

APPROVED MINUTES
Approved on April 13, 2009

KITTERY TOWN COUNCIL

March 23, 2009

Council Chamber

1. **CALL TO ORDER**
Chairperson Jeffrey Thomson called the meeting to order at 7:10 p.m.
2. **INTRODUCTORY**
Chairperson 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 Gary Beers, Frank Dennett, George Dow, Ann Grinnell, Glenn Shwaery, Vice Chair Judith Spiller and Chairperson Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, Matt Brock, Deane Rykerson, Alan MacDonald, Ernie Evancic, Chris Perkins, Adlai Sudborough, Diane Fallon, Paula Ledgett, Sgt. Denault, Recorder Chris Kudym, members of the press and others.
5. **ACCEPTANCE OF MINUTES**
The Minutes of March 9, 2009 were accepted, as amended.
6. **INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD - None**
7. **INTERVIEWS FOR THE FRISBEE REVITALIZATION COMMITTEE.**
Chairperson Thomson explained that they were in the process of forming a Frisbee Revitalization Committee that would, under the direction of Council, work to re-develop the Frisbee School site for municipal use in the future. When that work would begin the Chair said was unknown. The School might become available for municipal use as early as this summer or it might be longer. However, they wanted to start developing ideas so when that day came, a plan would be in place and they could move forward in a fairly aggressive manner. To that end, the Council had developed a process where they would have four citizen representatives on a Revitalization Committee and three members of this body who would work with community groups that had already expressed interest, as well as others that might come along during the process.

The following individuals came forward expressing their interest to serve on the Revitalization Committee: Matt Brock, Deane Rykerson, Alan MacDonald, Ernie Evancic, Chris Perkins and Adlai Sudborough.

Chairperson Thomson thanked those who had presented themselves, noting that no appointments would be made that evening. At some point, he said, when things became a little clearer this spring, they would perhaps begin to take action and set this Committee up. The Chair said it was great to have choices such as this and they might even find a way to grab input from everyone.

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8. PUBLIC HEARINGS

a. (030209-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO ADOPT APPENDIX B OF THE GENERAL ASSISTANCE ORDINANCE FOR THE PERIOD OF APRIL 1, 2009 THROUGH SEPTEMBER 30, 2009.*

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

COUNCILOR GRINNELL MOVED THAT THE TOWN OF KITTERY HEREBY ORDAIN APPENDIX B OF THE GENERAL ASSISTANCE ORDINANCE AS AN EMERGENCY ORDINANCE, EFFECTIVE APRIL 1, 2009, SECONDED BY COUNCILOR BEERS.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

COUNCILOR BEERS MOVED THAT THE TOWN OF KITTERY HEREBY ORDAIN APPENDIX B OF THE GENERAL ASSISTANCE ORDINANCE FOR THE PERIOD APRIL 1, 2009 THROUGH SEPTEMBER 30, 2009, AS PRESENTED AND AMENDED, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (030209-2) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON THE APPLICATION OF ROBERT'S MAINE GRILL, LLC, 326 ROUTE 1, KITTERY, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR ROBERT'S MAINE GRILL AND MARKET, 326 ROUTE 1.*

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

VICE CHAIR SPILLER MOVED TO APPROVE THE APPLICATION OF ROBERT'S MAINE GRILL, LLC, 326 ROUTE 1, KITTERY, FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR ROBERT'S MAINE GRILL AND MARKET, 326 ROUTE 1, SECONDED BY COUNCILOR DOW.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

9. DISCUSSION

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

Chairperson Thomson stated that the Council had received a number of e-mails supporting the Library, all of which were appreciated. The Chair said he just wanted to clear up any public confusion and say that no discussions had taken place concerning further budget reductions.

Diane Fallon of 27 Miller Road came to the podium and said that folks were there because they thought it was a good idea to let the Council know how much Kittery valued its Library. In fact, she said, she had been amazed at how passionately people felt about the Library. Ms. Fallon said she was

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a Patron Representative on the Library Advocacy Committee and had a handout for the Council that included some Library myths and facts. One point they particularly wanted to make she said was that the Library was not a private institution but was public and subsidized by the Town; it was separate from the Town in that it was organized as a Library Association as a way to protect intellectual freedom. Ms. Fallon also pointed out that they thought the Library operated very cost-effectively.

Paula Ledgett came forward and told the Council she was a Spruce Creek Watershed Improvement Project volunteer and was there to let them and the public know about two events they were working on. One was that they were selling rain barrels to Kittery and Eliot residents. The barrels were recycled, food grade, 55 gallon barrels with brass spigots that came in a variety of colors. Ms. Ledgett indicated that storm water run off was currently the No. 1 EPA pollution issue; rain barrels collected water that came off your roof that could then be used during drought times for garden and houseplants and also helped during the rainy times with erosion where your down spigots were.

The second thing was that the barrels were to be delivered to the Kittery Town Dock in Kittery Point on May 16th and people who pre-bought them could pick them up and the public was then invited to tour the Gundalow cargo boat, as well as learn about water quality issues of Spruce Creek. The Gundalow would then move to the mouth of Spruce Creek where there would be a neighborhood informational session.

Ms. Ledgett noted that if anyone was interested in signing up, there was a sign-up sheet available, they could contact her at ledgett@comcast.net or go to the Town's website.

b. CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS

Chairperson Thomson said regarding the Library they certainly appreciated the public's concern and show of support. The Council had just started looking at the various pieces of the Budget and they had the information regarding the Library's Budget but had not met with anyone or discussed it with the Manager yet. They had, however, been looking forward with regard to Library services in the community in that last fall they had a brain storming session concerning possible uses for Frisbee School and he and the Manager met with representatives of the Library Board to discuss this possible option, bounce ideas off them and have them do some research on their end to see if the process could move forward. About a year ago, the Chair said, they also had a couple of Saturday morning brain storming sessions with the Library Board and citizen representatives to discuss the Library's future. They were moving along, kind of on a dual track, having to deal with the present financial situation and economic times but also trying to look forward to a day when the Library would operate under one roof, have more parking, handicapped accessibility, etc.

Chairperson Thomson thanked Ms. Ledgett for the information on the rain barrels.

10. UNFINISHED BUSINESS

a. (030209-3) THE KITTERY TOWN COUNCIL MOVES TO DISCUSS AND GIVE COUNCIL STATUS ON THE FY10 BUDGET.

Town Manager Carter stated that April 13th was a very important milestone in their process in that it dealt with the ballot and referendum questions, which this year would be bond issues, one of which would be for the Public Works garage and salt shed. They needed to have votes in place on April 13th with the paperwork completed so the Town Clerk could move forward with having the ballots printed and the absentee ballots available by the early part of May. The Public Hearing about the warrants would be in June and the vote would be taken the first Tuesday of June.

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The Manager indicated that the Shared Services Report would be coming out that Wednesday and those recommendations needed to be discussed by Council. He then noted that one of the things Council had to vote on before April 13 was to set up Public Hearings for the April 13th timeframe. Since that had not been included in the night's material, the Manager asked if Council would be willing to have a Special Meeting either on the 30th or the 6th, the 30th being easier for advertising purposes.

After further discussion, Chairperson Thomson indicated they might have to have two Special Meetings but they would see what happened on Wednesday night with Shared Services.

Town Manager Carter asked if there would be a workshop that brought in the municipal side and the Chair replied that they might be able to do that after the Special Meeting on the 30th. The Manager indicated there were Department Heads that would like to express their views concerning sacrifices that were being made and some concerns they had and the Chair instructed the Manager to invite them to that workshop next Monday evening.

The Manager also noted that he would like Council to consider creating a Stimulus Reserve Account in the event they got an abundance of unappropriated revenue above what had been forecast and which Council could then re-appropriate.

b. *OTHER*

Councilor Grinnell wanted to thank the Public Works Department for cleaning up John Paul Jones Park, saying that it looked excellent.

Councilor Dow asked if they had an update from the Safford School Advisory Group? Town Manager Carter indicated that, as far as he was concerned, they were at a stalemate unless the group changed their minds about the location of where the building would go. The Council had recommended against moving the school over on the ocean side because of clear-cutting the canopy, cost factors, etc.

Councilor Shwaery said he would like to re-visit the issue of auto registrations and perhaps the Manager could ask the Police Chief to push this.

Chairperson Thomson asked about a sidewalk provision for Kittery Estates and the Manager replied that the Town had been given money for them to do the work.

11. NEW BUSINESS

a. (030209-4) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.*

Chairperson Thomson listed the following warrant articles:

Warrant No. 15	School Nutrition Program	\$ 7,466.19
Warrant No. 18	School Accounts Payable	\$ 137,251.58
Warrant No. 76	Town Accounts Payable	\$ 579,512.84

CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY VICE CHAIR SPILLER.

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A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (030209-5) *THE KITTERY TOWN COUNCIL MOVES TO APPROVE AND SIGN THE MUNICIPAL WARRANT FOR THE PROSECUTION OF OWNERS/KEEPERS OF UNLICENSED DOGS.*

VICE CHAIR SPILLER MOVED TO APPROVE AND SIGN THE MUNICIPAL WARRANT FOR THE PROSECUTION OF OWNERS/KEEPERS OF UNLICENSED DOGS, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (030209-6) *THE KITTERY TOWN COUNCIL MOVES TO DISCUSS THE PURCHASE AND IMPLEMENTATION OF AN ELECTRONIC SIGNAGE AND GRAPHIC BOARD FOR KITTERY'S COMCAST PUBLIC ACCESS CHANNEL 22.*

Town Manager Carter noted that he, Technical Sgt. Denault (who was present) and some of the members of the Cable Regulatory Committee endorsed this sort of venture, which had a cost of \$6,500. The Manager proposed to raise these funds through alternative means, such as fund raising and grants. He indicated that most communities of Kittery's size had the capability they were seeking, which was to have an electronic signboard so that the general citizenry with Comcast could see what was going on event-wise, schedule-wise, meeting times-wise, etc. This would allow them to filter some video onto Channel 22, such as parts of basketball games, other meetings, announcements such as the Chair speaking on behalf of the Council, School Board meetings, etc. Comcast had given permission for the Town to purchase their specified equipment from their specified vendor and have it installed at Town Hall and at the Comcast hub.

Sgt. Denault came forward and explained that a number of years ago he had headed a committee that started Cable Channel 22. They had been excited about it and came up with a lot of ideas, all of which had met a brick wall. This device was very cost-effective and they could control it from the Town Hall and decide what went on. Sgt. Denault said it was a great tool for EMA because they could put emergency management tips on during the winter, including the location of shelters. He said that some towns had paid advertisements for their local businesses; there were a lot of ideas that could go forward.

Town Manager Carter explained that the committee's dream saw a hub at the Shapleigh School with each of the public buildings being wired so broadcasts could come from any of the buildings and the development of a course for high school and middle students. Sgt. Denault added that there were a lot of public access people who lived in Kittery. The Manager noted that this box they were now talking about was simply for event planning and scheduling and had the ability, if allowed by Comcast, to tie a vcr or dvd player into the back of it and push that video signal to Channel 22.

Chairperson Thomson said it sounded intriguing and he thought Council's sense was for them to proceed and explore and possibly come up with some fund raising ideas.

d. *OTHER*

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Councilor Dow received a call from someone, who had also called the Manager, about an individual who worked for a company involved in donating products and services to communities and this individual talked about Frisbee School in terms of insulation, etc. Councilor Dow had told him that while this might be a wonderful opportunity for the community, he wasn't sure the timing was right. Councilor Dow said he brought this up to Council so they would be aware there were individuals out there who had things they would like to bring to bear. Town Manager Carter said he had sent that individual what he had on the Frisbee route to have him put a placeholder in for his company. The Manager said he gave this individual a lot of credit and hopefully they would be able to work with him.

Councilor Beers asked if the traffic lights in the Route 1 mall area could be switched to flashing sequences or perhaps be motion-sensored in the entirely dead hours.

Vice Chair Spiller largely agreed with Councilor Beers but hesitated to put any type of flashing light at the intersection of Route 1 and Haley Road because anyone there early in the morning knew there were a lot of people who just ran that red light.

Councilor Dow thought that light needed to be a little bit longer than allowing just three cars.

Councilor Grinnell noted that the Kittery Land Trust had a fundraiser at Seapoint Beach, to which many people were invited to go in and plunge into the ocean. Many Town Departments were represented and eight of them went into the water; it was freezing but it was really fun and she hoped more people came next year.

Vice Chair Spiller said that many in Kittery Point on Sunday morning had a flyer from John Schroeder about a service and she thought it was an inappropriate use of mail and letterboxes. She wondered if the Police Chief could check into that. The Chair thought it would be the Post Master that should be contacted.

12. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

Chairperson Thomson stated he had heard from three members of the Council concerning the Manager's evaluation and would appreciate hearing from the rest. The Chair also said he would be sitting down with the Manager to determine the content of their Special Meeting.

b. *TOWN MANAGER'S REPORT*

A Hearing regarding the release of some grant match monies for water quality testing inadvertently did not get on the agenda and would be scheduled for the 13th.

The Fire Department was very busy over the weekend; there was a very bad fire down in the Village Saturday night in the Admiralty Village area. They did an extremely good job in stopping the fire spreading from the two heavily damaged apartments. The families were re-located and the Navy Chaplain had been designated the contact for people wanting to give donations. The Manager noted that they had received calls all day long from the Kittery Trading Post to individuals wanting to make donations.

The Fire Department will be changing their fire helmets to chef's hats for the Council on March 31st and the Manager asked Council to RSVP.

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The States of Maine and New Hampshire were moving forward with their engineering and connectivity study to undertake an alternative review of how the lift bridges could be replaced with a high level bridge and how the rail system to the Navy Yard could be worked with. Although this was a very comprehensive data gathering study, there was a growing number of people that believed it would not produce any outcome that would meet the seacoast's future needs. There were alternatives that New Hampshire saw - that Maine was slow to see - in working together to put a competitive application together to fund the repairs of both bridges in a sub program of the Federal Stimulus Program. There were now discussions of a rally taking place in support of maintaining, rather than replacing, at least the Memorial Bridge. The Manager was doing some research into how that effort could take place through either application forms or having the State of Maine begin to recognize this area as a priority.

c. COMMITTEE REPORTS

Vice Chair Spiller noted there would be a joint School Committee and Town Council workshop on Wednesday at 6:30 p.m. at the Shapleigh School.

13. ADJOURNMENT

COUNCILOR GRINNELL MOVED TO ADJOURN, SECONDED BY COUNCILOR BEERS, WITH ALL IN FAVOR.

MEETING ADJOURNED: 9:05 P.M.