

APPROVED MINUTES
Approved on March 23, 2009

KITTERY TOWN COUNCIL

March 9, 2009

Council Chamber

1. **CALL TO ORDER**
Chairperson Jeffrey Thomson called the meeting to order at 7:04 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, Glenn Shwaery, Vice Chair Judith Spiller and Chairperson Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Recorder Chris Kudym, members of the press and others.
Chairperson Thomson noted that Councilor Grinnell had an excused absence.
5. **ACCEPTANCE OF MINUTES**
The Minutes of February 23, 2009 were accepted, as amended.
6. **INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD - None**
7. **PUBLIC HEARINGS**
8. **DISCUSSION**
 - a. ***DISCUSSION BY MEMBERS OF THE PUBLIC (Three minutes per person)***
Town Manager Carter indicated that two individuals had called him saying they would be there to talk about their upcoming community projects. One was the Kittery Land Trust "Polar Bear Plunge" coming up later in March at Seapoint Beach. The other concerned some developments with Spruce Creek Association and the potential for a project they would like to piggyback onto a UNH grant.
 - b. ***CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS***
Chairperson Thomson suggested they move along and if someone appeared, they could perhaps let them have a few moments.
9. **UNFINISHED BUSINESS**
10. **NEW BUSINESS**
 - a. ***(030109-1) THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.***

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Chairperson Thomson listed the following warrant articles:

Warrant No. 14	School Nutrition Program	\$ 8,973.83
Warrant No. 17	School Accounts Payable	\$ 279,624.81
Warrant No. 17A	School Accounts Payable	\$ 2,000.00
Warrant No. 72	Town Accounts Payable	\$ 799,550.14

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

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

b. (030109-2) *THE KITTERY TOWN COUNCIL MOVES TO SIGN A PROCLAMATION DECLARING MARCH AS “AMERICAN RED CROSS MONTH.”*

Chairperson Thomson read a proclamation declaring March as “American Red Cross Month.”

CHAIRPERSON THOMSON MOVED TO SIGN THE PROCLAMATION DECLARING MARCH AS “AMERICAN RED CROSS MONTH,” SECONDED BY VICE CHAIR SPILLER.

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

c. (030109-3) *THE KITTERY TOWN COUNCIL MOVES TO APPOINT JOHN McCOLLETT AS THE SHELLFISH WARDEN UNTIL 3/11/12.*

VICE CHAIR SPILLER MOVED TO APPOINT JOHN McCOLLETT AS THE SHELLFISH WARDEN UNTIL 3/11/12, SECONDED BY COUNCILOR DOW.

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

d. (030109-4) *THE KITTERY TOWN COUNCIL MOVES TO DETERMINE A SELECTION PROCESS FOR APPOINTMENT OF MEMBERS OF THE FRISBEE SCHOOL REVITALIZATION COMMITTEE.*

Chairperson Thomson noted that they had received applications from eight citizens for the four citizen spots on the Revitalization Committee and Council needed to determine a process for making these appointments. The Chair said he was certainly open to suggestions from the Council.

Councilor Dennett indicated that with regard to Ernie Evancic, there was no application but two cover letters stating that he wanted to be considered. Town Manager Carter explained that he had written to Mr. Evancic, called him and asked him to complete the application and send it in. The Manager said he had not received an application from Mr. Evancic so he thought it would be best to just include his cover letter and let the Council decide what to do.

Councilor Beers confirmed that Mr. Evancic was a sitting member on the Planning Board. He then said he thought that might be an item for first consideration - that presumably the Revitalization Committee would form as a group but expect ex officio participation from various Boards, Committees and Agencies.

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Councilor Dennett noted, as an alternative, their Rules provided that they should not consider those first who already held appointed positions in the Town.

Councilor Dow stated that where Mr. Evancic sat on the Planning Board and they would be looking at the reuse and perhaps restructuring of the School, as well as a number of different things where the Planning Board would be involved in some of those decisions, they might find themselves in a position where Mr. Evancic would have to recuse himself from every bit of discussion, which would put him in a tough spot and could also put them in a tough spot in that regard.

Chairperson Thomson noted that what they were trying to determine that night was if they wanted to proceed as they had done with other Boards and speak to these people, asking them to be present at the Council's next regular meeting.

Councilor Shwaery wondered what the chances were of getting eight people to be available on the same night and the Chair said they would not all have to be there at the next meeting; if only six could come, they would interview the other two at perhaps the following meeting.

Councilor Dow asked if they would also be interviewing the three Council members who would participate in the Committee, as well, and the Chair said they could certainly do that; they would also be drawing in folks from Recreation and the Library in the process.

e. (030109-5) *THE KITTERY TOWN COUNCIL MOVES TO SCHEDULE A PUBLIC HEARING FOR THE PURPOSE OF RELEASING FUNDS FROM THE TOWN'S GRANT MATCH RESERVE FUND IN THE AMOUNT OF \$7,500 FOR THE PURPOSE OF FURTHER MATCHING THE \$18,375 OPTICAL BRIGHTENER STUDY GRANT PROJECT FROM THE NH ESTUARIES PROGRAM TO UNDERTAKE AN ADVANCE WATER QUALITY SAMPLING STUDY FROM SEVERAL STORMWATER OUTFALL PIPE LOCATIONS AROUND SPRUCE CREEK.*

Town Manager Carter explained that this was one of the items that would have been discussed by the folks who had expected to be there. He said they were very excited about this potential project and wanted to do some pre-work. This fall, they had surveyed many of the drainpipes into Spruce Creek and there were a handful of pipes they would like to do sampling on. This money would go to the lab's analysis of samples collected by these volunteers.

COUNCILOR SHWAERY MOVED TO SCHEDULE MARCH 23RD FOR A PUBLIC HEARING FOR THE PURPOSE OF RELEASING FUNDS FROM THE TOWN'S GRANT MATCH RESERVE FUND IN THE AMOUNT OF \$7,500 FOR THE PURPOSE OF FURTHER MATCHING THE \$18,375 OPTICAL BRIGHTENER STUDY GRANT PROJECT FROM THE NH ESTUARIES PROGRAM TO UNDERTAKE AN ADVANCE WATER QUALITY SAMPLING STUDY FROM SEVERAL STORMWATER OUTFALL PIPE LOCATIONS AROUND SPRUCE CREEK, SECONDED BY VICE CHAIR SPILLER.

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

f. *OTHER*

Councilor Dennett noted that Council would meet in a week for a Special Meeting to receive the Budget presentation and asked if they would receive the Budget before then or have to wait until the meeting? Town Manager Carter said he would be presenting the booklets that night.

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Councilor Dennett also noted they had received a copy of a letter from the Maine Heritage Policy Center requesting extensive information be furnished to them; he asked what that was about. The Manager replied that last week only two other communities had received this sort of request, Augusta and Farmington. He spoke with the Manager of Augusta, as well as the MMA and, basically, at that point in time, MMA felt that only a few targeted communities were being asked to do this. As of that afternoon, there had been approximately eight to ten. The Maine Heritage Policy Center were the folks that sponsored the referendum questions they would be voting on in November, the ones that dealt with excise tax and increasing the restrictions on LD-1. The Manager said that, as of right now, he didn't have a clue as to why they wanted this information other than to put them to a lot of work.

Councilor Dennett said he presumed the Manager would endeavor to work up the expense and ask for some money to take care of this. The Manager indicated that since Augusta used the same software as Kittery, they would be calling up there to find out how Augusta was compiling their records.

Vice Chair Spiller noted that the John Paul Jones Park, which she knew was a State Park, had begun to show the damage from the December ice storm and she wondered if they had any idea when they would be available to clean that up or was it something they themselves could start cleaning up? Town Manager Carter replied that they had been in touch with the Park Manager who had been on lay-off but was due back within this month. He had asked if the Town could be of assistance to him and they had said they would but no date or time had been set. Chairperson Thomson asked if it would really involve an extraordinary effort to just get the downed and broken limbs taken care of and the Manager said, sure.

11. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

Chairperson Thomson asked the Council to please note there would be a Special Meeting next Monday evening at 6:30 for the formal presentation of the FY'10 Budget. That meeting will be videotaped for the public.

The Chair reminded Council about the Town Manager's annual evaluation, concerning which he had asked the Manager for his self-evaluation by the 15th and for Council's evaluation to get back to him by the 22nd.

b. *TOWN MANAGER'S REPORT*

Town Manager Carter reported that Kathy Pridham presented him with a request for a Public Hearing at their next regular meeting regarding an amendment being made to the model General Assistance Ordinance that will provide new food stamp amounts and take effect April 1st. This change was being made because of the Stimulus Bill signed by President Obama.

CHAIRPERSON THOMSON MOVED TO SCHEDULE MARCH 23RD FOR A PUBLIC HEARING REGARDING AN AMENDMENT TO THE GENERAL ASSISTANCE ORDINANCE, SECONDED BY COUNCILOR SHWAERY.

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

An FY'09 update indicated they were on track at 67% expended. Revenues were short of forecast 8% on the municipal side and 3% on the school side so that was being monitored and they

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were taking steps to make sure they would be in the black on June 30th to the best of their abilities. They would be coming back to Council probably with some strategies as they had in January with the 1 ½% encumbered amount put to one side so they could hopefully be assured to remain in the black come June.

Regarding FY'10 - about which they will meet next Monday, the 16th - their Department Heads had met, gone through a series of reductions and were at the point where they believed they were at the required guidelines. Obviously, it was not a situation they wanted to be in with reductions in service and personnel on the school side. On the municipal side, they had avoided reductions in personnel and although they were not filling some positions, they were not, at this point, laying people off. March 18th was on the Budget Calendar as a Joint Budget Workshop so whatever came out of the 16th could be carried over to the 18th. At that same time, the CIP materials might be brought up. A list of Warrant Articles would be part of the Council's packets on Monday so, hopefully, they would be able to decide how they wanted to proceed with the Budget that evening.

The Manager reported that Sgt. Eaton was working very hard with FEMA on ice storm claims, having about 98% of the data they needed so they should know how much they would be getting back shortly. In speaking with their Business Manager, what they wanted to do was to bring that check back to Council for redistribution into the accounts the money was taken from. At some point the State Legislature would have to raise 15% to match that FEMA money.

The Manager said he had the opportunity on Saturday to attend a session on Whaleback Lighthouse. The Federal Government turned Whaleback over to the American Lighthouse Foundation and they, in turn, were working very hard with the Friends of Portsmouth Harbor Lighthouse and others in the area to figure out how to maintain that lighthouse. Several fishermen from the community were there and reported that the light was not functioning properly presently, which was an automation issue with the Coast Guard. It appeared that they would be assisting and perhaps contacting the Coast Guard, putting a little pressure on them to come down from Portland.

Town Manager Carter said they had successfully closed on the Bond Anticipation Note financing, selling the bond for 1.63%, which was a pretty good cost factor.

The Manager said he received an attempt by the County Government to send out their tax bills early; they would like half of the taxes paid in April and half by September 1st. This was a new tactic on their part and he just wanted to make sure the Council was behind him in telling the County there was no money available and they would just have to wait and be paid at their normal time. In fact, the County had moved the payment from October to September.

The Fire Chief invited the Council to a dinner the fire fighters were holding for the Council and other officials on Tuesday, March 31st, at 5:00 p.m.

The Manager said he had been invited to attend a meeting with a group of seacoast people who have gotten together to encourage people to buy local; the group was called 10% Shift. They invited him to attend on March 18th and he will be going to add his support to buy local because the stores in the Foreside area were all members in this effort and had had campaigns in the past for it.

Councilor Dennett brought up the subject of foreclosed real estate for nonpayment of taxes, saying that perhaps it was time to start selling it off. The Manager indicated that there had been a fire

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in September and that individual had lost his house. The Town at its cost took down the site and a lien was placed against the property. The property has not been cleaned up and the neighbors have complained. They were again trying to find the property owner to work with him and his relatives to find a way to clean up the debris on the property so it didn't look as bad. They hoped to do that at owner's and his insurance cost.

c. COMMITTEE REPORTS

Vice Chair Spiller stated, on behalf of the Shared Services Committee, that they would be presenting their recommendations at the March 17th School Committee meeting and would then bring those recommendations to the March 23rd Council meeting.

12. ADJOURNMENT

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

MEETING ADJOURNED: 7:56 P.M.