

**APPROVED MINUTES**  
**Approved on September 22, 2008**

**KITTERY TOWN COUNCIL**

**September 8, 2008**

**Council Chamber**

1. **CALL TO ORDER**

Chairman Jeffrey Thomson called the meeting to order at 7:00 p.m.

2. **INTRODUCTORY**

Chairman Thomson read the Introductory.

3. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance.

4. **ROLL CALL**

Answering the roll were Councilors Jeffery Brake, Frank Dennett, Ann Grinnell, Glenn Shwaery, Vice Chair Spiller and Chairman Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, Town Attorney Duncan McEachern, Town Planner Sandra Mowery, Conservation Commission Chair Earleen Wells, William Pierce, Paul Lindstrom, Eve Hamilton, Mary Craig, Judy Kehl, Stephen Wall, Holly Elkins, Steven Estes, members of the press and others.

5. **ACCEPTANCE OF MINUTES**

The Minutes of August 25, 2008 not being available, no action was taken.

6. **INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD: None**

7. **PUBLIC HEARINGS**

a. (090108-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO TITLE 16, LAND USE AND DEVELOPMENT CODE, SEC. 16.16.040, ENFORCEMENT, GENERAL AND SEC. 16.16.050, VIOLATIONS AND ENFORCEMENT, AS RECOMMENDED BY THE PLANNING BOARD.*

Town Planner Sandra Mowery came to the podium and explained to the Council that the proposed amendments were the result of a request by the State for enforcement of an ordinance regarding illicit discharge of contaminants. Planner Mowery said they had met with the Director of the DPW, an outside consultant, as well as the Planning Department and, after several meetings, had determined that the best thing to do was to use the Title 16 ordinance.

Town Attorney McEachern approached the podium and told Council that the portion of the amendment he had been involved in and was concerned with was under Sanctions. The amendment to this section stiffened up sanctions and incorporated certain State Statutes regarding cutting of trees and shrubbery in the shoreland area and called for fines, as well as remediation. Previously, if a violator complied with a remediation plan, there was no provision that allowed a fine. This amendment also

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made an on-going violation a separate offence, subject to the maximum fine, for each day the violation continued.

Chairman Thomson opened the Public Hearing and not receiving a response, closed the Public Hearing.

**COUNCILOR SHWAERY MOVED THAT THE KITTELY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO TITLE 16, LAND USE AND DEVELOPMENT CODE, SEC. 16.16.040, ENFORCEMENT, GENERAL AND SEC. 16.16.050, VIOLATIONS AND ENFORCEMENT, AS RECOMMENDED BY THE PLANNING BOARD, SECONDED BY VICE CHAIR SPILLER.**

Councilor Dennett moved to make the following changes regarding Sec. 16.16.040: on Page 4, Item K, to insert a forward slash between the words “and” and “or” in the second sentence. Regarding Sec. 16.16.050: on Page 2 of Atty. McEachern’s September 3<sup>rd</sup> letter, changing “is” applicable to “as” applicable.

Chairman Thomson requested and received unanimous consent to incorporate Councilor Dennett’s changes into the main motion.

**A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

b. (090108-2) *THE KITTELY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO RECEIVE COMMENTS ON A PETITION FILED WITH THE TOWN CLERK, IN ACCORDANCE WITH SEC. 11.02 OF THE TOWN CHARTER, TO AMEND TITLE 16 OF THE KITTELY LAND USE AND DEVELOPMENT CODE, CHAPTER 16.08, DEFINITIONS AND CHAPTER 16.12, ZONING REGULATIONS.*

Chairman Thomson explained the petition process for ordinance amendments allowed by the Town Charter. This process called upon the Council to either enact the proposed ordinance changes or vote to hold a public election, which, in this case, would be held at the general election of November 4, 2008. This petition was in regard to accessory dwelling units. The Chairman then opened the Public Hearing.

William Pierce of Kittery came to the podium and explained to the Council that he simply copied and slightly changed an ordinance that was presently in place in both Eliot and York. The ordinance allowed someone with a big house to partition some of it off to make a separate dwelling unit, put an apartment above a garage or if there was enough land, allowed the construction of a conforming addition. Mr. Pierce noted that the Environmental Protection Agency perceived accessory dwelling units as beneficial to the environment. He also noted that, as part of the amended ordinance, if an owner was allowed to build a separate apartment in their dwelling, it had to be owner-occupied. The Town of York allowed an amnesty for illegal units to register themselves and Mr. Pierce said he knew at least a couple of people with illegal units who would like to make them legal.

Paul Lindstrom approached the podium and introduced himself as a retired clergyman living at 10 Island Avenue in Kittery. Mr. Lindstrom spoke to the need of younger people needing a small, affordable place to rent and the need of homeowners caught between a rock and a hard place who had excess space and not enough income; these were both situations he had seen in his parish.

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Eve Hamilton of Kittery came forward and said she was speaking on behalf of a friend of hers. That friend felt she had been illegally renting out space in her house for many years. Ms. Hamilton said her friend was in her 80's, had bought her house about 18 years ago after teaching for many years, had served on three different Town committees and had a good retirement but for the last few years had been unable to afford not to rent out some space in her house. When she first moved here, she had a bedroom and bath with separate entrance added above her garage and what she would really like to do is add a kitchen in order to make more money; she was not quite ready to move into a retirement home and needs more income. Ms. Hamilton stated that she was there to speak on her friend's behalf and that she happened to agree.

Mary Craig came to the podium and said that she and her husband, Don, were the tenth generation of the Gerrish family to live on their property at Kittery Point. Their house was fairly new, being 13 years old, and they were finding it difficult to keep up with their taxes, particularly because they had waterfront property. Her husband's mom and dad lived next door (his dad was 90) and she noted that if they themselves were having a hard time, she could only begin to imagine what kind of hard time her husband's parents were having in their house trying to keep up with the taxes. Mrs. Craig said they would very much like to stay in their house and have their children and grandchildren be able to be on the property and having a small rental apartment in their house would go a very long way towards achieving that.

Judy Kehl came forward and said she would like to speak from the perspective of economic development, having been Chairman of the Economic Development Commission. Ms. Kehl said that it was pretty clear that to have a viable business community, you really needed one-bedroom units for young people. All the businesses on State Road had trouble hiring young people because there were no affordable places for them to live here. Accessory apartments were one of the places young people started out and they created a pool of people that could be hired.

Chairman Thomson asked if there was anyone present who would like to speak in opposition to the proposal.

Town Planner Mowery came to the podium and explained that accessory dwelling units were an acceptable use in many communities and they were also acceptable in Kittery. This particular presentation, however, the Planner said, had not gone through the normal process of workshops, Planning Board meetings, public input, drafts, etc. before being recommended to the Council and, in her opinion, did not have the best interests of Kittery at heart. The Planner said that the document needed to be rewritten and tightened up, shaping it for Kittery.

Chairman Thomson asked Town Attorney McEachern if the Charter required that the Council put forward a flawed document for a Town-wide vote or if it was their responsibility to provide a clean document? Atty. McEachern stepped up to the podium and said that unless it was illegal, it went forward as presented; however, it was possible that it could be unenforceable. The Attorney said he had some issues with the way this document was written because zoning in any municipality was part of a Comprehensive Plan and part of a consistent process throughout the town so if you started going around the Planning Board, you had the possibility of creating problems with the zoning ordinance itself.

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The Chair asked Atty. McEachern if the process would be short-circuited if the presenter decided to withdraw the petition? Atty. McEachern replied that the presenter represented only one signature on the petition and anyone whose signature was on it had the right to see the document go forward.

Chairman Thomson asked if there was anyone present who wanted to speak to the proposal.

Stephen Wall of Kittery came to the podium and asked if Mr. Pierce got 110 signatories to withdraw would that obviate the presentation of the petition and the Attorney replied no.

Holly Elkins of Kittery approached the podium and asked what Council meant by the phrase “moving forward” as an option; did that mean moving forward to the Planning Board? The Chair explained that, according to the Charter, the Council had two options; they could either adopt the proposal as it was or vote to put it on the ballot for the community to vote on, which would happen in November.

Mr. Pierce returned to the podium and said he thought the Charter required the Town Attorney to take a petition such as this one and put it into proper legal language. In general, he said, he had tried to include changes he thought the Planner would want. He also noted that for years he had tried to get this in front of the Planning Board so after years of waiting, he gathered signatures and got a date from the Town Clerk as to when to submit those signatures so as not to create the need for a costly special election.

Chairman Thomson closed the Public Hearing.

Councilor Shwaery asked Atty. McEachern if the petition went to a Town vote and passed, would it be subject to amendment as any ordinance would be? Atty. McEachern said that once it was adopted, it could be repealed or amended like any other ordinance.

Councilor Dennett and Town Planner Mowery discussed the difference between two-family dwellings and accessory dwelling units.

**COUNCILOR GRINNELL MOVED TO ADD THE PROPOSED AMENDMENTS TO TITLE 16 OF THE KITTERY LAND USE AND DEVELOPMENT CODE, CHAPTER 16.08, DEFINITIONS AND CHAPTER 16.12, ZONING REGULATIONS TO THE BALLOT FOR THE NOVEMBER 4<sup>TH</sup> GENERAL ELECTION, SECONDED BY VICE CHAIR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN, AS FOLLOWS: FIVE IN FAVOR; ONE OPPOSED. MOTION PASSES 5/1, WITH COUNCILOR GRINNELL OPPOSED.**

c. (090108-3) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO RECEIVE COMMENTS ON AN AMENDMENT TO TITLE 8 OF THE KITTERY MUNICIPAL CODE TO ADD CHAPTER 8.10, NON-STORMWATER DISCHARGE ORDINANCE.*

Town Manager Carter explained that this was a State issue and Council was viewing a model ordinance that had been tweaked to meet the needs of Kittery, the purpose of which was compliance with the Town's State issued stormwater license.

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Chairman Thomson opened the Public Hearing and not receiving a response, closed the Public Hearing.

**CHAIRMAN THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AN AMENDMENT TO TITLE 8 OF THE KITTERY MUNICIPAL CODE TO ADD CHAPTER 8.10, NON-STORMWATER DISCHARGE ORDINANCE, SECONDED BY COUNCILOR GRINNELL.**

Councilor Dennett desired the following amendments: in the bottom paragraph of Atty. McEachern's September 3<sup>rd</sup> letter, a hyphen should be inserted between the words "federally owned;" on Page 4 of the proposed ordinance, change the wording "this ordinance shall apply" to "this ordinance applies;" on Page 5, change the wording "this ordinance shall not apply" to "this ordinance does not apply;" on Page 7, in the first paragraph, change the wording "this ordinance shall not create" to "this ordinance does not create;" and on the third line of Sec. 8.10.100, change the word "shall" to "is" and the wording "such invalidity shall not" to "such invalidity does not" and in Sec. 8.10.110, change the reference to "MRSA" to "MRS."

Chairman Thomson requested and received unanimous consent to incorporate Councilor Dennett's changes into the main motion.

**A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

8. DISCUSSION

a. *DISCUSSION BY MEMBERS OF THE PUBLIC (Three minutes per person)*

Steven Estes of 91 Pepperrell Road came to the podium, saying he was speaking on behalf of the Friends of Fort McClary. The Fort, he said, was celebrating its 200<sup>th</sup> anniversary this year and was in pretty good shape the original Safford School was built in 1805 and was rebuilt after a fire in 1871 so now was 136 years old and in dire need of being rescued and brought back to life by the Town.

Mr. Estes stated that a Safford School Advisory Committee was created in 2004 and had put out a request for proposals for the re-use of the Safford School and the Friends of Fort McClary had been the only group to respond with a proposal. Their plan, however, was outside the criteria of the RFP in that they proposed to re-locate the School to a site at Fort McClary to become a prominent part of the Kittery Point Historical District. The site finally agreed upon with the State's Bureau of Parks and Land happened to be where the original one-room school known as the Upper Parish School was located from approximately 1805 to 1863 when during the Civil War the Federal Government took over more land to expand the Fort and moved the school.

Mr. Estes said he was there to request that in the near future the Safford Advisory Committee would make its recommendation to the Council so the Council could take a vote one way or the other on the proposal submitted by the Friends. Driving by the Safford School, he said, it was obvious that something needed to be done to save it and he hoped it would be sooner rather than later.

Earldeen Wells, Chairman of the Kittery Conservation Commission, came forward and acknowledged other members of the Commission who were present in support of the request she would be making to the Council. Ms. Wells referred to the August 27, 2008 letter the Commission sent to the Council requesting action on the August 12, 2008 ZBA decision granting a wetland setback

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reduction. Based on Town Attorney Duncan McEachern's September 26, 2002 Opinion, according to Kittery ordinances, the Zoning Board of Appeals had no authority to grant a reduction or relaxation of wetland setbacks. Ms. Wells explained that on February 12, 2008, a petitioner had been denied a variance appeal for his property; on August 12, 2008, Atty. Patrick Bedard represented the same petitioner before the ZBA for both a variance and miscellaneous appeal on the property. This was less than the one-year waiting period required by Kittery Ordinance 16.24.050.L on Page 268. The applicant was granted a Permit to build a structure and will likely need to return before the ZBA for another wetland reduction to install its septic system. Kittery land ordinances, the Land Use and Development Code and Maine Statute require a 100-foot wetland setback for a septic system, which this property does not allow. Ms. Wells stated that the Kittery Conservation Commission was respectfully requesting that the Town Council reverse the ZBA's August 12, 2008 decision, as the ZBA had overstepped their authority by reducing a wetland setback making their decision invalid based on Atty. McEachern's September 26, 2002 Opinion and also based on the precedence that no wetland setback reductions had been granted since the date of that Opinion. Ms. Wells stated that if the Town Council decided not to reverse the ZBA's August 12, 2008 decision, the Conservation Commission would be left with no alternative but to request permission to challenge the ZBA's decision in a Court of Law.

Additionally, she said, the ZBA's approval circumvented the following: Kittery Ordinance 16.28.500, requiring Planning Board review; Kittery Ordinance 16.28.450, requiring clear and convincing evidence that the proposed had no practicable alternative; Kittery Ordinance 16.04.070, requiring the use of the more restrictive interpretation; and Kittery Ordinance 16.32.370, requiring proof of suitability of septic system. Ms. Wells indicated that the ZBA requirements for plot plans were inadequate to provide the information needed to base an opinion and added that the proposed structures could not meet any of the setbacks, front, side or wetland.

b. *CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS*

Addressing Ms. Wells, Chairman Thomson suggested setting the issue as an agenda item for their next meeting on the 22<sup>nd</sup> but Town Manager Carter informed the Chair that the 30-day appeal period would end on September 12<sup>th</sup>.

Town Attorney McEachern went to the podium and explained that the Council did not have the authority to overturn a decision of the ZBA, that the only body that had that authority was the Superior Court.

Addressing Atty. McEachern, Councilor Shwaery stated that he had been on the Conservation Commission in 2002 when the Attorney had rendered his Opinion and at that time, the Zoning Board agreed not to put the Zoning Board in conflict with his Opinion. Councilor Shwaery then asked the Attorney if it was within the ZBA's Rules for them to reconsider their own decision? Atty. McEachern replied that the Board had up to 45 days to reconsider and hold a hearing to present a decision. Councilor Shwaery noted that he had agreed with the Attorney's Opinion back in 2002 and this variance couldn't possibly be defined as a yard. Atty. McEachern said that, although other lawyers disagreed with him, nothing had happened since 2002 to change his mind regarding his Opinion. Councilor Shwaery indicated that, as one person, he would strongly recommend that the Zoning Board reconsider its decision.

To address Mr. Estes' discussion concerning the Safford School and Friends of Fort McClary, Town Manager Carter detailed the background of discussions with the State and the fact that the Friends were hoping to have this issue ready to be placed on the November ballot.

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Councilor Grinnell stated that she had been on the Safford School Advisory Committee from the beginning and, although she could not speak for everyone, she didn't want this to be rushed.

Chairman Thomson said he thought this was a very worthy proposal but agreed with Councilor Grinnell that that should not be rushed and suggested it be an agenda item at their next regular meeting.

9. UNFINISHED BUSINESS

a. *THE KITTERY TOWN COUNCIL MOVES TO VOTE TO PROCEED WITH PHASE 2 IMPROVEMENTS TO THE MUNICIPAL COMPLEX FURNACE UPGRADE AND TO USE AN ALTERNATIVE PROCUREMENT METHOD FOR THE UPGRADE.*

Town Manager Carter detailed the background of the proposed Phase 2 improvements, including bringing natural gas into the building, which had a projected pay-back period of seven years, as well as other energy efficient options, as recommended by the Energy Advisory Committee.

**VICE CHAIR SPILLER MOVED TO PROCEED WITH PHASE 2 IMPROVEMENTS TO THE MUNICIPAL COMPLEX FURNACE UPGRADE AND TO USE AN ALTERNATIVE PROCUREMENT METHOD FOR THE UPGRADE, SECONDED BY COUNCILOR GRINNELL.**

Councilor Dennett commented that he did not like the idea of being locked in for seven years to natural gas and, being in doubt, he would vote no.

Councilor Grinnell thought it was an excellent idea.

Vice Chair Spiller asked if they could have a ballpark figure as to what their overall cost would be and the Manager replied that they did not have that figure to present to Council.

Councilor Shwaery thought they should take a slower approach in order to gather more information and he was concerned that the pay-back period was made when oil prices were near their peak; he would also like to know the construction cost of bringing gas into the municipal building. It seemed that the construction price must be pretty high to take seven years. Councilor Shwaery said that he did not feel that at this point he was knowledgeable enough to vote on this issue and would abstain.

The Manager noted that the problem was that none of the high efficiency items worked without gas and he had not heard one consultant tell him gas was not the way to go.

Chairman Thomson stated that he would vote in favor of the proposal because they had a group of people in the community working very, very hard who had come forth with recommendations; they were doing work that this body was unable to do and he trusted them.

**A ROLL CALL VOTE WAS TAKEN, AS FOLLOWS: FOUR IN FAVOR; ONE OPPOSED, ONE ABSTENTION. MOTION PASSES 4/1/1, WITH COUNCILOR DENNETT OPPOSED AND COUNCILOR SHWAERY ABSTAINING.**

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b. *THE KITTERY TOWN COUNCIL MOVES TO AUTHORIZE A PILOT WORK WEEK DEMONSTRATION FOR A PERIOD OF ONE YEAR TO IMPLEMENT A FOUR TEN HOUR DAY WORK WEEK.*

Chairman Thomson indicated that the proposal was for a one-year trial period to begin on October 6, 2008.

**VICE CHAIR SPILLER MOVED TO AUTHORIZE A PILOT WORK WEEK DEMONSTRATION FOR A PERIOD OF ONE YEAR TO IMPLEMENT A FOUR TEN HOUR DAY WORK WEEK, SECONDED BY COUNCILOR GRINNELL.**

Councilor Dennett thought they would not have the amount of savings they were projecting and also thought they were moving very fast on this. He would vote in favor of it only because the Manager had the ability, with 30 days notice, to call it off if it didn't work well.

After more discussion with the Manager, Councilor Shwaery was willing to give it a whirl but hoped service would not be cut.

Chairman Thomson had wished to see more savings initially with this, but agreed with Councilors Dennett and Shwaery.

**A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

c. *OTHER*

Vice Chair Spiller made reference to the Fuel and More program.

10. NEW BUSINESS

a. (090108-4) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairman Thomson listed the following warrant articles:

Warrant No. 3	School Nutrition Program	\$ 5,631.82
Warrant No. 5	School Accounts Payable	\$ 198,546.07
Warrant No. 20	Town Accounts Payable	\$ 642,700.50

**VICE CHAIR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

b. (090108-5) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE A PETITION AND POLE LICENSE FROM NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC AND CENTRAL MAINE POWER COMPANY TO ERECT AND MAINTAIN POLES AND STRUCTURES WITH WIRES, CABLES, CONDUITS AND DEVICES THEREON, TOGETHER WITH SUSTAINING, STRENGTHENING AND PROTECTION FIXTURES ALONG, ACROSS AND UNDER ON HALEY ROAD TO REPLACE 14 POLES AND 1 NEW STUB POLE.*

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**VICE CHAIR SPILLER MOVED TO APPROVE A PETITION AND POLE LICENSE FROM NORTHERN NEW ENGLAND TELEPHONE OPERATIONS, LLC AND CENTRAL MAINE POWER COMPANY TO ERECT AND MAINTAIN POLES AND STRUCTURES WITH WIRES, CABLES, CONDUITS AND DEVICES THEREON, TOGETHER WITH SUSTAINING, STRENGTHENING AND PROTECTION FIXTURES ALONG, ACROSS AND UNDER ON HALEY ROAD TO REPLACE 14 POLES AND ONE NEW STUB POLE, SECONDED BY COUNCILOR SHWAERY.**

**A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

c. (090108-6) *THE KITTERY TOWN COUNCIL MOVES TO APPOINT A REPRESENTATIVE TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW JOHN J. CARSON FOR RE-APPOINTMENT TO THAT BOARD UNTIL 3/31/2013.*

**VICE CHAIR SPILLER MOVED TO APPOINT COUNCILOR DENNETT TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW JOHN J. CARSON FOR RE-APPOINTMENT TO THAT BOARD UNTIL 3/31/2013, SECONDED BY COUNCILOR BRAKE.**

**A VOICE VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

d. (090108-7) *THE KITTERY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING TO RELEASE UNENCUMBERED SURPLUS IN AN AMOUNT NOT TO EXCEED \$200,000 FOR ARCHITECTURAL/ENGINEERING SERVICES TO IMPLEMENT THE THREE SCHOOL KITTERY PLAN AND DEVELOP A RE-USE PLAN FOR FRISBEE SCHOOL.*

**VICE CHAIR SPILLER MOVED TO SCHEDULE THE DATE OF SEPTEMBER 22, 2008 FOR A PUBLIC HEARING TO RELEASE UNENCUMBERED SURPLUS IN AN AMOUNT NOT TO EXCEED \$200,000 FOR ARCHITECTURAL/ENGINEERING SERVICES TO IMPLEMENT THE THREE SCHOOL KITTERY PLAN AND DEVELOP A RE-USE PLAN FOR FRISBEE SCHOOL, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

e. *OTHER*

Councilor Shwaery asked if the State or the Town set the five-year appointment term for the Port Authority and the Manager replied it was set by the Legislature. Councilor Shwaery said he would like to see them discuss the possibility of creating an interview process for appointees to the KPA because some of the decisions they made had the same Town-wide impact as the Zoning and Planning Boards.

## 11. COMMITTEES AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

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Chairman Thomson noted that on Thursday evening, September 18<sup>th</sup>, Council would be there in the Council Chamber to receive public input regarding the possible re-use of the Frisbee School site.

Councilor Grinnell urged many, many people to attend this meeting.

Town Manager Carter asked the Portsmouth Herald reporter who was present to write a story on that and said the Town would also take out a small classified ad.

*b. TOWN MANAGER'S REPORT*

Town Manager Carter gave an update on the Shared Services Committee's new position, which he said was moving ahead; they had a number of individuals come in and they hoped to start interviewing next week.

The Manager said he wanted to thank the Kittery Healthy Beaches Committee for another excellent summer; there was a great deal of work done by this committee on a weekly basis.

The Manager reported that Public Works employee Jim Nightingale was still in a Boston hospital in guarded condition. He was going to have a long, long recovery. There were a number of fundraisers going on in the community, one of which was a very generous offer by a local lobsterman for 32 lobsters in two raffles (16 each) and tickets were available at the Town Hall, Police Dept., Public Works and other municipal buildings. Tickets were \$2.00 each or 3 for \$5.00. The Town had worked with the family to set up a fund at Ocean Bank on Walker Street for people to donate to and Jim's paycheck was also being deposited into this fund.

Town Manager Carter referred to the intersection of Rogers Road and Shapleigh Road where they worked with parents and advocates trying to make the area safe and, in that vein, had purchased and placed a crosswalk device there three separate times. Apparently, someone or some people did not like that device at that location. The Town had purchased a fourth device, which cost \$250, and if they discovered who took those devices, they would be prosecuted and this fourth device would have a way to determine who might be guilty. The Manager asked people to please, please leave it alone and allow the kids to cross that road safely, as well as save the community the funds being paid for these devices. If someone had a problem with having one of these devices at this location, the Manager asked that they please call him.

*c. COMMITTEE REPORTS*

12. ADJOURNMENT

**COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY VICE CHAIR SPILLER, WITH ALL IN FAVOR.**

***MEETING ADJOURNED: 9:10 P.M.***