

1. Call to Order

Chairperson Beers called the meeting to order at 7:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Jeffrey Pelletier, Jeffrey Thomson, Judith Spiller, and Kenneth Lemont.

5. Agenda Amendment and Adoption

Chairperson Beers amended Item 13d. and 13e. to replace May 8, 2017 with May 22, 2017. The agenda was adopted, as amended.

6. Town Manager's Report

Town Manager Amaral reviewed her written report.

Portsmouth Fire – She explained the support Kittery Fire Department provided in response to the fire that broke out in Market Square in Portsmouth on Monday, April 10th and recognized their efforts.

Finance Director Patricia Moore – She welcomed the Town's new Finance Director, Patricia Moore. Town Manager Amaral described her background and noted she is starting on Monday, May 1st.

Rokunohe Visit – The revised date and time for the welcome assembly is Wednesday at 8:30AM at Traip Academy. Councilor Spiller offered to attend.

Construction and Traffic Impacts – MDOT agreed to add a Special Provision to the bid package for the Memorial Circle improvements that requires advance notice of ramp closures, detour plan approval prior to implementation, and a performance standard of no lane closures exceeding 5 minutes in duration during peak travel time.

FEMA Flood Insurance Rate Map – The Town was unsuccessful in getting FEMA to alter their Risk MAP process. She has contacted the NFIP Coordinator to discuss the status and information available for review.

Communication from Maine Historic Preservation Commission – The Town received noticed from MHPC that a portion of Kittery Point has been identified as a historic district. She will be working with the Town Planner to review the implications of this designation.

Staff Recognition - Service Awards) – She postponed the service award recognitions until the next meeting when the recipients can attend.

Town Manager Amaral reviewed items not included in her written report.

Potholes – Contact Department of Public Works if any potholes are identified.

Library Workshop – The first Rice Public Library Workshop was held on Saturday, April 22nd. Over 100 people attended and a lot of feedback and input was received. The Committee is in the process of transcribing the information and more details are forthcoming.

Councilor Spiller asked what prompted the Maine Historic Preservation Commission to make the designation. Town Manager Amaral explained that it came from a large MDOT project.

Councilor Lemont encouraged any resident in the vicinity of FEMA flood zone areas pay particular attention to the revised Preliminary Flood Insurance Rate Map process because of potential fiscal impacts.

7. Acceptance of Previous Minutes

The minutes of April 10, 2017 regular meeting were adopted, as presented.

8. Interviews for the Board of Appeals and Planning – None.

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

a. (040217-1) The Kittery Town Council moves to receive a financial update from the Town Manager.

Town Manager Amaral provided a brief financial update up to Quarter 3. In general, the revenue projections are on track. As of March 31st, 91% of projected revenues have been collected. Current projections indicate town operations will expend 99% of what has been budgeted for FY17. She understands the partial spending freeze instituted in early March was not ideal, but felt it is necessary. She reviewed the status of each department budget.

Councilor Thomson and Chairperson Beers thanked Town Manager Amaral for the report.

10. PUBLIC HEARINGS – None.

11. DISCUSSION

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

Susan Emery, 5 School Lane

Ms. Emery reported that since the 20th anniversary party of the Adopt-A-Road program, there have been 27 roads adopted. She spoke about concerns related to lawn pesticide use and restrictions. Her pet cat had gone missing around the same time the pesticide was applied near her property and she thought those events were correlated.

Jenny Freeman, 4 Prince Avenue

Ms. Freeman spoke about concerns related to lawn pesticides.

Steve Workman, Chair of Kittery Community Center Board of Directors

Mr. Workman supported spoke in support for the Council to accept grant matching funds for arts and culture. He provided a brief overview of how the grant would be used.

b. Response to public comment directed to a particular Councilor – None.

c. Chairperson's response to public comments

In response to Ms. Emery and Ms. Freeman, he referred them to the Town Manager regarding Ordinance change considerations related to fertilizer. In response to Mr. Workman, he thanked him for the brief overview.

12. UNFINISHED BUSINESS

(010117-9) The Kittery Town Council moves to authorize the Town Manager to seek an agreement with Fairpoint to affix flags to telephone poles along State Road.

A MOTION WAS MADE BY COUNCILOR SPILLER TO AUTHORIZE THE TOWN MANAGER TO SEEK AN AGREEMENT WITH FAIRPOINT TO AFFIX FLAGS TO TELEPHONE POLES ALONG STATE ROAD, SECONDED BY COUNCILOR DENAULT.

Town Manager Amaral explained the unresolvable issue standing regarding the Town to waive limitations under Maine Tort Claims Act. She explained the guidance received from Maine Municipal Association and noted Central Maine Power stated they are not willing to change the agreement. Councilor Dennett stated the stipulation that insurer is primary and non-contributory is what is in contention. He felt the main concern is the agreement requires the Town to accept commitments that it does not normally accept. The Council further discussed the terms of the agreement noting that the Town would not pay for the certificate of insurance.

A MOTION WAS MADE BY CHAIRPERSON BEERS TO AMEND THE MOTION TO ADD CONTINGENT UPON AMERICAN CITY QUALITY FOUNDATION ACCEPTING RESPONSIBILITY FOR ANNUAL PAYMENT OF MMA RISK COVERAGE, SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

THE MAIN MOTION PASSED BY A ROLL CALL VOTE 6/1/0, WITH COUNCILOR DENNETT OPPOSED.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition – None.

b. (040217-2) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$137,575.34.

Sewer account payable of \$1,719.56.

School accounts payable of \$169,702.27.

Total of all disbursement warrants of \$308,997.17.

Chairperson Beers stated that the Town and Sewer warrants are in due form. Councilor Pelletier

that the School warrants are in due form.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

c. (040217-3) The Kittery Town Council moves to release grant match funds in the amount of \$10,000 from unassigned funds (unencumbered surplus) as approved by the voters at the June 14, 2016 Town Meeting, to be deposited in the Ogden Foundation Program Developer account, to add to the \$20,000 grant for the Program Development position at the Kittery Community Center, funded by the Ogden Foundation.

A MOTION WAS MADE BY COUNCILOR SPILLER TO RELEASE GRANT MATCH FUNDS IN THE AMOUNT OF \$10,000 FROM UNASSIGNED FUNDS (UNENCUMBERED SURPLUS) AS APPROVED BY THE VOTERS AT THE JUNE 14, 2016 TOWN MEETING, TO BE DEPOSITED IN THE OGDEN FOUNDATION PROGRAM DEVELOPER ACCOUNT, TO ADD TO THE \$20,000 GRANT FOR THE PROGRAM DEVELOPMENT POSITION AT THE KITTERY COMMUNITY CENTER, FUNDED BY THE OGDEN FOUNDATION, SECONDED BY VICE CHAIRPERSON DENAULT.

Councilor Dennett asked if there is any provision in the grant that required matching funds. Mr. Workman explained that although there is no requirement, it is a standard practice and the Ogden Foundation strongly encouraged it. He provided a brief description of what the grant is intended to be used for and how it will benefit the educational department of KCC. There was further deliberation regarding the wording and intent of Article 4 as to whether or not it is restricted to required matching grants.

THE MOTION PASSED BY A ROLL CALL VOTE 6/1/0, WITH COUNCILOR DENNETT OPPOSED.

d. (040217-4) The Kittery Town Council moves to schedule a public hearing on May 22, 2017 on proposed amendments to Title 16 of the Kittery Town Code as recommended by the Planning Board.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING ON MAY 22, 2017 ON PROPOSED AMENDMENTS TO TITLE 16 OF THE KITTERY TOWN CODE AS RECOMMENDED BY THE PLANNING BOARD, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

e. (040217-5) The Kittery Town Council moves to schedule a public hearing on May 22, 2017 on proposed amendments to Title 16 of the Kittery Town Code, regarding retail and medical marijuana use.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING ON MAY 22, 2017 ON PROPOSED AMENDMENTS TO TITLE 16 OF THE KITTERY TOWN CODE, REGARDING RETAIL AND MEDICAL MARIJUANA USE, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

f. (040217-6) The Kittery Town Council moves to sign the warrant for the June 13, 2017 Town Meeting/Secret Ballot Election.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN THE WARRANT FOR THE JUNE 13, 2017 TOWN MEETING/SECRET BALLOT ELECTION, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

g. (040217-7) The Kittery Town Council moves to approve a renewal application from John Kenneth Reed, 139 Cass Street, Portsmouth, NH for a Malt, Vinous and Spirituous Liquor License for The Corner Pub, 4 Wallingford Square.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL APPLICATION FROM JOHN KENNETH REED, 139 CASS STREET, PORTSMOUTH, NH FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE CORNER PUB, 4 WALLINGFORD SQUARE, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

h. (040217-8) The Kittery Town Council moves to authorize the Kittery Community Market to hang 2 banners: one at Post Office Square from May 15, to October 15, 2017 and one over Rogers Road, in front of the Community Center from May 21 to June 21, 2017, and to place directional signs in various locations around Kittery and Kittery Point from June 1 to October 1, 2017. The signs will be set in place on Friday or Saturday and be removed on Sunday or Monday each week.

A MOTION WAS MADE BY COUNCILOR SPILLER TO AUTHORIZE THE KITTERY COMMUNITY MARKET TO HANG 2 BANNERS: ONE AT POST OFFICE SQUARE FROM MAY 15, TO OCTOBER 15, 2017 AND ONE OVER ROGERS ROAD, IN FRONT OF THE COMMUNITY CENTER FROM MAY 21 TO JUNE 21, 2017, AND TO PLACE DIRECTIONAL SIGNS IN VARIOUS LOCATIONS AROUND KITTERY AND KITTERY POINT FROM JUNE 1 TO OCTOBER 1, 2017. THE SIGNS WILL BE SET IN PLACE ON FRIDAY OR SATURDAY AND BE REMOVED ON SUNDAY OR MONDAY EACH WEEK, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

i. (040217-9) The Kittery Town Council moves to schedule a public hearing on May 8, 2017 on School Budget Ordinances for FY'18.

A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC HEARING ON MAY 8, 2017 ON SCHOOL BUDGET ORDINANCES FOR FY'18, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

j. (040217-10) The Kittery Town Council moves to endorse the York River Study Committee's and Southern Maine Development and Planning Commission's joint proposal to the Maine Coastal Communities Grant Program to conduct an ordinance review and build-out study in the York River Watershed for the watershed communities: Eliot, Kittery, South Berwick and York. The study will be conducted at no cost to the town of Kittery.

A MOTION WAS MADE BY COUNCILOR SPILLER TO ENDORSE THE YORK

RIVER STUDY COMMITTEE'S AND SOUTHERN MAINE DEVELOPMENT AND PLANNING COMMISSION'S JOINT PROPOSAL TO THE MAINE COASTAL COMMUNITIES GRANT PROGRAM TO CONDUCT AN ORDINANCE REVIEW AND BUILD-OUT STUDY IN THE YORK RIVER WATERSHED FOR THE WATERSHED COMMUNITIES: ELIOT, KITTERY, SOUTH BERWICK AND YORK. THE STUDY WILL BE CONDUCTED AT NO COST TO THE TOWN OF KITTERY, SECONDED BY COUNCILOR THOMSON.

Councilor Spiller noted that the grant consists of partial cash and in-kind labor.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

14. COUNCILOR ISSUES OR COMMENTS

Councilor Spiller noted Keep Kittery Beautiful, a new, grassroots effort, helps to coordinate and encourage volunteers to pick up trash. At the Rice Library Workshop, she overheard many people questioning if the Town can do something to address the Shipyard traffic.

Councilor Pelletier complimented the effort from Councilor Spiller in coordinating the workshop.

Councilor Thomson recalled a situation 30 years ago which the Town received funding to repave Bridge Street due to wear and tear caused by traffic. He announced a free lecture series called Put Your Money Where Your Trees Are: Confessions of a Forest Entomologist on April 26th 7:00pm at the STAR Theatre. He asked about the situation at 20 Armour Drive and Vice Chairperson Denault provided further information.

Vice Chairperson Deanult noted a complaint he received regarding the tree limbs at John Paul Jones Park. He thanked Town Manager Amaral for communicating the message about filling potholes. He encouraged the public to comply with their vehicle registrations and noted how it is a tax revenue source for the Town. He recognized those that have recently passed.

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson – None.
- b. Committee Reports – None.

16. EXECUTIVE SESSION

- a. (040217-11) The Kittery Town Council moves to go into executive session with the Town Manager and Town Attorney in accordance with 1 M.R.S. §405 (6) (E) to discuss a legal matter.

A MOTION WAS MADE BY COUNCILOR SPILLER TO GO IN TO EXECUTIVE SESSION AT 8:06 P.M. WITH THE TOWN MANAGER AND TOWN ATTORNEY IN ACCORDANCE WITH 1 M.R.S. §405 (6) (E) TO DISCUSS A LEGAL MATTER, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF

**EXECUTIVE SESSION AT 8:15 P.M., SECONDED BY VICE CHAIRPERSON
DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

b. (040217-12) The Kittery Town Council moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) (A) to discuss the Town Manager's evaluation.

A MOTION WAS MADE BY COUNCILOR SPILLER TO GO IN TO EXECUTIVE SESSION AT 8:16 P.M. WITH THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S. §405 (6) (A) TO DISCUSS THE TOWN MANAGER'S EVALUATION, SECONDED BY COUNCILOR PELLETIER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF EXECUTIVE SESSION AT 8:42 P.M., SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR PELLETIER TO ADJOURN THE MEETING AT 8:42 P.M., SECONDED BY COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.

Submitted by Marissa Day, Minutes Recorder, on May 2, 2017.

Disclaimer: The following minutes constitute the author's understanding of the meeting. While every effort has been made to ensure the accuracy of the information the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.