everyone applauded.

Chairperson Lemont asked Ms. Grady if she had anything that she would like to say.

Ms. Grady replied that he knew she was never at a loss of words. From the podium, she said since she will be speaking a lot on Wednesday she will keep it brief. She said it has been her pleasure to work for the Town of Kittery for 35 years and that it has been different almost every year. She said she still will be leaving with passion and is a little afraid of that, but it is challenging and exciting to know that the Kittery Community Center will be in good hands with all of you, and Jeremy and Todd.

Chairperson Lemont asked for a roll call.

Roll call began with Councilor Dennett, who had a question.

Councilor Dennett said he thought that Councilor Thomson had already done that when he moved by unanimous consent.

Chairperson Lemont thanked Councilor Dennett for mentioning that.

a. (060118-1) The Kittery Town Council moves to recognize John Brosnihan for his 17 years of dedicated service as a Sergeant in the Kittery Police Department.

**COUNCILOR THOMSON MOVED BY UNANIMOUS CONSENT TO RECOGNIZE AND CONGRATULATE JOHN BROSNIHAN FOR HIS 17 YEARS OF SERVICE IN HIS CAPACITY AS SERGEANT OF THE KITTERY POLICE DEPT. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.**

Chairperson Lemont thanked Sgt. Brosnihan for his 17 years of commendable service for the Town of Kittery. He said that John joined the Police Dept. in 2001 as a police officer and served as IMC Records Coordinator from 2012-2014 when he was promoted to Sergeant. He said he served as the Communications Center supervisor of the computer systems and participated in the upgrade of the dispatch center.

Chairperson Lemont said although Sgt. Brosnihan is retiring from the Police Dept., he is excited to welcome him in his new role as Harbor Master. He said that John brings his maritime experience in the Coast Guard and thanked him for his service.

Chairperson Lemont presented him with a certificate.

Sgt. Brosnihan said he is truly blessed to have been here for so many years and he could not be prouder and happier. He said there are others who have been in the Police Dept. longer than he has.

Police Chief Soucy asked Sgt. Brosnihan's family to join him and presented Sgt. Brosnihan with a retirement badge and an ID card. He said typically they do this during a service ceremony.

Chairperson Lemont asked Sgt. Brosnihan if he wanted to speak.

Sgt. Brosnihan said not without a microphone and thanked everyone.

Chairperson Lemont thanked both John Brosnihan and Janice Grady for their many years of dedicated service to the Town of Kittery.

## 10. PUBLIC HEARINGS

a. (060118-3) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.06 (3) of the Kittery Town Charter and adopts the 2018-19 Municipal, Adult Education, Capital Improvement and Enterprise Fund budgets.

Chairperson Lemont opened the public hearing at 6:22 p.m. and asked if anyone wished to speak to, for or against this item. Seeing none, he closed the public hearing.

Chairperson Lemont said he would like the Town Manager to speak.

Town Manager Amaral said there is an update in Council's packets on the bottom-line budgets. She said there is a projected total of over \$12 million dollars in the budget, and a sheet for the Sewer budget follows that. She said on page two, there is a breakdown of responses to Councilor Thomson's question on what would happen if additional funds were added to the budget and what the projected mill rate would be. She said that the projected mill rate is \$16.99 and the table shows what the mill rate would be if Council were to add \$10,000, \$12,000 or \$15,000 to the budget.

Town Manager Amaral said the budget is very conservative and she wants to make sure to have information Council needs to respond to the question asked.

**COUNCILOR THOMSON MOVED THAT THE GENERAL GOVERNMENT FUND FOR COUNCIL LINE ITEM OF \$7,350 TO \$12,350, THUS MAKING THE TOTAL GENERAL GOVERNMENT FUND \$946,206.**

Councilor Beers wanted to know if he was adding \$12,000?

Councilor Thomson replied he was adding \$5,000 to the figure.

Chairperson Lemont asked for a second.

**VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.**

Vice-Chairperson Denault said it is against his training from previous Town Councils to change figures after the Town Manager has put forth her proposal. He said his assertion is that sometimes they do not see certain things until it is too late. He said he would support Councilor Thomson's change here but asked for Council's indulgence as he would like to make a change.

Chairperson Lemont asked if Vice-Chairperson Denault was speaking to the amendment?

Vice-Chairperson Denault replied yes, he would support Councilor Thomson's change now, but then he would like to make a change.

Councilor Dennett said Mr. Chairman.

Chairperson Lemont said yes.

Councilor Dennett wanted to know how they can support an amendment until they put forth a motion and did not have a main motion.

Chairperson Lemont asked Councilor Dennett to please repeat the question.

Councilor Dennett asked how is it possible to have an amendment to the motion when they do not have a main motion such as approving the General Government Fund total of \$941,206?

Chairperson Lemont thanked Councilor Dennett and said he was right and asked what would he do without him?

**COUNCILOR BEERS MOVED APPROVAL OF THE FY18-19 MUNICIPAL BUDGET IN THE AMOUNT OF \$12,631,787, SECONDED BY COUNCILOR PELLETIER.**

Councilor Thomson said following Councilor Dennett's lead, he would like to amend Councilor Beer's motion and again add \$5,000 to the Council's line.

**COUNCILOR THOMSON MOVED TO AMEND THE MOTION FOR A TOTAL MUNICIPAL BUDGET OF \$12,636,787, WITH \$5,000 ADDED TO THE COUNCIL LINE. COUNCILOR BEERS SECONDED THE MOTION.**

Chairperson Lemont asked if Vice-Chairperson Denault wanted to make an amendment.

Vice-Chairperson Denault said yes, but he would like to save it for Councilor Comments.

Chairperson Lemont asked if he wanted to bring forward the amendment and they could act now and then have a discussion.

Councilor Brock said he had a question for Councilor Thomson and asked him to explain what is the purpose of the additional \$5,000?

Councilor Thomson replied he mentioned a couple of weeks ago how he felt our Town Manager is significantly underpaid for the work she is doing and the level of responsibility she has and he wanted an opportunity to address this in the Fall. He said he originally asked for an additional \$15,000 to the Council line, but then she (Ms. Amaral) showed him what the impact would be on the mill rate for \$5,000, \$10,000 and \$15,000. He said that she would like to move forward with an adopted rate of \$16.99. He said he agreed to change his request to \$5,000 which would be a mill rate of \$16.99 and that is his point. He said rather than have to scramble to find funding that was not appropriated, to add money now so they could have something to talk about later on in the year.

Councilor Brock said to follow up, he is not asking Council to make a determination tonight on whether or not to increase the salary for the Town Manager, but to reserve the funds and we will discuss this in the Fall and wanted to know if that is correct.

Councilor Thomson replied that is correct.

**ROLL CALL VOTE WAS TAKEN ON THE AMENDED MOTION, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

Chairperson Lemont said this brings us to a roll call on the main motion. He asked if Vice-Chairperson Denault wanted to discuss an amendment.

Vice-Chairperson Denault wanted to make a motion to amend the total budget to \$12,656,787. He said there is \$331,910 in the Fire Dept. budget right now.

**VICE-CHAIRPERSON DENAULT MOVED TO ADD \$20,000 TO THE BUDGET TO PURCHASE A RESCUE BOAT FOR THE FIRE DEPT. THAT WILL BE AFFORDABLE AND EASY TO MANAGE. CHAIRPERSON LEMONT SECONDED THE MOTION FOR DISCUSSION.**

Vice-Chairperson Denault said he supported the shared services for a long time but this will potentially protect our citizens in a larger way by having a rescue boat with the Fire Dept. He said there are three ways we can do this: add \$20,000 to the Fire Dept. budget; add \$20,000 and withhold same until the Fire Chief and the Town Manager can assess the necessity and third, applying for public safety funds to purchase the rescue boat for the Fire Dept. He said this money is obtained when new people or businesses move into town.

Vice-Chairperson Denault said he is not sure how to go with it. He said the Town Manager is planning on working with the Kittery Port Authority and the Coast Guard to review shared services and to see what services are required by us for being a coastal community. He said with that being said, we will probably be better if we waited until the Fall when the mill rate is set in September and what comes in on valuations. He said they can approach it at the same time and he wanted to have some discussion before he withdraws his motion.

Chairperson Lemont asked if this was a previous request and he is attempting to put it back in, and if not, was it requested through CIP?

Vice-Chairperson Denault answered he did not think it was CIP. He said this issue was discussed four years ago when they were talking about shared services with the Port Authority. He said they had a fire rescue the other day with the Fire Dept. and the Coast Guard for a water rescue and saved two people. He said the response was delayed because they had to get the key to the Harbor Master's boat. He said every second counts when someone is drowning. He said he would like to hear the Town Manager's thoughts on it.

Councilor Beers said he certainly acknowledges the validity of the prospective need but he is opposed to the motion for a number of reasons. He said arbitrarily Council is not involved in administrative responsibilities and activities and this has not been brought forward by the department or the Town Manager nor was it addressed or considered through the Capital Improvement Project program. He said this is a highly structured process and he thought they should leave it to that.

Councilor Brock wanted to know, following up on Councilor Beer's comments, if this is correct that the request came from the Fire Dept.

Town Manager Amaral replied no, it did not.

Councilor Brock thanked the Town Manager.

Councilor Dennett said he got lost in the discussion and asked what was the amount?

Chairperson Lemont responded \$20,000.

Councilor Dennett said he believed it was discussed in the paper, on the somewhat lack of protocol on the rescue. He said the Town Manager was trying to work out a protocol with the various parties in the future and he would prefer to see the result of that before approving any money at this point.

Councilor Thomson said he believes in the sentiment; however, it needs to be addressed and they have an appropriate process which starts with the Town Manager. He said she did correspond with us after the event last week and indicated she would meet with the affected parties to develop a strategy, moving forward. He said she has an estimated \$12 million dollars valuation growth, which is a conservative figure and it may come in more. He said if they find out that is the case when they set the mill rate in September, they can have the appropriate public hearing for additional supplemental appropriation to the FY'19 budget at that time.

Vice-Chairperson Denault said he would withdraw his amendment for now and thought that was a great plan. He said he did speak to the Town Manager earlier, who said she will work this out with the Kittery Port Authority, the Fire Dept. and the Coast Guard. He said he wanted to make sure he had Council support.

Chairperson Lemont said he appreciated Vice-Chairperson Denault recognizing a problem and for his passion in moving forward to find a resolution, but he is sure that through the leadership of Chief O'Brien and together with the Chair of the Port Authority, the Coast Guard and the Town Manager, they will come up with a resolution for the short term and Council can address this in the Fall. He withdrew his second.

**ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**COUNCILOR THOMSON MOVED THE KITTELY ADULT ED. BUDGET IN THE AMOUNT OF \$86,765 BE APPROPRIATED AS PRESENTED, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**COUNCILOR THOMSON MOVED TO APPROPRIATE \$1,703,281 FOR THE CAPITAL IMPROVEMENT BUDGET AS PRESENTED, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**COUNCILOR THOMSON MOVED THAT THE SEWER ENTERPRISE FUND ACCOUNT FOR FY-19 AND THE SEWER EXPENSES IN THE AMOUNT OF \$2,589,501 BE APPROPRIATED AS PRESENTED, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0. SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

Chairperson Lemont recognized Councilor Dennett had a question.

Councilor Dennett wanted to know, now that we are finished with that item, what is the grand total that was approved?

Councilor Thomson responded with the sewer the total commitment is \$24,546,734, which includes the Municipal budget, Adult Education, CIP and School.

Councilor Dennett asked if it included the school?

Councilor Thomson replied yes.

Councilor Beers said whatever the paper says plus \$5,000.

Councilor Dennett wanted to know just what is approved tonight?

Councilor Beers replied what it says plus the \$5,000.

Chairperson Lemont asked Councilor Dennett if he was all set.

Councilor Dennett said no.

Patti Moore, Finance Director, spoke from the floor and said \$14,426,833.

Councilor Dennett asked her if she was sure of that.

Councilor Thomson asked for a second.

Councilor Dennett said the Municipal Budget is \$12,636,787, Adult Ed., \$88,765 and CIP \$1,703,281 and are adding the Sewer \$2,589,501.

Ms. Moore said that the Sewer Expenses are separate.



Councilor Dennett wanted to know, through the Chair, what is the total approved for tonight?

Councilor Thomson replied \$17,018,334.

Chairperson Lemont thanked Councilor Thomson.

Councilor Dennett thanked Chairperson Lemont.

b. (060118-4) The Kittery Town Council moves to hold a public hearing to receive comments on Town Meeting Articles 2 through 9 for the June 12<sup>th</sup> Election.

Chairperson Lemont opened the public hearing at 6:43 p.m. and asked if anyone wished to speak to, for or against the articles. Seeing none, he closed the public hearing.

c. (060118-5) The Kittery Town Council moves to hold a public hearing and hereby adopts an Amendment to Appendix A – Sewer Service Rates.

Chairperson Lemont opened the public hearing at 6:44 p.m. and asked if anyone wished to speak to, for or against the amendment.

Mr. Vern Gardner said his purpose for being here is to ask the individual members of the Town Council to exercise caution in the future. He said they have been fortunate to have a dept. that has worked for the last 9 years to maintain a stable sewer rate, until today. He said they are now saddled with payment on a \$12 million-dollar expansion project. He said the taxpayers are somewhat responsible for this because we voted based on information relayed to us by the Town Council.

Mr. Gardner said he would like to quote from a letter to the editor dated June 5, 2013, #1 “\$360,000 obligations a year will be absorbed by new bond costs and will have no impact on the rates from the 21 infrastructure sewer projects, #2 in the same letter to the editor, all costs will be paid for by new users and not current taxpayers and third, connections would \$2500-5,000 payable over 10 years in lieu of septic field replacement (\$10,000-\$15,000 a year plus connection fees.) He said the author of the letter was Gary Beers who went on to say that his strongest recommendation was to vote yes.

Mr. Gardner said, by comparison there was a letter to the editor 3 days later, June 18<sup>th</sup>, from David Linscott who took exception, noting that the average home will have a fee of \$75 per quarter. He went on to say that as for Mr. Beer’s statement that primarily all costs will be paid by new users, he had major concerns with that. He said here it is five years later and Mr. Linscott was 100% correct.

Mr. Gardner said at the March 13<sup>th</sup> 2013 Town Council Meeting, Debra Driscoll asked who was going to pre-pay the sewer rate, was it the new users or the taxpayers? He said Mr. Beers was wrong in saying the cost is \$360,000 – it is actually \$577,675, plus principal and interest; he was wrong when he said new users would pay for the project and he was wrong when he said the fee would be \$2,500-\$5,000 per year.

Mr. Gardner said he would ask the taxpayers to understand that we are now in a financial hole. He said not only do we have to pay \$12 million dollars for this boondoggle, but it has also raised the competitive advantage in attracting investors who depend upon minimum risk and stability. He said, according to the Town Manager’s report, Kittery has the highest tax rate among similar towns. He said thank you very much.

Chairperson Lemont asked if there were any other comments and seeing none, closed the public hearing.

**COUNCILOR THOMSON MOVED TO ADOPT THE AMENDMENT TO APPENDIX A, SEWER SERVICE RATES AS HEARD THIS EVENING, SECONDED BY VICE-CHAIRPERSON DENAULT.**

Chairperson Lemont asked if there was any discussion.

Councilor Dennett said he knows what the motion maker has said, but he should set forth the fee schedule for the record.

Councilor Thomson said the fee is increased to a minimum quarterly to \$75. He pointed to Councilor Beers.

Chairperson Lemont acknowledged Councilor Beers.

Councilor Beers said the rates are being increased quarterly 1,000 cubic feet, or fraction thereof, from \$75.00 to \$100.00 per 100 cu. ft. and in excess of 1,000 cu. ft. from \$5.00 to \$7.46 per 100 cubic feet.

Chairperson Lemont thanked Councilor Beers and asked if there was any further discussion?

Councilor Thomson said sorry if he misspoke. He said also, at their workshop, Council decided rather than not looking at this for 8+ years, we would set in stone to review rates formally every three years to avoid this kind of occurrence.

Vice-Chairperson Denault said, echoing Councilor Thomson, the fact we went 8 years without moving it is sad because we have to go up this big a jump, and if we did it more incrementally, it probably would be an easier pill to swallow, but he does support it.

Councilor Brock said just one other comment. He said it is his understanding that the consulting firm they retained to evaluate the situation, said, essentially, we are running an increasing deficit and this is intended to address that. He wanted to know if that is correct.

Chairperson Lemont answered yes, the Sewer Enterprise Fund deficit is impacting the General Fund and asked the Town Manager if that is correct.

Councilor Brock said then he would support it.

Town Manager Amaral replied yes, right now the Enterprise Fund owes the General Fund.

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

d. (060118-6) The Kittery Town Council moves to hold a public hearing and hereby ordains an Amendment to Title 13 – Rates and Charges.

Chairperson Lemont opened the public hearing at 6:50 p.m. and asked if anyone wished to speak to, for or against the amendment. Seeing none, he closed the public hearing.

**COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAINS AN AMENDMENT TO TITLE 13 – RATES AND CHARGES AS PRESENTED, SECONDED BY**

**COUNCILOR THOMSON. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

e. (060118-7) The Kittery Town Council moves to hold a public hearing on an application from York Food Group, LLC, for a Victualer's License for Burrito Betty's Food Truck at 345 U.S. Route One in Kittery.

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

Chairperson Lemont opened the public hearing at 6:52 pm 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 APPROVE THE APPLICATION FROM YORK FOOD GROUP, LLC FOR A VICTUALER'S LICENSE FOR BURRITO BETTY'S FOOD TRUCK TO BE LOCATED AT 345 U.S. ROUTE ONE, KITTERY. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

f. (060118-8) The Kittery Town Council moves to hold a public hearing on an application from Starbucks Corporation for a Victualer's License for Starbucks Coffee store #7907 at 306 U.S. Route 1 in Kittery.

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

Chairperson Lemont opened the public hearing at 6:53 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 THAT THE KITTERY TOWN COUNCIL APPROVE AN APPLICATION FROM STARBUCKS CORPORATION FOR A VICTUALER'S LICENSE FOR STARBUCKS COFFEE STORE #7907 AT 306 U.S. ROUTE 1 IN KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION.**

Chairperson Lemont had one question of the Town Clerk and wanted to know if this was a renewal application.

Ms. Maurice replied it was a new application.

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

11. DISCUSSION - NONE
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS - NONE
13. NEW BUSINESS

- a. Donations /gifts received for Council disposition:

(060118-9) The Kittery Town Council moves to accept a donation in the amount of \$200 from David Leavitt to be deposited into account #2063-43600 KCC Fundraising.

**COUNCILOR THOMSON MOVED TO ACCEPT THE DONATION FROM DAVID LEAVITT IN THE AMOUNT OF \$200 TO BE DEPOSITED IN SAID ACCOUNT, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED MOTION CARRIES.**

- b. (060118-10) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Lemont asked Councilor Beers if the sewer and municipal 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 replied that it is.

Chairperson Lemont read the amounts: Town, \$125,033.34; Sewer, \$2,639.91 and School, \$339,224.88.

**COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS PRESENTED, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.**

- c. (060118-11) The Kittery Town Council moves to approve a one-day extension of the service area of the premises externally on the current liquor license for Sonmat Inc., 7 Wallingford Square, from 9:00 a.m. – 10:00 p.m. for the Kittery Block Party on June 16, 2018.

**COUNCILOR THOMSON MOVED THAT TOWN COUNCIL APPROVE A ONE-DAY EXTENSION OF THE SERVICE AREA OF THE PREMISES EXTERNALLY ON THE CURRENT LIQUOR LICENSE FOR SONMAT INC., 7 WALLINGFORD SQUARE, FROM 9:00 A.M. – 10:00 P.M. FOR THE KITTELY BLOCK PARTY ON JUNE 16, 2018. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

- d. (060118-12) The Kittery Town Council moves to appoint recommended citizen representatives to the Library Building Committee.

**COUNCILOR THOMSON MOVED THAT THE FOLLOWING PEOPLE BE APPOINTED TO THE LIBRARY BUILDING COMMITTEE: JAMES ANDERSON, TIMOTHY BROCHU, FRAN FARR, MARGARET MEYERS AND JENNIFER BREWER, AS RECOMMENDED. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.**

Chairperson Lemont asked the Town Manager if she would like to make a few comments.

Town Manager Amaral understood that what they did with Council has been approved. She said the two members of the Library Board were appointed and put forward the names that are before Council. She said this has been discussed and they came up with a great group of folks to move forward.

**ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES,**

e. (060118-13) The Kittery Town Council moves to appoint recommended citizen representatives to the Taylor Building Committee.

**COUNCILOR THOMSON MOVED THAT THE FOLLOWING BE APPOINTED TO THE TAYLOR BUILDING COMMITTEE: ROGER COLE, BARRY FITZPATRICK AND JAN LAMONT-RODONETS, AS RECOMMENDED. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN, 7-0, SEVEN IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

f. (060118-14) The Kittery Town Council moves to accept the resignation of David Lincoln from the Economic Development Committee.

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL ACCEPT THE RESIGNATION OF DAVID LINCOLN FROM THE ECONOMIC DEVELOPMENT COMMITTEE AS REQUESTED AND THAT A LETTER OF THANKS BE SENT TO HIM FOR HIS SERVICE. COUNCILOR PELLETIER SECONDED THE MOTION.**

Chairperson Lemont said he would like to echo those comments, Dave did an outstanding job with his work on the Economic Development Committee and he was fortunate to have worked with him.

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

g. (060118-15) The Kittery Town Council moves to release \$4,000 from the Wetlands Preservation Fee Fund for the Fort Foster mapping of invasive species.

**COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL RELEASE \$4,000 FROM THE WETLANDS PRESERVATION FEE FUND FOR THE FORT FOSTER MAPPING OF INVASIVE SPECIES AFTER THE MANAGER HAS ENLIGHTENED US WITH THIS REQUEST. COUNCILOR PELLETIER SECONDED THE MOTION.**

Town Manager Amaral said this was brought forward by the Parks Commission and they are trying to work with them on this as well. She said they have been working with the vendor who does the spraying, but the challenge is he is not quite sure where to do that. She said he has been using time trying to find the invasive species.

Town Manager Amaral said that Shaye Robbins did research on how to do mapping the invasive species for better control of them. She said she brought this information forward to the Parks Commission, who brought this to the attention of the Conservation Commission, who recommended using the Wetland Mitigation Funds. She said this was brought forward to the Planning Board as well, who recommended proceeding with using those funds. She said the cost is \$3,705 but they rounded up to make it an even \$4,000 to make sure they had enough in case there is an incidental thing added on and we can address that.

Chairperson Lemont asked if there was any discussion.

Councilor Brock wanted to know if the money was for the purpose of mapping but it is not for treating, is that correct?

Town Manager Amaral replied yes.

Councilor Brock asked where is the funding for treatment coming from?

Town Manager Amaral replied it is in the operating budget.

Councilor Brock said he hoped they had enough and that there is a significant problem out there.

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

h. (060118-16) The Kittery Town Council moves to approve an easement for Central Maine Power for Map 10, Lot 5 for a utility pole and guywires associated with the Whipple Road project.

**COUNCILOR THOMSON MOVED TO APPROVE AN EASEMENT FOR CENTRAL MAINE POWER FOR MAP 10, LOT 5 FOR A UTILITY POLE AND GUYWIRES ASSOCIATED WITH THE WHIPPLE ROAD PROJECT. COUNCILOR PELLETIER SECONDED THE MOTION.**

Chairperson Lemont asked if there was any discussion.

Councilor Dennett said he must advise Council that they do not have an easement to look at and approve because it has not been prepared. He said they had requested the form from Central Maine Power for information so they could come up with an agenda item, and they were supposed to send it, but we have not seen it yet. He said he did not disagree with the concept for CMP to do this and he thought that will keep them out of trouble. He said the Town Manager can execute the document.

**COUNCILOR DENNETT MOVED TO AMEND THE MOTION TO APPROVE THE CONCEPT OF AN EASEMENT RATHER THAN APPROVING THE EASEMENT FOR CENTRAL MAINE POWER FOR A UTILITY POLE AND GUYWIRES ASSOCIATED WITH THE WHIPPLE ROAD PROJECT, MAP 10, LOT 5 AND SECONDED BY VICE-CHAIRPERSON DENAULT. VOICE VOTE WAS TAKEN AND ALL WERE IN FAVOR OF THE AMENDMENT, 7-0, AYE, NONE OPPOSED, MOTION CARRIES.**

**VOICE VOTE WAS TAKEN ON THE MAIN MOTION, AND ALL WERE IN FAVOR, AYE 7-0, NONE OPPOSED MOTION CARRIES.**

i. (060118-17) The Kittery Town Council moves to schedule their summer meetings for July 23<sup>rd</sup> and August 27<sup>th</sup>, 2018.

**COUNCILOR BEERS MOVED TO SCHEDULE THE TOWN COUNCIL SUMMER MEETINGS FOR JULY 23<sup>RD</sup> AND AUGUST 27<sup>TH</sup>, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, AYE, NONE OPPOSED, MOTION CARRIES.**

j. (060118-18) The Kittery Town Council moves to release grant match funds in the amount of \$10,000 from unassigned funds, unencumbered surplus, as approved by the voters at the June 13, 2017 Town Meeting, to be deposited in the Ogden Foundation Program Developer Account #2210 as the second installment in the town's match for the Kittery Community Center Program Developer contract.

**COUNCILOR THOMSON MOVED TO RELEASE GRANT MATCH FUNDS IN THE AMOUNT OF \$10,000 FROM UNASSIGNED FUNDS, UNENCUMBERED SURPLUS, AS APPROVED BY THE VOTERS AT THE JUNE 13, 2017 TOWN MEETING, TO BE DEPOSITED IN THE OGDEN FOUNDATION PROGRAM DEVELOPER ACCOUNT #2210 AS THE SECOND INSTALLMENT IN**

**THE TOWN'S MATCH FOR THE KITTERY COMMUNITY CENTER PROGRAM DEVELOPER CONTRACT. COUNCILOR BEERS SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.**

**14. COUNCILOR ISSUES OR COMMENTS**

Vice-Chairperson Denault said he had complaints passed on to him that citizens tried to deposit hazardous waste at the dump and were told that they do not do that anymore. He wanted to know, through the Chair, if the Town Manager could get back to us on that as he thought that they did deposit household hazardous waste once a year.

Vice-Chairperson Denault said he was honored to be brought to Wood Island to see first-hand what the National Guard is doing and he was blown away. He said some footings have been poured and a barge actually brings the cement embankments to the island. He said he got a tour of the building. He said the National Guard is doing plumbing and wiring and it is nice to see. He said they are interested in the preservation of the history of the island, they found an ink well from the U.S. Treasury as well as a bottle and a bunch of other things. He said it is interesting and would like Council consensus to do a resolution to the National Guard for their help and the citizens thought it was great.

Vice-Chairperson Denault said a resident on State Road handed him a petition which basically requests the Town Council put together a report, bring it through the proper channels and work with Town Manager to respectfully request the speed limit be 25 mph from intersection .8 miles forward at 35 mph. He said only one person did not want to sign but the traffic has geared up, the noise and speed and lack of enforcement has impacted 23 people in the neighborhood.

Vice-Chairperson Denault said he wanted to go back to what he was speaking to earlier. He appreciates their support of the Town Manager with the boat from the Kittery Port Authority, the Fire Chief and the Coast Guard but the cost of human life should not be delayed because of a broken window pane.

Councilor Thomson thanked the Town Manager and the Department Heads for their work on the FY'19 budget, which is never an easy process. He said they try to maintain appropriate services while trying to maintain a stable tax rate. He said the smallest amount is always a mind-speeding task.

Councilor Thomson said he is in a position to thank Janice Grady – this is her last budget she has done and thanked her for her service.

Councilor Thomson said he wanted to remind Council that at the Feb. 13, 2017 Town Council meeting, that they will receive a number of J-1 workers and reminded them they did pass a motion that Kittery-based employers have hired them. He said this is student-sponsored and that such students are welcome in Kittery.

Chairperson Lemont said he has gotten two calls from people being attacked at the park by dogs. He said the State Police held a workshop with the Police Chief and the discussion centered around that a few dog owners are ruining it for other citizens who do control their dogs.

**15. COMMITTEE AND OTHER REPORTS**

- a. Communications from the Chair
- b. Committee Reports

Councilor Beers said the Library Transition Committee met June 5<sup>th</sup> for the second time and have a full scope of what is necessary to transition the library becoming a town department, whether the town may be able to accept the assets of the library as gifted by the Town Charter or by the voters and whether the Rice Public Library Board of Directors may choose to become a town board or remain a private corporation, this will be worked out. He said the Committee's first report will be in September.

16. EXECUTIVE SESSION – NONE

17. ADJOURNMENT

**VICE-CHAIRPERSON DENAULT MOVED TO ADJOURN THE MEETING AT 7:14 P.M., IN HONOR OF JOHN BROSNIHAN AND JANICE GRADY FOR THEIR MANY YEARS OF SERVICE TO THE TOWN OF KITTERY, SECONDED BY COUNCILOR THOMSON. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0. MOTION CARRIES.**

Respectfully submitted,

Barbara Boggiano  
Recording Secretary

Approved 7-23-18