

**Kittery Town Council
October 10, 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.
4. Agenda Amendment and Adoption: Chairperson Lemont asked if there were any adjustments to the agenda.

Councilor Pelletier said he had one item, (i) “The Kittery Town Council moves to appoint Bradford Connolly to the Board of Assessment Review for a term that would extend from his appointment until 12/31/21.”

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

6. Town Manager’s Report:

Town Manager Amaral reported that the Speed Reduction request for 25 mph on State Road has been received by MDOT and usually takes anywhere from 4 to 6 months for a response from them.

Town Manager Amaral said the tax commitment has been completed and the bills were mailed out on Sept. 26th. She said they had approved 40 applicants for the Senior Tax credit, which provides \$1,000 in credit. She said that the income threshold has been met. She said they also approved two tax deferrals and one payment plan.

Town Manager Amaral said that, as Councilor Brock discussed at the Sept. 24th meeting, we are working with the Workforce Housing Coalition of the Greater Seacoast and will be having a workshop on October 24th and 26th. She said it starts with a site walk on the 24th and a “Community Listening Session” on the 26th. She said volunteer teams of designers will be getting together to sketch out plans and will present them to the community that evening. She said the information will also be on the town’s website.

Town Manager Amaral said that the Parks Commission is conducting a survey of visitors’ experiences at Fort Foster to guide them in the operational needs of the future and recommendations for what needs to be done to plan for the future. She said they have received 700 responses already. She said the survey is available online and forms are also available at the Town Hall, the Kittery Community Center and Rice Library.

Town Manager Amaral announced that Steve Hamel retired on Sept. 28th and served with distinction for almost 30 years. She said he is an expert on drug enforcement and served on a number of regional drug enforcement agency projects and, for the past five years, has been involved with the Drug Enforcement Agency, helping remove illicit drugs from the distribution stream up and down this area in New England.

Town Manager Amaral said Detective Hamel is credited with helping with drug busts, arrests and prosecutions to reduce the access to illegal drugs. She wished him the best on his retirement.

Town Manager Amaral stated upcoming dates: Absentee Ballots are still available through Nov. 1st; October 26th from 6-8 is Voter Registration, Trick or Treat is 5-8 on October 30th and November 6th the polls will be open 8 am until 8 pm at the Kittery Community Center.

Vice-Chairperson Denault said that Steve Hamel's service to this town has been outstanding. He said he has worked with him personally, as a former NH State trooper, when Detective Hamel started.

Vice-Chairperson Denault addressed the Town Manager, through the Chair, and said perhaps, as a Town Council, they could look at drafting a resolution recognizing Detective Hamel's extraordinary service to the town. He said Detective Hamel has gone over and above what he had to do while working undercover, putting himself in harm's way in a lot of cases and is a testament to his dedication to this town.

Chairperson Lemont asked for Council consensus and Council agreed.

Councilor Thomson said he is amazed and dismayed at DOT's response to their speed reduction request on State Road that it will take six to eight months! He said he is sure that Councilor Denault shares his concern in that he hoped they could get somebody here to talk to them from DOT about this issue and invite the residents to attend. He asked, through the Chair, to the Town Manager, that this is not possible and wanted to know if that this is the only way DOT will deal with their request?

Town Manager Amaral replied the way the DOT handles speed reduction requests, they follow MUTCD the Manual of Uniform Traffic Control Devices and public input is not part of the process. She said it truly is an engineering process.

Councilor Thomson said they still have the summer traffic and he would like to talk to someone about it. He said there will be a change in administration in August. He said this doesn't have to happen within 60 days, but shortly after the first of the year, they should have a discussion with DOT.

Chairperson Lemont addressed the Town Manager and said he did not think it is inappropriate to reach out to DOT and see if that could be done.

Chairperson Lemont said that the Kittery Affordable Workforce Housing Workshop target location currently is at the old Fire Station and wanted to know if the abutters have been notified?

Councilor Brock responded he believed that the notice has gone out.

7. Acceptance of Previous Minutes: none

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: none

10. PUBLIC HEARINGS:

a. (100118-1) The Kittery Town Council moves to hold a public hearing and approve an application from Chuang Hua Weng for a new Victualer's License for Chun Ping Lau Chinese Restaurant at 435 U.S. Route 1, Suite 4, Kittery.

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

Chairperson Lemont asked if anyone wished to speak to, for or against the application to do so, and to keep their comments within the three-minute timeframe. He opened the public hearing at 6:14 p.m. Seeing none, Chairperson Lemont closed the public hearing.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE APPLICATION FROM CHUANG HUA WENT FOR A NEW VICTUALER'S LICENSE FOR CHUN PING LAU CHINESE RESTAURANT AT 435 U.S. ROUTE ONE, SUITE 4, KITTERY. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN AND APPROVED 6-0-1, SIX IN FAVOR, NONE OPPOSED, ONE ABSTENTION (CHAIRPERSON LEMONT). MOTION CARRIES.

11. DISCUSSION:
a. By members of the public

Chairperson Lemont asked if anyone wished to speak to do so at this time and to respect the three-minute time frame.

Filomena Knowles of 2 Estuary Drive, said she is a friend of Spinney Creek and asked the Town Council to help them. She said that Council is aware that the Spinney Creek Shellfish Company has applied for a lease permit to put in 800 oyster cages and take over four acres of the creek.

Ms. Knowles said that Vice-Chairperson Denault has a photo on his website of what it will look like and it is awful, but it's too bad he doesn't have smell-o-vision so you can smell the odor. She said she understands the town has no jurisdiction over this, that the Dept. of Marine Resources grants leases, but Council is in a prime position to communicate to the Dept. of Marine Resources the concerns of the Kittery residents. She said 400 people signed a petition opposing this lease.

Ms. Knowles said they are introducing a commercial enterprise in a residential zone and the size is significant – it is like the size of the Hindenburg falling out of the sky. She said actually the Hindenburg was wider. She said they are putting a commercial aquaculture factory in a residential zone with 60+ homes.

Ms. Knowles said she and other residents are trying to preserve the quiet, scenic Spinney Creek that they love and by the Town Council being silent, they will assume that Kittery residents are fine with this and that is incorrect. She wanted to know if the Town Council could contact the Dept. of Marine Resources with their concerns and opposition. She thought there should be another place for this large, commercial venture.

Chairperson Lemont said he will address her concerns but he wants to give everyone a chance to speak.

Ms. Knowles said they have 30 days from the hearing to reply, which was Sept. 27th and asked if wanted the e-mail.

Chairperson Lemont asked if she would like to share that information with them, to give it to the Town Manager. Ms. Knowles gave the information to the Town Manager.

Kathy Lamoine, One Saltwater Creek Way, wanted to update the Town Council on their adjudicated hearing with the Dept. of Marine Resources. She said some residents attended, but most of them went home by the time they were able to testify. She read her statement.

Mrs. Lamoine said one issue is the Army Corps of Engineers definition of navigable water as the ebb and flow of the water, and since the tidal gate is closed, one cannot get to the open sea. She said they also had restricted guidelines on what they could speak about, ingress, egress, public enjoyment of land owned by the Federal government, fishing.

Mrs. Lamoine said the Howells spoke for 45 minutes followed by a lengthy discussion by experts, and representatives from the Dept. of Marine Resources and Army Corps of Engineers. She said they finally were allowed to speak at 10:00 p.m., 4 hours later, when a lot of people had to go home. She said they were limited to speak for five minutes each.

Mrs. Lamoine said the official from the DMR was standing there with a timer and they could not speak about the proposal that would unreasonably interfere with the area noted but not to property values, view and odor.

Mrs. Lamoine said that Spinney Creek is unique and is a land-locked salt water pond. She said there is only one commercial business on Spinney Creek, and that is Spinney Creek Shellfish. She said over 60 residents live there and have enjoyed the ambience of living on this body of water. She said they use the creek as an extension of their back yard where they swim, paddle and fish.

Mrs. Lamoine said in the nine years they have lived there, they have never been contacted by the Howells prior to their application and renewals to the Dept. of Marine Resources. She said this was supposed to be a scoping session, and we heard from witnesses for the Howells, but not the riparian owners. She said they sent a letter to the director of DMR, Patrick Kelleher and John Lewis, who was present at the hearing, with over 400 signatures requesting this application be denied until a scoping session is held and everyone is heard.

Norman Lamoine, One Saltwater Creek Way, said they came to the Sept. 10th Town Council meeting and the Chair closed out the public discussion. He said he reached out to the owner and she was respectful and would answer questions. He said he wanted to clarify for the record that the Spinney Creek hearing on Sept. 27th which was required by the Dept. of Marine Resources, we each had five minutes to speak.

Mr. Lamoine said they never shared any of the plans with the property owners and they avoided discussing their plans. He said they should maintain an open dialogue with the residents but this did not occur nor did it occur with each license renewal, and certainly not with this application. He said they did not have a scoping session and they never got the chance to voice their opinions. He said after-the-fact awareness is not the same.

Mr. Lamoine felt the Howells should have sat down with the homeowners and arrived with a plan to satisfy the stakeholders. He requested the Town Council representatives and residents draft a letter to the DMR denying their request for the aquaculture lease on Spinney Creek.

Robert Mercier, 20 Bayview Lane, said it was clear from the start that the aquaculture is viable to the State. He said they were supposed to have a discussion on the impact on property values, odor and views but we were restricted to addressing only the DMR guidelines.

Mr. Mercier said the Howells have been there for 30 years and own 80 cages on the creek. He said this thing is huge and none of us want to see that going from 80 to 800 cages. He said he supports his neighbors and over 400 people signed the petition, which they gave to DMR. He said this is not benefitting Kittery in any way and the business is in Eliot, but the cages are on the Kittery side and they are not paying taxes to Kittery. He asked the Town Council to support the residents.

c. Chairperson's response to public comments:

Chairperson Lemont closed the public comment section and thanked everyone who spoke tonight. He said he did have a conversation with Laurie Howell and was contacted by an individual who lives on Old Dennett Road, who brought this up in March.

Chairperson Lemont said the Town Manager deserves a little bit of credit and asked the DMR for a public hearing in Kittery. He reiterated that the Town Council has no role in the licensing of aquaculture but each Councilor can contact DMR with their thoughts and opinions on this issue.

Chairperson Lemont said he reached out to the Chair of Port Authority and was informed that the body of water does not have access to the Piscataqua River, thus, they do not have a role with that body of water. He said they could call the Dept. of Marine Resources at 624-6550 and people at home can call. Chairperson Lemont said what he heard is that the Dept. of Marine Resources did not hear you, but again, the Town Council has no role, it is a State licensing procedure.

Councilor Brock had a question. He wanted to know – at the end of the hearing – how was it left? He asked if DMR had made a decision?

Mrs. Knowles replied said it is her understanding they have 30-60 days from the hearing, but at the end, they have their rules, and they don't care. She said their rules were made in the 70's, back when it used to be two men and a rake, now it is 80-800 – a huge factory.

Councilor Brock said his particular concern is that the Town of Kittery did ask for a public hearing, under their regulations, which they did. He said what he is hearing is that some people were not heard because it went on too late and people who wanted to express their views were not given a chance.

Mrs. Lamoine said a hearing is different from an adjudicatory hearing and we could only talk about certain things, that would unreasonably interfere with navigation, and she read the criteria.

Councilor Brock said he is not making light of that. He wanted to know were there people at the hearing who did not speak?

Mr. Mercier replied the meeting went on until 11:30 pm and it was intimidating. He said the applicants were allowed to speak, along with their witnesses, but a lot of people who wanted to speak felt intimidated by the DMR official with the stopwatch. He said at 10 p.m., a lot of people got up and left. He said where it was intentional or accidental, it had the effect of eliminating the public to speak.

Councilor Brock said if it is the opinion of the riparian owners that not everyone got a fair chance to speak he would bring this to the attention of the Dept. of Marine Resources and request a full hearing. He said that does not mean that the Town of Kittery has jurisdiction over this matter. He said the DMR has regulations but the fact is the Town of Kittery did request a public hearing and we meant it.

Councilor Brock said that is why he is pushing this, because residents have not been given a full hearing before DMR as requested.

Chairperson Lemont said he wanted to follow up on Councilor Brock's idea. He said they have a 30-day window to decide.

Mrs. Knowles said they are deciding now.

Chairperson Lemont asked if it would be unusual if they had a second hearing?

Mrs. Knowles replied that the DMR is not fair and that they had their meeting the week before. She said her sister flew in from Washington and her brother drove up from New York City and her nephew flew up from Maryland and the meeting was cancelled. She said her sister asked if they could submit their

information but was told by Amanda Ellis, the moderator, that her information will be part of the record but it will not be seen. She said her sister asked about video-streaming that is done in Washington, but was told that it was not allowed.

Councilor Thomson suggested a course of action could be, and he would ask for consensus from Council, to ask the Town Manager to write a letter to Commissioner Kelleher indicating that a number of residents appeared at the October 10th Council meeting expressing their concerns on how the meeting was held on Sept. 27th and they did not get the chance to speak to application, that the applicants were allowed to testify but far exceeded the time allowed. He said that the letter could state that on behalf of the Town Council, they would like the DMR members to come down and hold a second public hearing to allow the residents time to express their concerns and it could be held within the 30-day period. Councilor Thomson said then the decision period could begin again after the second hearing.

Vice-Chairperson Denault said he concurred with Councilor Thomson. He said that he went to both hearings, the first in the ridiculous location of the Rice Public Library, where 400 people were crammed in a room that, by code, permitted 200 and the second, at Traip Academy where he witnessed the aberration of the State representatives which made up their minds and had no intention of listening to the people. He said they represent the citizens of Kittery and they should do whatever it takes to help them. He said they may not be allowed, but at least they tried.

Councilor Thomson said if they were able to do this, the Dept. of Marine Resources could very well tell the Town Manager and the Town of Kittery to "take a hike" and there is nothing more they need and we would have no say in the matter but we should make an effort.

Chairperson Lemont asked Mr. Lamoine to come to the podium. He said that he had mentioned three concerns that were not heard: views, odor and impact on property values and asked if they were allowed to address them at the public hearing.

Mr. Lamoine replied no, they could only speak to the DMR conditions and we could not speak about what we would have liked to, those three issues. He showed Chairperson Lemont the list and asked if he wanted a copy.

Chairperson Lemont replied that he did and Mr. Lamoine gave him a copy of the DMR rules.

Chairperson Lemont said he is concerned that they did not have an opportunity to raise their concerns at the public hearing.

Councilor Beers reminded them that this is the public discussion and their remarks are limited to three minutes. He said he can appreciate the Chairperson empathizing with the residents and giving them the generous opportunity to speak, but this could have been an agenda item with a recommendation in advance communicated to the Chair or the Town Manager and they would have the opportunity to discuss a formal action.

Councilor Beers said if they wish such to happen in the future the Council is meeting on Oct. 24th in which case, they would have an agenda item and the residents could express their concerns in an unlimited amount of time.

Councilor Brock said he appreciated Councilor Beers outlining the appropriate procedure under normal circumstances, but they need to act quickly. He said the town did ask for a hearing but as one of the regular requestors, they meant with a full hearing, which did not happen. He said the other thing is they cannot change the factors and the DMR has to consider a series of factors. He suggested that the residents tie in their concerns with one of those factors stated by the Dept. of Marine Resources. He said it is DMR's game and they have the rules, but residents need to talk to them in that context.

Mr. Lamoine said their concern is that the rules change and have shifted throughout the process, like moving the goal post.

Chairperson Lemont asked if he has a consensus to request the Town Manager to send the letter to DMR.

The Town Council agreed.

Councilor Dennett said he had a brief comment. He said he was not sure how many of the residents read the Portland paper, but there is a similar situation going on in Brunswick, and was curious if anyone contacted someone in Brunswick to perhaps borrow from one of their strategies?

Councilor Pelletier said it might make sense to join them and invite them to join us, since it is a State issue.

Chairperson Lemont suggested they reach out to their Legislative delegates.

Vice-Chairperson Denault said that Dean Rykerson was there.

Chairperson Lemont asked if there were any other comments? There were none.

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 replied yes, they are.

Chairperson Lemont asked Councilor Pelletier if the School payable was in due form and he replied that it is.

Chairperson Lemont read the amounts: Town: \$203,042.72; Sewer: \$41,802.80 and School: \$188,299.79 for a total of \$433,145.31.

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

c. (100118-2) The Kittery Town Council moves to schedule a public hearing on Title 10.3: Stopping, Standing and Parking to discuss Foreside parking amendments on October 22, 2018.

COUNCIL THOMSON MOVED TO SCHEDULE THE PUBLIC HEARING AS PRESENTED, SECONDED BY VICE-CHAIRPERSON DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE, 7-0. MOTION CARRIES.

d. (100118-3) The Kittery Town Council moves to schedule a public hearing on Land Use and Development Code amendments, Title 16.8.10: Signs on November 14, 2018.

COUNCILOR THOMSON MOVED TO SCHEDULE THE PUBLIC HEARING ON NOVEMBER 14TH, SECONDED BY VICE-CHAIRPERSON DENAULT.

Councilor Beers said that he will not be here when this is considered and wanted to know if it was vetted through the Board of Appeals since it significantly applies to enforcement consideration and interpretations?

Chairperson Lemont asked Town Manager Amaral if she would respond.

Town Manager Amaral replied no, it did not go through the Board of Appeals. She said they are looking to change what is allowed in the administrative process.

Councilor Beers said that enforcement actions are appealable and there could be unintended consequences. He said on page 7, line 232, under "Signs in the Shoreland Overlay zone and Resource Protection Overlay zones" they are adding "no signs permitted in the public right-of-way"; however, that would be in conflict and questionable regarding election and campaign signs, common in the months of October and November and found in public ways as well as the Shoreland Protection zone.

Councilor Beers said on page 9, line 292 states: "*An extension to the one-year time period may be granted by the Board of Appeals as a miscellaneous variance.*" He said "miscellaneous variance" does not exist in the Town Code and he suspects it means a reference to "miscellaneous variation" and would probably be more appropriate. He said it should not be scheduled for a public hearing until it has been vetted by the Board of Appeals and he will vote no.

Vice-Chairperson Denault said on this report, one of the things when he talked to business owners which was brought to his attention is that flags are prohibited. He said the Federal flag should be moved and put under "permitted areas." He said when he spoke with the Business owners, they wanted to have signs at the traffic circle and the Route 1 Bypass that were eye-catching. He said they told him that having a sign that reflects the business was open is critical and they wanted them all the time. He said he would like to move those signs under "permitted signs", that the town could have control over.

Chairperson Lemont asked him what line item number was he on.

Vice-Chairperson Denault replied number 150 on the Manager's report.

Councilor Dennett said there seems to be a problem.

COUNCILOR DENNETT MOVED THAT THIS ITEM BE POSTPONED UNTIL THE DECEMBER 10th MEETING SO THAT VARIOUS AREAS CAN BE ADDRESSED. COUNCILOR BEERS SECONDED THE MOTION.

Chairperson Lemont asked if that was for the public hearing?

Councilor Dennett replied for everything and that as far as he knows, they will only be having one meeting in December, the 10th.

Councilor Thomson wanted to know if they were postponing the hearing date or scheduling a hearing date to December?

Councilor Dennett responded the public hearing and any action is being postponed to the December meeting.

Councilor Thomson said the action to schedule the public hearing will be at the December 10th meeting. He said as the maker of the original motion he is fine with changing his motion to that.

Chairperson Lemont asked Councilors to share their concerns with the Town Manager.

ALL IN FAVOR BY A VOICE VOTE, AYE, 7-0. MOTION CARRIES.

e. (100118-4) The Kittery Town Council moves to transfer \$450,00 from unassigned funds (unencumbered surplus) to Account #2088 – Government Street Wharf, for the replacement of the Government Street Wharf.

COUNCILOR BEERS MOVED THAT TO TRANSFER \$450,00 FROM UNASSIGNED FUNDS TO ACCOUNT NUMBER 2088, GOVERNMENT STREET WHARF FOR THE REPLACEMENT OF THE GOVERNMENT STREET WHARF, SECONDED BY COUNCILOR THOMSON.

Councilor Dennett asked when they finish could they go back to the previous item?

Councilor Thomson said it is not included in the motion. He said this was a ballot question in June and the vote to transfer was approved by electorate to follow up.

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

f. (100118-5) The Kittery Town Council moves to approve a renewal application from Kittery Foreside, LLC, 60 Wallingford Square, for a Malt, Vinous and Spirituous Liquor License for Anneke Jans at 60 Wallingford Square, Kittery.

Chairperson Lemont said that the Code Enforcement Officer has inspected the premises and found that the establishment is in compliance with the Kittery Town Code.

COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL APPROVE THE RENEWAL APPLICATION FROM KITTERY FORESIDE, LLC, 60 WALLINGFORD SQUARE, FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ANNEKE JANS, 60 WALLINGFORD SQUARE. COUNCILOR PELLETIER SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

g. (100118-6) The Kittery Town Council moves to approve a renewal application from Rolling In The Mud LLC, 460 US Route 1, for a Malt, Vinous and Spirituous Liquor License for “When Pigs Fly Pizzeria” at 460 U.S. Route 1, Kittery.

Chairperson Lemont said that the Code Enforcement Officer has inspected the premises and found that the establishment is in compliance with the Kittery Town Code.

COUNCILOR BEERS MOVED THAT THE TOWN COUNCIL APPROVE A RENEWAL APPLICATION FROM ROLLING IN THE MUD LLC, 460 US ROUTE 1, FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR “WHEN PIGS FLY PIZZERIA” AT 460 U.S. ROUTE 1, KITTERY. COUNCILOR THOMSON SECONDED THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, 7-0, NONE OPPOSED, MOTION CARRIES.

h. (100118-7) The Kittery Town Council moves to consider the Town Manager’s compensation.

Vice-Chairperson Denault said he would like to add one item, that they offer an extension of two years to her contract for a three-year approval.

Chairperson Lemont said that is inappropriate at this time and should be discussed in Executive Session.

Councilor Beers said he is not prepared to address this item tonight. He said it is understanding that would have an Executive Session this evening to discuss various factors and then would have this item on the October 22nd agenda.

Chairperson Lemont said they could schedule an Executive Session on October 22nd, if Councilor Beers would like.

Councilor Beers said it needs to come earlier than the last item so it will be on the agenda.

Councilor Pelletier wanted to know if Councilor Beers would be doing research for them?

i. (100118-8) The Kittery Town Council moves to appoint Bradford Connolly to the Board of Assessment Review for a term that would extend from his appointment until 12/31/21."

COUNCILOR PELLETIER MOVED THAT THE TOWN COUNCIL APPOINT BRADFORD CONNOLLY TO THE BOARD OF ASSESSMENT REVIEW AS AN ALTERNATE MEMBER, FOR A TERM THAT WOULD EXTEND FROM HIS APPOINTMENT UNTIL 12/31/21. COUNCILOR THOMSON SECONDED THE MOTION.

Councilor Pelletier said he met with the Chair of the Board of Assessment Review and in the Chair's opinion, the Board would be fine with Mr. Connolly's addition to the team as an alternate member. He said he endorsed Mr. Connolly's appointment.

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

14. COUNCILOR ISSUES OR COMMENTS

Councilor Thomson said that a motion was made and endorsed by the Town Council at the last meeting regarding an opportunity for citizens to seek further information and clarification on the change of the Business Park zone to the Mixed-Use zone. He said he would add that, it is his hope, when this is scheduled, it may involve two evenings if a sufficient number of people cannot attend. He said people can get questions answered. He said individuals can come and are willing to listen and ask questions, look at visuals and hear an explanation in an environment of acceptance and willingness to meaningful dialogue.

Councilor Thomson said that the minds are like parachutes – they only work when they are open. He said he did not want the Town Council to make a decision when there is so much misinformation. He hoped, when this evening happens between now and the second meeting in November, there will be an atmosphere that night so we can sort this out and have questions answered in a respectful manner.

Councilor Brock said time is running out on setting a date to this discussion that Councilor Thomson is talking about. He said the second week in November is the zone change. He asked that they can sit down now or soon.

Councilor Brock said the lack of transparency is another concern and they need to get the date and the time out to the public in as many ways as possible so they know. He said other than the Town Council, who will attend the public hearing.

Councilor Brock directed his question to the Town Manager through the Chair, and wanted to know if town staff would be present and how will it be structured.

Chairperson Lemont said he will follow up with the Town Manager. He said he listened intently to everyone's concerns and wrote down questions that need to be answered.

Vice-Chairperson Denault said he had a few things to talk about. He said he was talking with residents on Stevenson Road, which was recently re-paved and already they are cutting into it and fixing sinkholes. He doesn't know what the warranty is for people who did the roadwork, but he thought they should talk to the residents before the warranty expires.

Vice-Chairperson Denault said residents have been complaining about squealing tires – which seems to be a “right of passage” for some people, but there are night sports at the school and it is happening when people are leaving the school.

Vice-Chairperson Denault said New Hampshire plates! He said he does not know what else he can do and is beside himself with New Hampshire plates. He said this is money coming out of the town's pockets and hopes to get the Chief on board.

Vice-Chairperson Denault said he is still hearing from residents who want to know why aren't the football games on Channel 22? He said there is a link on the site.

Vice-Chairperson Denault said he spoke with Scott Moffat and he is looking for help with the cats on Pocahontas Road. He said that Dr. Moffat signed up for a few, but 30 were brought in and they expect another 30. He said Dr. Moffat would like this to turn into a Kittery community cat project, which is a standard that is being done throughout the United States and the system works long-term.

Vice-Chairperson Denault said Dr. Moffat would like to trap, neuter/spay and remove them and some have been adopted. He said cats would be released back to the area as people are feeding them. He thought they should look at this and he sent a link and shared it with the Town Manager.

Vice-Chairperson Denault reminded the citizens to vote! He said he won by one vote, so it does make a difference.

Vice-Chairperson Denault said following Councilor Pelletier's lead last year, he likes to keep the public informed. He said he was able to get Councilor Thomson's yearbook and read one of his quotes.

Chairperson Lemont asked if Councilor Thomson wished to respond?

Councilor Thomson replied no, it was one of the few times in his life he was speechless.

Chairperson Lemont said he attended Candidates' Forum and he is very impressed with the Town Council candidates. He said they are working very hard and all five of them are aware of the issues. He shared the same concerns that they all want to make the Town of Kittery a wonderful place to live.

15. COMMITTEE AND OTHER REPORTS:

Chairperson Lemont asked the Town Manager to give them an update on the Library committees.

Town Manager Amaral said that all three committees are meeting, that the Transition Committee met in September and are working through additional details of personnel and making the Trustees of the Library Board a 501 c3; the design project is being finalized for the Rice Library and the Taylor Building has made progress to give residents a better understanding of what is going on and developed a plan for getting public input on what folks want to see on that site in the future.

16. EXECUTIVE SESSION:

Chairperson Lemont said they do not have an Executive Session this evening.

17. ADJOURNMENT:

COUNCILOR BEERS MOVED TO ADJOURN THE MEETING AT 7:14 P.M., SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE, AYE, 7-0, NONE OPPOSED, MOTION CARRIES. MEETING ADJOURNED.

Respectfully submitted,

Barbara Boggiano
Recording Secretary

Approved 12-10-18