

**Kittery Town Council
Regular Meeting
August 27, 2018 – 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: Councilor Thomson said, as they rise to say the Pledge of Allegiance, this weekend the country lost a very distinguished public servant, and he admitted he never voted for him, but he always respect his approach to public policy and civility in our country's government. He asked that everyone pause a moment in silence in memory of Senator John McCain.

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: Chairperson Lemont asked if there were any amendments? Councilor Beers requested that "9a" be included under #13 New Business, item 13c, and then change the lettering thereafter so people can comment on this if they wish to do so.

Chairperson Lemont cast one vote for the agenda as amended.

6. Town Manager's Report: Town Manager Amaral began by addressing the S.A.F.E. program van crash that happened a couple of weeks ago. She said the Town Council has been receiving regular updates from her. She said this accident has touched so many lives in a profound way and their focus is trying to understand what were the circumstances, beyond the internal investigation by the NH State Police.

Town Manager Amaral wanted to pause and thank all those who stopped to help when help was needed, bystanders, Councilors, the NH Police Dept. and the Greenland Fire Dept. and the KCC staff who filled in while she and Jeremy Paul were trying to figure out what to do next, what steps needed to be taken and manage this emergency. She said the staff was flooded with calls while visitors were still coming into the building and everyone did a fantastic job.

Town Manager Amaral said the internal investigation is still underway and Kittery's interim Police Chief O'Halloran will be able to conduct the investigation to ensure it is at arm's length since he has no connections to the town and doesn't know anyone. She hopes to put out more information as soon as possible but there is really not a whole lot more she can say about the accident.

Town Manager Amaral said the FEMA permit 90-day appeal period began August 1st for the FEMA maps. She said Ransom is doing the 2nd phase and they have done the first phase and are modeling new flood hazards based on wave impacts. She said FEMA overestimated the flood maps by 6 ft. and they are moving forward with the appeal.

Town Manager Amaral said the Shipyard has submitted their own appeal during this period. She said technically a municipality can submit appeals but we agreed and FEMA agreed to allow them to submit

their own appeal because we see it as Federal land, not municipal land. She said they did put a cover letter in with the Shipyard's appeal saying they are aware of the appeal and we support it.

Town Manager Amaral said that DOT did a punch list inspection of the Memorial Circle. She said the beach grass plantings were designed to slow down vehicles approaching the circle. She said the beach grass is low-maintenance and does not need mowing; however, there are two areas where this is not working as intended. She said because of that, Public Works has had to cut the grass more frequently.

Town Manager Amaral said they are looking at how to improve those areas but they cannot implement anything until DOT closes out the project, which should be in the Fall. She said they are looking to address this for the long term.

Town Manager Amaral highlighted the Quarter 2 goals for the Town Council and for herself and items they have worked on, which was included in Council's packets.

Town Manager Amaral said they are looking at changes to Title II (Recreation Dept.) and they are working on Title IV, Boards and Commissions. She said Title V was withdrawn at the last meeting. She said the Town Council has the zoning amendment before them for the Business Park and they will be having a public hearing on that.

Town Manager Amaral said they have a Land Use Transportation Study to develop a plan for parking the Foreside.

Town Manager Amaral said they are developing a policy to manage tax liens in a timely manner. She said they currently have 39 applicants for the program. She said they are working through the process and hope to have some proposals later on this year regarding tax foreclosure.

Town Manager Amaral said, in regard to the Sewer Enterprise Fund, they addressed concerns and following two workshops, adjusted the rates in effect July 1st. She said they are still showing negative for sewer fund based on prior fiscal years.

Town Manager Amaral reported that the three committees are actively working on the Library becoming a town department as well as the design and assets.

Town Manager Amaral said they are looking to broadcast programs to increase the capability of events that are going on there and have purchased a mobile broadcasting unit that will allow video recording and programming to be done anywhere now that they have the technology to do this.

Town Manager Amaral said that CEO Bob Marchi is retiring at the end of August who has been with the town for three years. She said they will have an open house from 3-5 in the Council Chambers on Thursday, August 30th.

Town Manager Amaral asked everyone to join her in congratulating William Walsh on his promotion to Police Sergeant. She said he has been a patrolman with the town for 11 years and has over 20 years' experience in law enforcement in the State of Maine.

Upcoming dates: Town Manager Amaral said that nomination papers are due by 6 p.m. and they have five candidates for three Town Council seats, one for two available seats for the School Committee. She said they have been in discussion for other candidates for the open seat. She said Candidates' Night is October 10th at 6:00 p.m. in the Council Chambers.

Chairperson Lemont thanked the Town Manager and asked if Councilors had any questions or comments.

Councilor Thomson said that in the time he has served on the Council they have had several Code Enforcement Officers and Mr. Marchi personally has not received one complaint. He said he appreciates his service and thanked him for the professionalism he brought to the position.

7. Acceptance of Previous Minutes:

June 25, 2018 Special Meeting:

Chairperson Lemont asked if there were any corrections and a few were noted. He cast one vote to place on file the minutes from the June 25th Special Meeting as amended.

June 25, 2018, Regular Meeting:

Chairperson Lemont asked if there were any corrections and a few were noted. He cast one vote to place on file the minutes from the June 25th, 2018 Regular Meeting as amended.

July 23, 2018 Regular Meeting:

Chairperson Lemont asked if there were any corrections and a few were noted. He cast one vote to place on file the minutes from the July 23, 2018 Regular Meeting 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 – moved to “New Business – ‘c’”

10. PUBLIC HEARINGS:

a. (080118-2) The Kittery Town Council moves to hold a public hearing to approve an application from Eric Amsden, for a Victualer’s License for Red Rover, LLC at 76 Wallingford Square, Kittery, Maine.

Chairperson Lemont said the applicant would appreciate if this could be postponed indefinitely and asked if someone would like to make a motion or would the Town Manager if she would like to share any information on this?

Town Manager Amaral said that through the process, the CEO required a letter from the landlord or the property owner agreeing to what would be happening but the applicant and the land owner agreed to part ways and he is not moving forward with the project.

Vice-Chairperson Denault moved to postpone the application from Eric Amsden indefinitely as requested.

Councilor Dennett suggested it would passed or someone would have to make a motion to postpone it but if it is passed it goes away.

Councilor Beers said point of order - the motion for postponement cannot be made until the application is approved. He said he agreed with Councilor Dennett’s suggestion to say it is passed.

b. (080118-3) The Kittery Town Council moves to hold a public hearing to approve an application from James McSharry for a Victualer's License for Water Street Inn, LLC at 6 Water Street, Kittery, Maine.

Chairperson Lemont asked if anyone wishing to speak to, for or against the application may do so and opened the public hearing at 6:26 p.m. Seeing none, he closed the public hearing.

Chairperson Lemont asked what is the pleasure of the Council?

Councilor Thomson wanted to know if there is someone here tonight representing the applicant?

David Bargus and Michelle Ray introduced themselves and came up to the podium.

Councilor Thomson said he noticed that the establishment has been open a few days and asked if they what activity has been going on or have they served food or beverages?

Ms. Ray replied no, they have just taken reservations and they have a few guests staying

Councilor Thomson wanted to know if breakfast would be part of that?

Ms. Ray answered no, breakfast will not be served.

Councilor Dennett said he did not get that.

Ms. Ray responded there will not be any proper foods, there is no breakfast part.

Councilor Thomson asked is it just a bed part.

Ms. Ray replied yes.

Councilor Dennett asked why are they applying for a Victualers license?

Mr. Bargus answered they are applying for a lodging license, just in case.

Councilor Dennett said okay.

COUNCILOR THOMSON MOVED TO APPROVE AN APPLICATION FROM JAMES MCSHARRY FOR A VICTUALER'S LICENSE FOR WATER STREET INN, LLC AT 6 WATER STREET, KITTERY, MAINE, SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

c. (080118-4) The Kittery Town Council moves to hold a public hearing and ordains an amendment to Title 2 – Recreation Department.

Chairperson Lemont asked if anyone wishing to speak to, for or against this may do so at this time and opened the public hearing at 6:28 pm. Seeing none, he closed the public hearing.

Chairperson Lemont asked what is the pleasure of the Council?

COUNCILOR BEERS MOVED, IN ACCORDANCE WITH M.R.S. 30-a, §3001; AND SEC. 2.07(3) OF THE KITTELY TOWN CHARTER, THE KITTELY TOWN COUNCIL HEREBY ORDAINS AN AMENDMENT TO TITLE 2, RECREATION DEPT. OF THE TOWN CODE AS PRESENTED. COUNCILOR THOMSON SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

d. (080118-5) The Kittery Town Council moves to hold a public hearing to approve a multi-year agreement for a Public Safety Answering Point service with the Town of York, Maine.

Chairperson Lemont asked if anyone wishing to speak, to or against this may do so at this time and opened the public hearing at 6:29 p.m. Seeing none, he closed the public hearing.

COUNCILOR THOMSON MOVED THAT, PURSUANT TO M.R.S. TITLE 30-A, §3001 AND SECTION 2.07.3 OF THE TOWN CHARTER, THE KITTELY TOWN COUNCIL HEREBY APPROVES THE MULTI-YEAR AGREEMENT AS PRESENTED FOR SAID SERVICES, SECONDED BY COUNCILOR BEERS.

Chairperson Lemont acknowledged Councilor Dennett.

Councilor Dennett said he discussed this at some length with the Town Manager, and in his opinion, the wording is pretty bad. He said he presumed the Town of York is not willing to change the wording.

Town Manager Amaral said she never sent the changes to them, but she can if the Town Council wishes. She thought this is an agreement that they send to multiple communities and it would not change the intent of the contract.

Councilor Dennett said no, but if she was willing, and it wasn't a big deal, he would appreciate her doing that (his changes would be sent). He questioned on page 1 of the agreement, where it says it was adopted 1-22-18 but the agreement was made 6-21-18 and asked how can it be adopted in January if it was agreed to in June?

Town Manager Amaral replied that was one of the questions she had but this was adopted by the York legislative body in January. She said she can update the date it was made but not the date it was adopted.

Councilor Dennett said it should be adopted on that date by the Town of York Board of Selectmen.

Chairperson Lemont asked if Councilor Dennett was comfortable in proceeding with a vote.

Councilor Dennett replied no, but he will.

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

e. (080118-6) The Kittery Town Council moves to hold a public hearing to approve the ballot language for the Comprehensive Plan referendum to be placed on the ballot for the November 6th, 2018 municipal election.

Chairperson Lemont asked if anyone wishing to speak to, for or against this item they may do so at this time and opened the public hearing at 6:32 p.m.

Russell White, Chair of the Comprehensive Plan Update Committee, said he thought the Council should pass this right away.

Chairperson Lemont thanked Mr. White and closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE PROPOSED LANGUAGE FOR THE COMPREHENSIVE PLAN REFERENDUM AS PRESENTED AND PUBLICLY HEARD BE PLACED ON THE BALLOT FOR THE NOVEMBER 6, 2018 MUNICIPAL ELECTION. SECONDED BY VICE-CHAIR DENAULT.

Chairperson Lemont asked for discussion.

Councilor Dennett said as always this is a problem. He read "shall the town vote to adopt?" and said the town ain't going to do anything. He said the wording varies all over the place. He said in some cases the State says "do you want to create" and another place it says "do you favor approving" but guess it all means the same thing.

Chairperson Lemont thanked the Chair and members of the Comprehensive Plan Update Committee on behalf of the Town Council, they appreciate their hard work and many hours.

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

f. (080118-7) The Kittery Town Council moves to hold a public hearing in accordance with Sec. 6.09 (4) of the Kittery Town Charter to transfer appropriations and carry forward requests between accounts.

Chairperson Lemont asked if anyone wishing to speak to, for or against this may do so at this time. He opened the public hearing at 6:35 p.m.

Seeing none, he closed the public hearing and asked what is the pleasure of the Council.

Councilor Thomson said he is prepared to read each and every one of these accounts, but will try something else and hopefully it will be okay.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE, IN ACCORDANCE WITH SEC. 6.09(4) OF THE TOWN CHARTER, IN THE AMOUNT OF \$160,680 GENERAL FUND TRANSFERS OF FY'18 APPROPRIATED FUNDS FROM THEIR ORIGINAL ACCOUNTS TO THE ACCOUNTS AS DESIGNATED BY THE TOWN MANAGER AND FINANCIAL STAFF; OTHER FUND TRANSFERS IN THE AMOUNT OF \$74,557 - ALL APPROPRIATED FUNDS FROM THEIR ACCOUNTS AS APPROPRIATED TO OTHER ACCOUNTS AS LISTED BY THE TOWN MANAGER AND FINANCIAL STAFF; TO CARRY FORWARD \$10,000 FROM THE ADMINISTRATION ACCOUNT FOR THE PURPOSE OF A COMPENSATION/CLASS STUDY WITH NO OTHER ADDITIONAL APPROPRIATIONS, THAT THEY ARE SIMPLY MOVING FUNDS BETWEEN DEPARTMENTS AND ACCOUNTS SO WE END THE YEAR AS WE SHOULD. COUNCILOR BEERS SECONDED THE MOTION.

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

Chairperson Lemont acknowledged Councilor Dennett as the Kittery Council had indicated that he wished to be recognized.

Councilor Dennett said he thinks this is the proper way to do it, but in the future, it might be easier if it is stated on the top of the sheet "Requested by the Town Manager, Fiscal Year 2000 whatever" and a date to refer to for identification purposes.

Chairperson Lemont thanked Councilor Dennett.

g. (080118-8) The Kittery Town Council moves to hold a public hearing on an application from Delta Amusement Inc. for a Special Activity/Amusement Permit for the Navy Yard Bar + Billiard, 182 State Road.

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

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

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM DELTA AMUSEMENT INC. FOR A SPECIAL ACTIVITY/AMUSEMENT PERMIT FOR THE NAVY YARD BAR + BILLIARD, 182 STATE ROAD AND VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Chairperson Lemont said he wanted to point out to his fellow Councilors and the public that they are in arrears with their property taxes. He said we cannot link that to this application, but at some point, down the road, we should have a discussion.

Councilor Dennett said he has a major problem with it and discussed this with the Town Manager who said that she had referred another case to MMA and was told to "lay off." He said there is no reason not to look at this again, but it will be tough. He said they will get stuck when a smaller business comes into town for a few years, but they do not own the building.

Chairperson Lemont said he brought this up because the public and the Town Council ought to be aware of this and asked the Town Manager to reach out again to MMA to see if there is something that can be done in the future.

Councilor Dennett said they would have more knowledge with case law and with the 400 other communities in the State of Maine as to what can be done.

ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, ONE OPPOSED (VICE-CHAIRPERSON DENAULT), MOTION CARRIES.

h. (080118-9) The Kittery Town Council moves to hold a public hearing to approve an application from Tributary Brewing Co., LLC for a Special Activity/Amusement Permit for Tributary Brewing Co., 10 Shapleigh Road.

Chairperson Lemont said that the Code Enforcement Officer has conducted a review of the establishment and has found it in compliance with the Kittery Town Code.

Chairperson Lemont said anyone wishing to speak to, for or against this application may do so at this time and opened the public hearing at 6:40 p.m.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM THE TRIBUTARY BREWING CO., LLC, FOR A SPECIAL ACTIVITY/ AMUSEMENT PERMIT FOR TRIBUTARY BREWING CO., 10 SHAPLEIGH ROAD. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION.

Councilor Thomson said the application talks about the amusement permit and the type of performers they will have but it does not mention the dog tricks that he sees there from time to time.

Chairperson Lemont asked if there was anyone representing the applicant here this evening.

There was no one.

Chairperson Lemont said that the question will go unanswered.

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

11. DISCUSSION:

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

Chairperson Lemont opened the public discussion and asked that everyone respect the three-minute timeframe.

Karen Saltus, 13 Pocahontas Road, wanted to know if everyone got the packet regarding the feral cat problem on Pocahontas Road? She said there are a dozen of these cats, and Sue Estes, who lives on Pocahontas Road, says they are not hers, but she has heard from the neighbors that she feeds them. She said they have contacted the Animal Control Officer, and a few local agencies including S.A.F.E.R. She said many kittens have been found dead and someone is now putting out rat poison.

Ms. Saltus said she has lived there since 2013 and she called her neighbor and asked Sue Estes if the cats were fixed and she said yes, which was an apparent lie. She said now, five years' later, the problem is out of control. She said she has personally trapped about 10 cats and has gotten them fixed at her own expense and has adopted one of the stray cats. She said some of the other neighbors have also adopted cats.

Ms. Saltus said something needs to be done to force Ms. Estes to allow the volunteers to go on her property to trap these animals and get them fixed. She said they are concerned about the exploding population and fear more will be around before winter. She said Ms. Estes is causing a lot of work, time and expense for everyone and some of that is being borne by the town of Kittery.

Kathleen Morrow, 23 Pocahontas Road, said one of the cats showed up starving and she brought the cat to the Kittery Animal Hospital. She said that the vet tech identified the cat as Trish and she belongs to the owner (Ms. Estes) who is difficult but they did take the kittens. She said she found a few of the kittens were frozen in her yard. She said her neighbor has four cats and does not know if they have had their shots. She said she goes to Fort Foster every day and sees dead cats in the road at least once a week.

Karen Maher said she works with S.A.F.E.R. which is a trap and return organization in New Hampshire, and has been involved with the Animal Welfare Society in West Kennebunk for quite a while with this problem. She said they have offered to come in and help with this situation and are willing to take the cats, but the problem is they offer to come in but were told they cannot do it. She said that Ms. Estes claims she is not the owner. She said they are trying to stop the population growth of the cats.

Ms. Maher said to think about the number of violations that the neighbor has by not having the rabies shots for any of the cats. She said she wants to work with the Animal Control Officer but he has not called her back. She said that is why she is coming to the Town Council to ask for help.

Chairperson Lemont said that Ms. Maher mentioned the ACO not returning her phone call and asked if she works with other towns?

Ms. Maher responded yes, she works with other Animal Control Officers and they reach out to her all the time.

Chairperson Lemont asked approximately how many cats are there?

Ms. Maher replied anywhere between 12 and 15 not including the kittens. She said there is a team of us willing to help and they are willing to do this all for free.

Vice-Chairperson Denault asked if Ms. Maher could give her contact information to the Town Manager for him.

Ms. Maher said she would.

Vice-Chairperson Denault said he would like information from Ms. Saltus too because he loves animals. He said maybe they could set up a "go fund" page to help out.

Ms. Saltus thanked him but said they need help with getting on Ms. Estes' property.

Ms. Maher said they worked with that abandoned house where 12 cats lived in the house and their organization (S.A.F.E.R.) got in trouble with the Animal Control Officer because they took the cats out of state and removed the evidence, but the NHSPCA helped the cats out in the end.

Councilor Brock said he appreciated her coming forward and presenting the problem to the Council. He said he did not realize it was this bad out there and they need to respond. He said there are public health issues and animal abuse issues out there, and the owner playing "I'm the owner" "No I'm not" depending on what is convenient for her is not helpful in moving forward. He said he wanted to know what is Council's authority in this matter? He asked Chairperson Lemont and said it would be helpful to understand what they can do.

Jerry Burns of 6 Wallingford Square said he is here tonight to speak about the marijuana referendum question under "New Business." He said change is never easy and urged the Council to put this request on the ballot to follow the democratic process and see what the townspeople say. He thanked the Town Manager and thought the question, "Should the Town of Kittery allow a limited number of adult-use marijuana retail stores in the town's commercial zones?" is a fine question.

Mr. Burns said the list of follow-up questions refers to those non-facing public facilities such as product manufacturing, cultivation, processing and testing that the public would not necessarily know the facility was doing. He thought that it would simplify the matter if there was also a second question relating to

the non-facing public facilities. He said that social clubs should not be mentioned because they are public establishments that have negative connotations.

Anthony Ruggerio, 3 Zikala Lane, said he is a community cultivator and would like to volunteer his services as a consultant and his expertise because he has worked with many dispensaries in Massachusetts and caregiving facilities in Maine and would be happy to answer questions. He said there is a lot of misinformation out there and he would be able to effectively answer their concerns.

Steven Kosack said he is not a resident, but is a taxpayer and owner of Auto Works, who has served on the Economic Development Commission and the Kittery Energy Advisory Committee as well as inclusionary housing. He said he has spoken to Council before in less fortunate times and it is a relief to speak with them under more pleasant circumstances. He said he was pleased that Affinity Lighting submitted a competitive RFP for energy efficient LED street lights and that John Brannigan was the decision-maker to enable the town citizens to see significant savings.

Mr. Kosack said he would also like to compliment the new Harbor Master, John Brosnihan. He has found him on watch patrolling Pepperell Cove many evenings, when the office used to be closed. He said he is always professional and courteous.

Mr. Kosack said please accept their annual payment for the auxiliary lighting for the Memorial Bridge which enhances the beauty of Main Street that connects our two vibrant communities.

Mr. Kosack said he wanted to thank Councilor Beers for nominating Kendra Amaral as the Maine Rising Star and presented her with two daylily plants.

Councilor Beers asked if he could comment while they were waiting for the woman to approach the podium. He said he instigated what was submitted, which was unanimously voted on by Council but the proof in the pudding is Ms. Amaral was selected for that award by a Committee of her peers of the MTCMA and acknowledgement by your peers is a special achievement.

Jennifer Thayer, Martin Road, asked what sort of a notice will be put out on the proposed expansion of the Business Park?

Chairperson Lemont replied he would answer her question after everyone speaks.

Ms. Thayer said they should use snail mail and that would be preferred and the best way to communicate with the residents. She wanted to know, due to the scope of the expansion, does this stay within the town's decision or does it go to the State due to filling in the wetlands? She thanked the Town Council.

Louie Goodson of 15 Martin Road said he wanted to touch on the same subject Jen Thayer was discussing. He wanted to know, before the Board makes any decisions to change the zoning, is everything going to be taken into consideration before they change the zoning to appease a large company that wants to come in. He asked Council whether it is the best benefit for Kittery or the best benefit for the company coming in to do construction? He also wanted to know what is the impact on everything, the Police Dept. and the School Dept., before they make a decision and go down a slope we will not come out of.

Chairperson Lemont asked if anyone else wished to speak, and hearing none, he closed the public comment portion of the meeting. He said he would respond to the speakers in order of last to first.

Chairperson Lemont responded to Ms. Thayer and Mr. Goodson, the zoning before the Planning Board proposes a change from Business to Mixed Use. He said there has been a full vetting before the Planning Board and they had a public hearing. He said the Town Council will be scheduling a public hearing and he would appreciate them coming back and sharing their thoughts and comments on the change in zoning. He addressed Mr. Goodson and said he raised a few points on the impact of this zoning change and said between now and the public hearing we will get data on this.

Chairperson Lemont thanked Mr. Kosack for the gift of the daylilies to the Town Manager and are aware of the award she received. He said the Town Council hopes she is here for a long time.

Chairperson Lemont said that Mr. Kosack talked about the LED lights and he thanked him for his thoughts on that. He said he is sure this will go to the vendor who will give the town the best deal.

Chairperson Lemont also thanked Mr. Kosack for recognizing Harbor Master John Brosnihan. He said as a local lobsterman, he totally agrees with his perception of him.

Chairperson Lemont thanked Mr. Burns for his input on the marijuana non-binding referendum question and for working with the Town Manager on it.

Chairperson Lemont spoke to the gentleman who is in the cultivating business and told him to give his contact information to the Town Manager and maybe someday they may be in need of his services.

Chairperson Lemont thanked everyone who came out to speak about the issue of the cats. He heard that it is a problem and understands there is a great deal of frustration with the Animal Control Officer. He asked the Town Manager if she would do some research and come up with a solution that will help everyone. He said it is sad, and very tough thing to hear and thanked them all for speaking tonight.

Councilor Dennett asked the Chair if he could make a comment?

Chairperson Lemont responded yes, since it is his birthday.

Councilor Dennett said it is not his birthday.

Chairperson Lemont said it is the anniversary of his birth day.

Councilor Dennett said he agrees with the people who have the problem with the cats and he does not mean to be derogatory, but asked everyone to be careful. He said they spoke about feral cats, but under Maine State law, a feral cat is a cat without an owner identification of any kind that exhibits extreme fear with people. He said these cats may be stray cats that are domesticated cats who have lived in the environment for an indeterminate amount of time.

Councilor Dennett said he heard about rabies shots and cautioned that they have to be super careful about rabies shots. He said Maine law requires the owner or keeper of a cat over three months of age have a rabies vaccination, but if there is no owner or keeper, it is hard to enforce the law on a rabies vaccination. He said he would echo what Councilor Brock said and wanted to know what are our duties and responsibilities and what can the town do about it? He said he does not know, but perhaps the Chair can ask the Town Manager to do some research and we all want to help. He said by doing some research, they will all know where they are at. He said we all want to assist you but we can't do something that will get us sued.

Vice-Chairperson Denault said that Councilor Dennett made a few good points and wanted to let everyone know that he is paying attention to it. He said where there is a will, there is a way and they will figure something out.

12. UNFINISHED BUSINESS: none

13. NEW BUSINESS:

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

Chairperson Lemont asked Councilor Beers if the Town and Sewer Payables were in due form and he responded that they are.

Chairperson Lemont asked Councilor Pelletier if the School Payables were in due form and he replied that they are.

Chairperson Lemont read the following: for the Town: \$426,307.15 and \$78.00; Sewer: \$51,376.88 and School Dept.: \$87,540.15; \$24,180.89; \$90,804.63 and \$446,321.27 for a total of \$1,126,608.97.

COUNCILOR THOMSON MOVED THAT THE DISBURSEMENT WARRANTS BE PAID AS READ, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.

c. (080118-1) The Kittery Town Council moves to discuss and place a non-binding referendum question on the November 6, 2018 ballot to consider Marijuana operations in the Town of Kittery.

Chairperson Lemont asked for any discussion.

Councilor Beers said he instigated this question in November 2016 and it was voted nearly 2-1 in favor of recreational marijuana in the State of Maine. He said for the past two years, the Government entity has deliberated extensively and produced a body of law albeit without any remunerations to control and prohibit these things.

Councilor Beers suggested the 2016 vote was indicative of the message be considered. He said for the past two years, the Town Council took no action of any kind to enable or prohibit and the existing code does not permit such enterprises. He thought they should listen to the will of the community and be responsive to what the 2016 vote was. He recommended a non-binding referendum question be placed on the November 2018 ballot to clarify.

Councilor Beers said, personally, he appreciates what the Town Manager has done and listened carefully to what Mr. Burns had to say about non-facing public facilities. He said this is the crux, "shall the town allow adult-use marijuana retail stores in the commercial zones" and nothing more needs to be placed before the voters than that.

Councilor Brock said he appreciates Mr. Burns' comments and agrees with Councilor Beers there should be a question to further clarify what this community wants, recreational marijuana. He said the State of Maine decided that marijuana is legal.

Councilor Brock said you can grow it at home, smoke it at home and get medical marijuana and nothing is going to change that on the ballot. He said the State had some talk about revenue-sharing, that the town would get back some of the sales tax, but the town is not going to get sales tax revenue out of this and will not get excise tax. He said there will be a small licensing fee. He said to be clear, the majority of the citizens did vote they wanted legalization.

Councilor Brock asked should we have retail stores in the town or not? He said in the event the town says "yes" then what the other questions Mr. Burns spoke about will be part of the process. He did not think that Council should legislate on the ballot and would support a simple question such as "should the town allow adult-use retail marijuana stores?"

Councilor Dennett said he is out of order.

Councilor Brock apologized.

Chairperson Lemont said it is on the agenda for discussion and maybe we can draft something.

Councilor Brock said he appreciated his indulgence.

Chairperson Lemont asked if they could discuss this first.

Councilor Beers said that is his intention.

Vice-Chairperson Denault said the only thing he can agree with, he has been on both sides of this, he was a Police Officer, his Mom died, but was prescribed medical marijuana and was bothered by it until he heard Councilor Brock speak, that we would be better off to have all the questions asked. He said Councilor Brock brought up a good point and we start with one question and move forward.

Councilor Dennett said the agenda says "move to discuss".

Chairperson Lemont said they are doing the discussion part before the "and".

Councilor Dennett said he will not question the ruling of the Chair.

Councilor Thomson said he would like to enter into the discussion and agreed with the previous speakers. He said only ask one main question or the voters will start suffering from question fatigue. He thought they ought to limit these types of non-binding questions.

Chairperson Lemont said he would be receptive to a second question on cultivation, production and testing part of this as it could generate revenue and is not in a store front. He did not think it would be too much of a fatigue for the voters and would give the voters a chance to weigh in on both questions.

Chairperson Lemont said he has a real problem with the non-medical marijuana as we will end up with home rule and zero revenue. He said the original question the State of Maine barely passed had revenue in it and would share with the community some of the sales and excise tax. He said he would like to see the question drafted in somewhat to indicate there is no revenue to the Town of Kittery. He said every other local business generates sales tax for the State.

Councilor Dennett said not all businesses are subject to a sales tax.

Vice-Chairperson Denault asked Chairperson Lemont if he had the wording for the second question.

Chairperson Lemont replied no, he does not, but the memo from the Town Manager has proposed questions and he would be interested in what they can add to that.

Vice-Chairperson Denault said he would not be opposed to that.

Town Manager Amaral said, under background, lines 3-6 notes that “as with other retail operations, all sales tax generated by adult-use retail operations go directly to the State and will not be distributed to the host municipalities” and “the new excise tax on adult-use retail marijuana operations will also go directly to the State and will not be distributed to the host municipalities.”

Chairperson Lemont said the license fee would cover the administrative costs and there are very strict guidelines regarding licenses.

Vice-Chairperson Denault asked Councilor Brock did he truncate that all in the question.

Councilor Brock said he had some question on the first question “Should the Town of Kittery allow adult-use retail marijuana stores?” but with respect to the other questions, he agrees that they are of interest, but he is not clear about the manufacturing, processing and testing and wanted to know was is that? He said if they get a “yes” on question one, then they would have time to develop an ordinance if there is noise or where to put them in the community. He said it would open the process if they get direction from the town that is what they want.

Chairperson Lemont asked if Councilor Brock would be comfortable without the voters’ opinion on manufacturing, cultivation and testing procedures?

Councilor Brock replied yes, at this point. He said then they can see where they want these subsidiary activities to be and would allow more people to be involved and get more information on what these activities would entail and what the impacts would be.

Councilor Beers thanked Councilor Brock and said he had articulated what he would like to say. He said question one would get the expression of the will of the community on the issue, which would be more than enough for this part at this point of time. He said as Councilor Brock pointed out, if they vote largely in favor, they would have to establish a process. He said there are a number of considerations related to zoning. He said he is not sure if the existing zoning prevents manufacturing or light industrial but he is in favor of Councilor Brock’s question and explanation.

Councilor Pelletier said he appreciated the discussion and Councilor Brock’s language. He said he liked the primary question better, as written in our notes. He said it outlines the limited number of licenses that would be available in the commercial zone and provides relative details for the voters because they could think that it would be possible to be in other zones. He said the question written this way adds an extra context, a limited number of licenses in commercial zones.

Vice-Chairperson Denault said that Councilor Pelletier brought up a good point, but he was leaning toward Councilor Brock’s. He wanted to know if they could have the question with circumstances above it instead of including it all in the question.

Councilor Beers said it is a valid formatting issue and, as he recalled, the explanation was first.

COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL PLACE A NON-BINDING REFERENDUM QUESTION ON THE NOVEMBER 6, 2018 BALLOT AS FOLLOWS: “SHOULD THE

TOWN OF KITTERY ALLOW A LIMITED NUMBER OF ADULT-USE MARIJUANA RETAIL STORES IN THE TOWN'S COMMERCIAL ZONES?" COUNCILOR PELLETIER SECONDED THE MOTION.

Chairperson Lemont asked if Councilor Beers could clarify if he means medical or non-medical marijuana.

Councilor Beers replied the State's technical term is non-medical adult-use marijuana and he agreed to that.

Chairperson Lemont said okay.

Councilor Pelletier said he was okay with it.

Councilor Dennett said it means nothing and, as a point of illustration the local businesses zones are commercial zones but he would like to see the addition of C1, C-2 and C-3 after "commercial zones." He said it allows for leverage and gives the town a little leeway.

Councilor Beers agreed to the addition.

Councilor Pelletier said he would not oppose Councilor Dennett on the anniversary of his birthday.

Councilor Brock said he is not wed to his language and wanted to know if the limited number is in all commercial zones in town and what does that mean? He said he did not know and it is not clear as to the context.

Councilor Beers addressed Councilor Brock and said as he understands it the key consideration is that (a) it is non-binding and (b) we will get a sense of the community and a sense of the issues will be answered as part of the process if it were favored.

Councilor Thomson said please ask the recorder to read back the motion that Councilor Beers made.

While the recorder was reviewing her notes, Town Manager Amaral said she wrote it down and read: "Should the Town of Kittery allow a limited number of non-medical, adult-use marijuana retail stores in the town's commercial zones, C-1, C-2 and C-3?"

Councilor Thomson said okay, that will be on the ballot and above that will be the explanation that Vice-Chair Denault asked about and secondly, that it would be non-binding.

Councilor Beers said Councilor Thomson missed the front part of his motion, to place a non-binding referendum question on the ballot to read.

COUNCILOR BEERS MOVED TO AMEND HIS MOTION THAT THE KITTERY TOWN COUNCIL PLACE A NON-BINDING REFERENDUM QUESTION ON THE NOVEMBER 6, 2018 BALLOT TO READ AS FOLLOWS: "SHOULD THE TOWN OF KITTERY ALLOW A LIMITED NUMBER OF NON-MEDICAL, ADULT-USE MARIJUANA RETAIL STORES IN THE TOWN'S COMMERCIAL ZONES, C-1, C-2 AND C-3?" SECONDED BY COUNCILOR PELLETIER.

Councilor Brock said he was confused as to what is the background information and wanted to know if they were taking what is written here in the notes?

Councilor Thomson said the background before us could be condensed to allow for fewer words but would appreciate those two statements relating to the sales tax and excise tax be in all caps and bold as written.

Councilor Brock agreed.

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

d. (080118-10) The Kittery Town Council moves to put in a request to Maine Dept. of Transportation to reduce the speed limit on State Road from 35 mph to 25 mph.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN MANAGER WOULD WORK WITH MDOT TO REDUCE THE SPEED LIMIT ON STATE ROAD FROM 35 MPH TO 25 MPH, SECONDED BY COUNCILOR THOMSON.

Councilor Thomson asked if the maker of the motion would agree to a little bit of a change, that the Town Manager should place a formal request initially and then work with DOT.

Vice-Chairperson Denault said he is satisfied with that and amended his motion.

VICE-CHAIRPERSON DENAULT MOVED THAT THE KITTERY TOWN MANAGER PLACE A FORMAL REQUEST INITIALLY AND THEN WORK WITH MDOT TO REDUCE THE SPEED LIMIT ON STATE ROAD FROM 35 TO 25 MPH, SECONDED BY COUNCILOR THOMSON.

He said the person who helped put the petition through is here tonight in case any Town Councilor has questions. He said currently the road is posted at 35 mph, from Newmarch Street to Walker, and 25 mph from Navy Yard Bar & Billiard to the part of the rotary coming down into the circle by the old Police Dept. is 25 mph. He said the road is a major hub to Maine and there are a lot of pedestrians now.

Vice-Chairperson Denault said the road is heavily travelled with a lot of traffic. He said there are sidewalks up and down that road, and changing the speed limit provides added safety for bicyclists and motorists as well as pedestrians. He said by contrast, the U.S. Route 1 Bypass has four lanes and is posted at 35 mph. He said he appreciates the time it took to have the residents and business owners sign this petition to make it happen.

Councilor Thomson said to follow-up on Vice Chair Denault's fine efforts in putting this together, State Road, Route 1 is very different today from when he and Chairperson Lemont were giving the car hops at the A & W a hard time.

Councilor Thomson said Ox Point Drive to Haley Road, the distance is .9 miles and the speed limit is 25 mph. He said there are 49 road cuts on Route 1 in that distance of .9 miles. He said conversely, beginning on State Road, up the hill to the intersection with Walker and TD Bank, the distance is .9 miles where the speed limit is 35 mph, there are 60 road cuts on that .9 miles distance. He said he is not a traffic engineer, and did not play one on TV but it seems odd that the higher speed limit would be where there are more ways to enter the roadway. He said there will be five retail condos eventually at the intersection of Love Lane.

Councilor Thomson said he supports the work done by Councilor Denault and the decision by the business owners and residents on that stretch of road to want this speed limit lowered. He said our

Governor is big into local control, and through the Chair asked the Town Manager what would happen if the town changed the speed limit signs?

Town Manager Amaral replied what is happening on Haley Road now, the posted sign says one thing, but the enforceable speed limit is different. She said they are trying to fix those issues, not create more.

A VOICE VOTE WAS TAKEN, ALL IN FAVOR, AYE 7-0, NONE OPPOSED, MOTION CARRIES.

e. (080118-11) The Kittery Town Council moves to approve a request from Fuel & More to hang a banner across Rogers Road from October 1st through October 22nd 2018 to advertise the Foreside for Fuel.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE REQUEST FROM FUEL & MORE TO HANG A BANNER ACROSS ROGERS ROAD FROM OCTOBER 1ST TO OCTOBER 22ND 2018 TO ADVERTISE THE "FORESIDE FOR FUEL" SECONDED BY VICE-CHAIR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, MOTION CARRIES.

f. (080118-12) The Kittery Town Council moves to approve a request from Keller Williams Realty to host an event to benefit "End 68 Hours of Hunger" at the Tributary Brewing Company on Sunday, October 14, 2018 from 8:00 a.m. until 5:00 p.m.

COUNCILOR THOMSON MOVED TO APPROVE THE REQUEST FROM KELLER WILLIAMS REALTY TO HOST AN EVENT TO BENEFIT "END 68 HOURS OF HUNGER" AT THE TRIBUTARY BREWING COMPANY ON SUNDAY, OCTOBER 14TH FROM 8:00 A.M. UNTIL 5:00 P.M. SECONDED BY VICE-CHAIRPERSON DENAULT.

Chairperson Lemont asked if there was any discussion.

Councilor Dennett wanted to know why the Town Council has to approve this request?

Chairperson Lemont replied because there is a limited number of people participating. He said there will be a one K walk at noon.

Tara Dickey said she is representing Keller Williams.

Councilor Dennett asked why do they have to do anything?

Chairperson Lemont responded he thought Council would feel more comfortable if they endorsed it.

A VOICE VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, AYE, NONE OPPOSED, MOTION CARRIES.

g. (080118-13) The Kittery Town Council moves to approve a request from the Kittery K-8 PTA for their eighth annual PTA Seaside 4 Miler, September 23, 2018 at Fort Foster.

COUNCILOR THOMSON MOVED THE TOWN COUNCIL APPROVE A REQUEST FROM THE KITTERY K-8 PTA FOR THEIR EIGHTH ANNUAL PTA SEASIDE 4-MILER ON SEPTEMBER 23RD AT FORT FOSTER. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED, MOTION CARRIES.

h. (080118-14) The Kittery Town Council moves to approve a request from Tributary Brewing Company to hold a special event for their Fourth Anniversary on Saturday, September 8, 2018 from 12:00 until 8:00 p.m.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A REQUEST FROM TRIBUTARY BREWING COMPANY TO HOLD A SPECIAL EVENT FOR THEIR FOURTH ANNIVERSARY ON SATURDAY, SEPT. 8TH FROM 12 NOON UNTIL 8:00 P.M. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, MOTION CARRIES.

i. (080118-15) The Kittery Town Council moves to approve a request from Tributary Brewing Company to hold a special event for the release of Mott the Lesser on Saturday, October 13, 2018 from 12:00 noon until 8:00 p.m.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A REQUEST FROM TRIBUTARY BREWING COMPANY TO HOLD A SPECIAL EVENT FOR THE RELEASE OF MOTT THE LESSER ON SATURDAY, OCTOBER 13, 2018 FROM 12 NOON UNTIL 8:00 P.M. COUNCILOR PELLETIER SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, NONE OPPOSED, MOTION CARRIES.

j. (080118-16) The Kittery Town Council moves to re-appoint the following members to the Kittery Port Authority:

- Steve Lawrence until 12/31/2023
- Charles Patten until 12/31/2023

Chairperson Lemont said the interviews were not done and the Chair of the Port Authority recommends reappointment. He said that the motion should reflect the interviews have been waived.

COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL WAIVE THE INTERVIEWS AND RE-APPOINT STEVE LAWRENCE AND CHARLES PATTEN TO THE KITTERY PORT AUTHORITY UNTIL DECEMBER 31ST, 2023. VICE-CHAIRPERSON DENAULT SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, MOTION CARRIES.

k. (080118-17) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview William Pierce for appointment to that board as an alternate member.

CHAIRPERSON LEMONT MOVED TO APPOINT COUNCILOR THOMSON AS COUNCIL REPRESENTATIVE TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW WILLIAM PEIRCE FOR APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER. COUNCILOR BEERS SECONDED THE MOTION AND CORRECTED THE SPELLING OF MR. PEIRCE'S LAST NAME. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.

l. (080118-18) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview Bradford Connelly for appointment to that board as an alternate member.

CHAIRPERSON LEMONT MOVED TO APPOINT COUNCILOR BEERS AS COUNCIL REPRESENTATIVE TO MEET WITH THE CHAIR OF BOARD OF ASSESSMENT REVIEW TO INTERVIEW BRADFORD CONNELLY FOR APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER.

Councilor Dennett objected to the order and said that Councilor Pelletier has not had any successive interviews; therefore, he is not eligible on William Peirce, but it is logical that he is next available Councilor after Councilor Thomson. He said that they cannot skip Councilor Pelletier and go to Councilor Beers. He said they should be directing Councilor Pelletier to do the interview with Bradford Connelly as he is not doing successive interviews.

Councilor Beers said he liked the way Councilor Dennett said that.

Councilor Dennett said they should appoint Councilor Pelletier.

Town Manager Amaral said she discussed this with the Town Council based on Councilor Dennett's successive issue and the reason she asked to put down Councilor Beers' name is how do you know which interview will be scheduled first?

Councilor Pelletier said he may do the interview before Councilor Beers.

Chairperson Lemont asked Councilor Dennett he would like to see do the interview?

Councilor Dennett responded he would like Councilor Pelletier.

COUNCILOR DENNETT MOVED TO APPOINT COUNCILOR PELLETIER AS COUNCIL REPRESENTATIVE TO MEET WITH THE CHAIR OF THE BOARD OF ASSESSMENT REVIEW TO INTERVIEW BRADFORD CONNELLY FOR APPOINTMENT TO THAT BOARD AS AN ALTERNATE MEMBER. COUNCILOR BEERS SECONDED THE MOTION. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, MOTION CARRIES.

m. (080118-19) The Kittery Town Council moves to schedule a public hearing on September 10, 2018 on Title 16 – Land Use and Development to add a new mixed-use neighborhood.

COUNCILOR THOMSON MOVED THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 24TH 2018 TO AMEND TITLE 16 – LAND USE AND DEVELOPMENT TO ADD A NEW MIXED-USE NEIGHBORHOOD. COUNCILOR BEERS SECONDED THE MOTION.

Councilor Thomson wanted to know why the date was changed and is there an explanation, through the Chair.

Town Manager Amaral said she would like to give the Director of Planning and the Planning Board longer time to massage this issue here this evening and for appropriate notification of abutters regarding the change in zoning so they have time to send in their comments, especially with the Labor Day holiday. She said she is taking time off in September and would be more comfortable with Sept. 24th. She said the zoning change does not require abutters to be notified, it is a standard public hearing, not a process.

Councilor Thomson asked if that information could be conveyed to Ms. Thayer?

A VOICE VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

n. (080118-20) The Kittery Town Council moves to schedule a public hearing on September 10, 2018 to amend Title 8 – Public Health and Safety.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING ON SEPTEMBER 10, 2018 TO AMEND TITLE 8 – PUBLIC HEALTH AND SAFETY, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, MOTION CARRIES.

o. (080118-21) The Kittery Town Council moves to approve a renewal application from Delta Amusement Inc., 182 State Road, Kittery, ME for a Malt, Vinous and Spirituous Liquor License for Navy Yard Bar + Billiard, 182 State Road.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM DELTA AMUSEMENT INC., 182 STATE ROAD, KITTERY, ME FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR NAVY YARD BAR + BILLIARD, 182 STATE ROAD. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SIX VOTING IN FAVOR, ONE OPPOSITION (VICE-CHAIR DENAULT) 6-1-0, MOTION CARRIES.

p. (080118-22) The Kittery Town Council moves to approve a renewal application from The Black Birch Inc. 2 Government St., Kittery, ME for a Malt, Vinous and Spirituous Liquor License for The Black Birch, 2 Government Street.

COUNCILOR THOMSON MOVED THAT THE TOWN COUNCIL APPROVE A RENEWAL APPLICATION FROM THE BLACK BIRCH INC., 2 GOVERNMENT ST., KITTERY, ME FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE BLACK BIRCH, 2 GOVERNMENT STREET. COUNCILOR BROCK SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH SEVEN VOTING IN FAVOR, MOTION CARRIES.

q. (080118-23) The Kittery Town Council moves to discuss adopting a policy/ordinance to the Kittery Town Code for the naming of public places/spaces in the town of Kittery.

VICE-CHAIRPERSON DENAULT MOVED TO DISCUSS ADOPTING A POLICY/ORDINANCE TO THE TOWN CODE FOR NAMING OF PUBLIC PLACES AND SPACES IN THE TOWN OF KITTERY.

Chairperson Lemont said they don't need a motion to discuss this.

Vice-Chairperson Denault said he will make it quick. He noted that there are no criteria or a policy regarding the naming of places. He said there should be an ordinance which allows for arbitrary naming and something gets named after someone knows the procedure to remove and report will not take full credit. He said he researched other towns and that is his recommendation.

Town Manager Amaral said she spoke with the Council to establish a procedure where an individual or an entity which has made a significant contribution to the town could be chosen. She said they should establish a procedure for fair and equal application of the ordinance. She said it is important that something be in writing before things get out of hand and should be a policy in place.

Councilor Dennett said he is not particularly in favor of this. He has enough trouble with signs for driveways and does not see any reason for this policy.

Vice-Chairperson Denault said with 9-1-1 there could be a tragedy if EMT's were not going to be able to get to a place. He said, for instance, tomorrow a business in town names something and there are no policies or procedures in place. He said the Town Manager should have something in place to bring to the Town Council for review. He said this would prevent and protect duplication if they did have some guidance.

Councilor Beers said generally speaking he agrees with Councilor Dennett. He said he does not see a place in the Town Code for an ordinance on this. He said it could be an administrative policy for consideration if someone wants to put something forward they can have at it.

Councilor Brock said he agrees with that, and, assuming it is a policy, he wanted to know if they should have the opportunity for public comment on that?

Chairperson Lemont said that should take place.

Vice-Chairperson Denault asked for Council consensus on guidance.

Councilor Thomson asked if this they had a second?

COUNCILOR THOMSON MOVED THAT ACTION ON THIS ITEM BE POSTPONED UNTIL SUCH TIME THE TOWN MANAGER WORKING WITH VICE-CHAIR DENAULT AND OTHERS OF THEIR CHOOSING COME BACK TO COUNCIL WITH A PROPOSED POLICY OR PROCEDURE ON THIS MATTER, SECONDED BY VICE-CHAIRPERSON DENAULT.

Councilor Dennett said they cannot postpone it until it has been moved and seconded on the floor. He said he agrees with Councilor Thomson, to put it off until the Manager and others come back to Council.

Vice-Chairperson Denault said that since Councilor Dennett brought that up, he does not mind if it is passed.

Councilor Thomson said whatever moves this in the direction it needs to go is his intent.

Chairperson Lemont said he disagrees with Councilor Dennett. He said this community has a long history of naming buildings and things after their ancestors who contributed so much to this town.

14. COUNCILOR ISSUES OR COMMENTS:

Councilor Brock said the Kittery Inclusionary Housing Committee is moving forward on two fronts. He said he is drafting ordinance language to go for an initial vetting to the Open Space Committee and move on to the Planning Board where we are working with Seacoast Workforce Housing Coalition in Portsmouth and will have a workshop in October.

Councilor Thomson wanted to thank the Town Manager for her efforts in working with the appropriate entities enabling the new sidewalks and crosswalks on Badgers Island to be completed.

Councilor Thomson wanted to submit photographs of Legion Pond, one is a photo of the pond and what it once looked like not very long ago when there were swans and signets swimming in the pond, and pointed out that there is a turtle on a log. He said there were kayakers and canoers on the pond but now this body of water is dead, it smells and looks like the top of Councilor Beers' binder, green. He said something needs to be done to resurrect it.

Councilor Thomson said he is always mystified by NHDOT and how they do projects. He said they have beautiful signs that say "Welcome to Kittery" and money was spent on plantings but you cannot see them anymore because the weeds are so tall.

Councilor Thomson said he was contacted that Seapoint parking was totally filled by non-residents, some parking illegally.

Councilor Thomson said that there are building maintenance issues with absentee landlords not taking care of the properties, one is the former Kittery Family Practice building, owned by York Historical Society and Johnson's Printing, which he believes is owned by Pickwicks in Portsmouth. He said they have a Property Maintenance ordinance and he does not know how it can be addressed.

Vice-Chairperson Denault said he was contacted that rescue dogs are getting loose as they are transferred to new homeowners. He said the way they do it needs to be addressed. He said if it wasn't for Jim White and his organization, Maine Lost Dog Recovery, they would not have been able to capture the last dog, Bella. He said the organization is asking for donations and people can find them on their website. He said the work they do is awesome – they set food to trap the dogs.

Vice-Chairperson Denault said Councilor Thomson brought up Legion Pond, but that Jennifer Thayer and residents of Martin Road said the Fish & Game are draining the pond. He said he will get the name of the person who is getting rid of the algae on that Pond and maybe they can get someone in town, who is an expert and can help get rid of the algae in Legion Pond.

Vice-Chairperson Denault said he would like to acknowledge the following people who have passed away: Ella Frapier, Susan Connelly, Dick Johnson, Fred Meagher, whose son served on the Kittery Police Dept., Glen Adams and Linwood Daggett of the Kittery Police Dept. He said their thoughts and prayers are with their families.

Vice-Chairperson Denault wanted to talk about the flag at the rotary circle not lowered to half mast. He said it is the most despicable thing he has heard that someone came into the Town Office to talk with the Town Manager and referred to her in a derogatory term. He said this person alluded to the Town Manager as being a "Nazi sympathizer." He said the Governor dictated today at 4:30 p.m. to lower the flags in honor of Senator John McCain. He said he will direct this to the person watching tonight – you owe an apology to the Town Manager and read the statement from Governor Lepage. He said the Town Manager does not have the authority to drop the flag, only the President and Governor does.

Chairperson Lemont said it gives him great pleasure to recognize Councilor Dennett on his birthday and also to whomever made the cake possible.

15. COMMITTEE AND OTHER REPORTS: none

16. EXECUTIVE SESSION:

(080118-24) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (E) regarding pending or contemplated litigation.

COUNCILOR THOMSON MOVED TO GO INTO EXECUTIVE SESSION, WITH THE TOWN MANAGER, AT 8:14 P.M., IN ACCORDANCE WITH 1 M.R.S. §405 (6) (E) REGARDING PENDING OR CONTEMPLATED LITIGATION. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

COUNCILOR BEERS MOVED TO EXIT EXECUTIVE SESSION AT 8:29 P.M., SECONDED BY VICE-CHAIRPERSON DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, NONE OPPOSED, MOTION CARRIES.

17. ADJOURNMENT:

COUNCILOR BEERS MOVED TO ADJOURN THE MEETING AT 8:30 P.M., SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0, MOTION CARRIES.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 10-22-18