

APPROVED MINUTES
Approved on April 27, 2009

KITTERY TOWN COUNCIL

April 13, 2009

Council Chamber

1. **CALL TO ORDER**

Chairperson Jeffrey Thomson called the meeting to order at 7:00 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, George Dow, Ann Grinnell, Vice Chair Judith Spiller and Chairperson Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, School Committee Chair Jeff Pelletier, Gil Robert, Forrest Bell, Phyllis Ford, Police Chief Edward Strong, Sgt. Denault, Recorder Chris Kudym, members of the press and others.

Chairperson Thomson noted that Councilor Shwaery was traveling and Councilor Dennett was not able to be with them that evening.

5. **ACCEPTANCE OF MINUTES**

The Minutes of the Special Meeting of March 16, 2009 were accepted, as amended.

The Minutes of March 23, 2009 were accepted, as amended.

The Minutes of the Special Meeting of March 30, 2009 were accepted, as read.

6. **INTERVIEWS FOR THE ZONING BOARD OF APPEALS, PLANNING BOARD OR CABLE TELEVISION RATE REGULATION BOARD**

Chairperson Thomson stated that the scheduled interview of William Peirce for a seat on the Planning Board had been postponed due to the fact they did not have a full Council that evening.

7. **PUBLIC HEARINGS**

a. (040109-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$675,000 TO CONSTRUCT AND EQUIP AN ADDITION AND RENOVATIONS TO THE PUBLIC WORKS GARAGE AND TO CONSTRUCT A REPLACEMENT SALT SHED, SUBJECT TO APPROVAL AT A TOWN REFERENDUM ELECTION TO BE HELD ON JUNE 9, 2009.*

Chairperson Thomson stated that notification of this Public Hearing appeared in the local printed media on Friday, April 3, 2009.

Town Manager Carter explained that this had come through the Capital Improvement Planning Committee and included the necessary replacement of their salt shed, which had collapsed in the fall, and the construction of a separate office complex for the Public Works garage.

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

After noting some editorial alterations to the text of the ordinance, Councilor Beers made the following motion:

COUNCILOR BEERS MOVED THAT THE TOWN OF KITTELY HEREBY ORDAIN AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$675,000 TO CONSTRUCT AND EQUIP AN ADDITION AND RENOVATIONS TO THE PUBLIC WORKS GARAGE AND TO CONSTRUCT A REPLACEMENT SALT SHED, SUBJECT TO APPROVAL AT A TOWN REFERENDUM ELECTION TO BE HELD ON JUNE 9, 2009, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

b. (040109-2) *THE KITTELY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$7,000,000 TO CONSTRUCT AND EQUIP ADDITIONS AND RENOVATIONS TO MITCHELL SCHOOL AND SHAPLEIGH SCHOOL, SUBJECT TO APPROVAL AT A TOWN REFERENDUM ELECTION TO BE HELD ON JUNE 9, 2009.*

Chairperson Thomson stated that notification of this Public Hearing had appeared in the local printed media on Friday, April 3, 2009. The Chair then opened the Public Hearing.

Jeff Pelletier of Kittery Point, School Committee Chairperson, came to the podium and said he was pleased to speak on behalf of this ordinance. To years ago, he said, the School Committee undertook a Feasibility Study, which culminated in a three-school plan, and included renovations to the Mitchell and Shapleigh Schools. He also noted that the Shared Services Committee had reviewed this plan favorably. Mr. Pelletier said that the School Committee was moving towards that three-school plan in the next school year because of budget restraints and he wanted to be on record as saying that the plan was only feasible for two to three years. It was imperative, he said, that this bond pass and construction started so the students could be moved in there perhaps in the third year.

Gil Robert of Kittery Point came forward saying he wanted to sincerely thank Mr. Pelletier and the Shared Services Committee for all the hard work they did and he agreed with the need for this; it was critically important.

Chairperson Thomson closed the Public Hearing.

COUNCILOR GRINNELL MOVED THAT THE TOWN OF KITTELY ORDAIN AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$7,000,000 TO CONSTRUCT AND EQUIP ADDITIONS AND RENOVATIONS TO MITCHELL SCHOOL AND SHAPLEIGH SCHOOL, SUBJECT TO APPROVAL AT A TOWN REFERENDUM ELECTION TO BE HELD ON JUNE 9, 2009, SECONDED BY VICE CHAIR SPILLER.

Councilor Beers noted that the same editorial alterations in the text needed to be made.

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A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

c. (040109-3) *THE KITTERY TOWN COUNCIL MOVES TO HOLD 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.*

Chairperson Thomson stated that notification of this Public Hearing appeared in the local printed media on Friday, April 3, 2009. The Chair then opened the Public Hearing.

Forrest Bell came to the podium and said he was the principal scientist assisting the Town and the Spruce Creek Association in the grant work to improve the water quality of the Creek. Firstly, he said, a lot of good things were happening regarding water quality in Spruce Creek, which had actually gained some recent national attention. Although unable to attend, Mr. Bell said he had been invited to speak at a national conference in Oregon about the community support around this project.

Mr. Bell said that, although going well, there was still an absence of good data. He reminded people that Spruce Creek was listed in the State of Maine as a bacteria-impaired water body and a lot of the work they were doing was to try to address these bacteria impairments. He said he had been doing a fair amount of field work with the Association and Town volunteers and one of the things that came to his attention was the stormwater outfalls and their potential for bacteria problems. Mr. Bell explained that the basic project would entail doing extensive sampling at five, possibly more, outfalls and, as part of that program, they would be training local volunteers to do future sampling. They were gathering baseline data, providing additional bacteria sampling - the Department of Marine Resources would not be doing its normal level of sampling this year due to State cut-backs - and identifying the "hot spots" for the optical brightener test that would take place away from the pipes, out in a boat on the Creek, taking samples to look for optical brighteners, which were brightening agents most of us had in our clothes that took a while to break down in the environment and that could be an indicator of septic issues.

Phyllis Ford of Kittery Point and the Spruce Creek Association came forward and noted that the DMR's absence of testing had been a big loss in their data stream and benchmarking because it tested for fecal content. Ms. Ford said they hoped to piggyback on the Healthy Beaches Program to obtain more testing but this match would allow them to better use the optical brightener tester. The optical brightener tester would enable them to get better data and to further refine their ability to find failing septic systems. This was important because part of the 319 Grant was that the State's Small Community Grants Program had pledged to help fix and remedy some of these failing septic systems. Timing, therefore, was of the essence to be able to identify failing septic systems and be able to get them fixed within the time span of the Grant, which goes through March 2010.

Chairperson Thomson closed the Public Hearing.

VICE CHAIR SPILLER MOVED TO RELEASE 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

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UNDERTAKE AN ADVANCE WATER QUALITY SAMPLING STUDY FROM SEVERAL STORMWATER OUTFALL PIPE LOCATIONS AROUND SPRUCE CREEK, SECONDED BY COUNCILOR BEERS.

Chairperson Thomson indicated that the balance in this fiscal year's Grant Match Reserve Fund was \$85,900 so sufficient funding did exist.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

d. (040109-4) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON A RENEWAL APPLICATION FOR BADGER ISLAND PIZZERIA, INC., 3 ISLAND AVENUE, KITTERY FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER ISLAND PIZZERIA, 3 ISLAND AVENUE.*

COUNCILOR BEERS MOVED TO APPROVE THE RENEWAL APPLICATION FOR BADGER ISLAND PIZZERIA, INC., 3 ISLAND AVENUE, KITTERY FOR A MALT AND VINOUS LIQUOR LICENSE FOR BADGER ISLAND PIZZERIA, 3 ISLAND AVENUE, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

8. DISCUSSION

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

Gil Robert of Kittery Point came to the podium saying he had three short questions for clarification concerning the '09-'10 Budget. (1) During these tough economic times, did the Town of Kittery have a stated policy for salary increases for employees and what was it? (2) More specifically, he knew Council did not control the School Board but accepted their Budget – If there were salary increases of 6% to 10% for Administrative employees, did the Council have any reaction to that? (3) In the spirit of transparency and open access, would the Town provide this information for public review?

b. *CHAIRPERSON'S RESPONSE TO PUBLIC COMMENTS*

Responding to Mr. Robert's questions, Chairperson Thomson said that agreements were in place on the municipal side for employees to receive a 2% increase this coming July, which was part of the negotiated contracts with the Town's unions and there had been no formal request by the Council or the Manager to re-open those negotiations for FY-'10.

Regarding the School Budget, the Chair said he believed the teachers' contract was currently in negotiation and he knew the administrators' negotiations were to come. Obviously, he was not privy to that, although he would say he would be rather surprised if the increase was 6% to 10% for anyone.

Thirdly, regarding public information, the Chair noted that the Town Charter required that explanations for warrant articles be mailed to every registered voter in Town prior to the June vote. A required Public Hearing would be held on June 1st for the School Budget, which would be another opportunity for comment and he was sure there would be information coming from perhaps the PTA regarding this year's Budget, as well as written articles. They had had a couple of different workshops with the School Committee where they had gone through the submitted Budget.

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Mr. Robert noted that the last two Budgets submitted by the School Board contained a reference to a 6% to 10%, 11% increase for administrators and he was just questioning if the Town had a stated position on administrators and non-contract employees.

Chairperson Thomson replied that he was not aware of one. The responsibility of the Council regarding the School Budget was simply to vote forward the total figure sent to them by the School Committee for the June vote.

9. UNFINISHED BUSINESS

Chairperson Thomson noted he had been approached and had also received a couple of e-mails concerning the issue of speed in the Wyman Road area by Ship Yard employees. The Chair said that in the past the Manager had sent a friendly note to the Ship Yard Commander reaffirming posted speed limits. Town Manager Carter said he would certainly do that and also speak with the Police Chief.

10. NEW BUSINESS

a. (040109-5) *THE KITTERY TOWN COUNCIL MOVES TO AUTHORIZE THE TOWN MANAGER AND THE CHIEF OF POLICE TO SIGN AND SUBMIT A COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING RECOVERY PROGRAM (CHRP) GRANT FOR ONE OFFICER.*

Police Chief Strong came to the podium and explained that this grant would be used to cover the patrol position they'd had to eliminate from this year's Budget. That position, he said, was what they called the "floating" shift position. It covered as much vacation time as possible throughout the year and was also considered the Kittery Point patrol for Ft. Foster, Seapoint Beach and the monitor of traffic Thursdays through Sundays in Kittery Point. The Chief said that the main focus, however, was being able to keep two people on a shift at any time.

Chief Strong noted that this position had allowed them to keep overtime costs at a minimum. The ideal solution, he said, would be to have someone else pay for it and the COPS program allowed them to put in for a grant, which would cover the entire cost of a police officer for three years, putting them at full staff without an increase in the Budget.

The Chief said they also were eligible for \$21,000 from the Burn Grant Fund, which they would use to supplement the grant if they hired an experienced individual and stated he was there to seek the Council's approval to submit the grant application. The Chief then thanked Lt. French and Councilor Beers for their help in its preparation.

COUNCILOR BEERS MOVED TO AUTHORIZE THE TOWN MANAGER AND THE CHIEF OF POLICE TO SIGN AND SUBMIT A COMMUNITY ORIENTED POLICING SERVICES (COPS) HIRING RECOVERY PROGRAM (CHRP) GRANT FOR ONE OFFICER, SECONDED BY VICE CHAIR SPILLER.

Chairperson Thomson asked Chief Strong if he was aware of what the Police Department in Webster, MA was doing regarding their budget cuts, which was working unpaid holidays to save positions from being cut, so, the Chair said, when he heard that a Kittery patrol position had to be cut to reach budget goals, he was unconvinced. The Chair also noted that he had been saying over the past few months that this economic storm may be providing opportunities to rethink how services were delivered to the public and this may be an opportunity for the Police Department, before the

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Budget was even passed for FY-10, to start the process of reinstating the position that was cut without looking at other ways to provide those services. The Chair said he just couldn't support this.

Chief Strong replied that the number of holidays they got wouldn't pay half the salary of a police officer so that wouldn't be a solution and noted that the Maine State Police had put in for 20 positions under this program. The Chief stated there had been nowhere else in his budget to cut since 90%+ went to salaries.

Councilor Grinnell respectfully disagreed with the Chair and thought how the Chief worked his budget and came out to a solution was excellent. She believed that applying for this grant would allow them to provide all necessary services and have the number of patrolmen on the street that they'd had last year.

Chief Strong responded to a question concerning overtime from Council Dow and explained that, even at full strength, there were always situations that couldn't be foreseen, such as having someone off due to workmen's comp. Being at full strength, however, was why he had been able to keep the overtime down over the past three years. The Chief also noted that supervisors got very little overtime, except perhaps Technical Sgt. Denault, when it was necessary to keep him.

Councilor Beers also respectfully disagreed with the Chair's position, not because he didn't consider it a valid approach but because they had asked much of the Municipal Department Heads and while they had made noises that perhaps it would be worthwhile for any departmental group of employees to consider offering up something for everyone's benefit, no one had so asking it particularly of the Police Department with a free opportunity, he did not think was warranted.

A ROLL CALL VOTE WAS TAKEN, AS FOLLOWS: FOUR IN FAVOR; ONE OPPOSED. MOTION PASSES 4/1, WITH CHAIRPERSON THOMSON OPPOSED.

b. (040109-6) *THE KITTELY TOWN COUNCIL MOVES TO CALL A SPECIAL ELECTION AND PLACE A QUESTION ON THE JUNE 9, 2009 BALLOT AS REQUESTED BY THE SCHOOL COMMITTEE ACCORDING TO THE CITIZEN'S PETITION SUBMITTED TO THE SCHOOL COMMITTEE TO REPEAL THE SCHOOL COMMITTEE'S ACTION TO CLOSE FRISBEE SCHOOL, EFFECTIVE JUNE 30, 2009.*

Chairperson Thomson read the following language submitted via citizen petition for a special referendum vote on June 9th and sent to the Council by the School Committee:

“Shall the School Committee be allowed to close Frisbee School, effective June 30, 2009? The additional cost of keeping the school open has been estimated by the School Committee to be \$660,220.”

The Chair indicated that the Council's role would be simply to act on the request of the School Committee to place this question on the June 9th Town Ballot when it would be voted on.

VICE CHAIR SPILLER MOVED TO PLACE A QUESTION ON THE JUNE 9, 2009 BALLOT AS REQUESTED BY THE SCHOOL COMMITTEE ACCORDING TO THE CITIZEN'S PETITION SUBMITTED TO THE SCHOOL COMMITTEE TO REPEAL

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**THE SCHOOL COMMITTEE'S ACTION TO CLOSE FRISBEE SCHOOL,
EFFECTIVE JUNE 30, 2009, SECONDED BY COUNCILOR BEERS.**

Councilor Dow wanted to clarify that to vote in the affirmative on this question was to agree that the School Committee was authorized to close Frisbee School. A no vote would be to keep Frisbee School open.

Chairperson Thomson asked for clarification of his understanding that the petitioner's sought to have the School remain open for at least two more academic years and, if so, if that was stated in the petition.

School Committee Chair Pelletier said yes, the petitioners wanted the School remaining open for two more years but, no, that had not been stated in the petition. Mr. Pelletier stepped to the podium and explained that the petition asked the School Committee to repeal its vote and if they chose not to, he believed the petitioners' intent was to have it go before the voters to decide. He believed the petitioners wanted Frisbee to stay open until completion of the other two schools. Mr. Pelletier stressed that the dollar value stated was really an estimated cost of one year with major needed repairs over a two-year period so it did not take into consideration the cost of the second year of salaries and maintenance. He indicated there certainly would be lots of discussion between now and June on this issue and the School Committee would do its best to clarify all the issues and answer all questions.

Vice Chair Spiller noted that if the Town voted no, the School Committee would have to find at least half a million dollars.

Mr. Pelletier said that if the School Budget passed, which was based on operating three schools, and the petition passed, they would effectively be running four schools on a three school budget. That would mean having to make reductions across the board in positions and programs in order to re-staff and re-program Frisbee School.

Chairperson Thomson outlined in length how and why the Town Council and School Committee had arrived at the decision to close Frisbee School. The Chair then asked if there was any hesitation or re-consideration on the part of the petitioners and received no response.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

c. (040109-7) *THE KITTERY TOWN COUNCIL MOVES TO DISCUSS OPERATING COSTS AT FRISBEE SCHOOL IF IT IS TURNED OVER FOR MUNICIPAL USE DURING FISCAL YEAR 2010.*

Councilor Grinnell indicated she would like to postpone this to a following meeting. She is looking to discuss what it would cost to hold on to the Frisbee building, if and when the Town takes possession of it.

d. (040109-8) *THE KITTERY TOWN COUNCIL MOVES TO GIVE PRELIMINARY APPROVAL ON THE SCHOOL FY09-10 BUDGET AND SCHEDULE A PUBLIC HEARING FOR A SPECIAL MEETING ON JUNE 1ST TO ADOPT THE FY09-10 SCHOOL BUDGET.*

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VICE CHAIR SPILLER MOVED TO GIVE PRELIMINARY APPROVAL OF THE SCHOOL FY09-10 BUDGET OF \$14,074,941, AS PRESENTED, TO SCHEDULE A PUBLIC HEARING FOR A SPECIAL MEETING ON JUNE 1ST TO ADOPT SAID BUDGET AND TO AUTHORIZE THE TOWN CLERK TO PROCEED IN DEVELOPING THE BALLOT QUESTION AND UNDERTAKING THE PROCEDURES FOR A JUNE 9TH VOTE ON SAME, SECONDED BY COUNCILOR DOW.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

e. (040109-9) THE KITTERY TOWN COUNCIL MOVES TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$1,000 FROM THE CONNIE SAMUELS BEAUTIFICATION FUND FOR A MATCHING GRANT FOR THE HARBOURSIDE GARDEN CLUB'S BEAUTIFICATION PROJECT AT THE KITTERY NAVAL MUSEUM.

VICE CHAIR SPILLER MOVED TO AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$1,000 FROM THE CONNIE SAMUELS BEAUTIFICATION FUND FOR A MATCHING GRANT FOR THE HARBOURSIDE GARDEN CLUB'S BEAUTIFICATION PROJECT AT THE KITTERY NAVAL MUSEUM, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

f. (040109-10) THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.

Chairperson Thomson listed the following warrant articles:

Warrant No. 16	School Nutrition Program	\$ 51,835.24
Warrant No. 19	School Accounts Payable	\$ 298,681.75
Warrant No. 82	Town Accounts Payable	\$ 372,643.46

COUNCILOR DOW MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BEERS.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

g. (040109-11) THE KITTERY TOWN COUNCIL MOVES TO ACCEPT THE REIMBURSEMENT FEMA ICE STORM FUNDS AND TO RE-APPROPRIATE THEM TO THE AFFECTED DEPARTMENT ACCOUNTS.

VICE CHAIR SPILLER MOVED TO ACCEPT THE REIMBURSEMENT FEMA ICE STORM FUNDS AND TO RE-APPROPRIATE THEM TO THE AFFECTED DEPARTMENT ACCOUNTS, SECONDED BY COUNCILOR GRINNELL.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

h. OTHER

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Councilor Dow referred to possibly adding a survey question to ballots that would allow voters to respond to language such as: “Do you favor the Town approving the School Budget? If the answer to that question was no, was it because it was too high or too low?” Councilor Dow noted that the Town had always been supportive of the School Budget and he felt it was important to understand if the vote was in the negative.

The Town Clerk said she would speak with the printing company.

COUNCILOR DOW MOVED THAT AN ADVISORY QUESTION BE PART OF THE SCHOOL BUDGET VALIDATION VOTE ON JUNE 9, 2009 TO ASCERTAIN THE FOLLOWING INFORMATION: “I FIND THE SCHOOL BUDGET ADOPTED AT THE JUNE 1, 2009 TOWN COUNCIL SCHOOL BUDGET MEETING TO BE ___ TOO HIGH; ___ ACCEPTABLE; ___ TOO LOW,” SECONDED BY COUNCILOR BEERS.

A ROLL CALL VOTE WAS TAKEN, WITH ALL IN FAVOR. MOTION PASSES 5/0.

Councilor Dow then referred to the Government’s stimulus package, which he said included money for qualified school construction bonds, whereby communities would pay the principal and the Government would pay the interest and included in the stimulus package was also money for energy construction bonds. He said that he would gather more information to present to the Manager and to Council.

Councilor Dow continued, saying that the Shared Services Committee had met and were looking to gather many of the questions that had been brought forward and getting the answers to those, as well as looking at having another workshop, so they would encourage citizens to continue to bring those questions in so as they moved forward, they could continue to help bring everyone to the same point. He said that, as a Shared Services Committee, they felt they had done a lot of work and they wanted to make sure that everyone was as informed as they possibly could be and that they themselves were as informed as they possibly could be.

Councilor Beers said he would echo Councilor Dow’s comments regarding the school construction bond and Shared Services Committee. He said that one of the considerations they’d had was public information and responding to those kinds of frequently asked questions.

Secondly, Councilor Beers reported that he and Councilor Dennett addressed the incredible complexity of the Eliot contractual arrangement with regard to the sewer district, meeting with Mr. Carter, the interim Sewer Department Superintendent and the engineer and had agreed that the resulting language was reflective of a mutually beneficial opportunity for the Towns of Kittery and Eliot. He said that the Town of Eliot anticipated perhaps a Selectmen vote next week for placement of the question on their warrant article in the June election and that they anticipated bringing a combined report to Council explaining the details of that contract.

11. COMMITTEE AND OTHER REPORTS

a. *COMMUNICATIONS FROM THE CHAIRPERSON*

Chairperson Thomson said he was working on the Town Manager’s combined performance evaluation and hoped to have it to all of them by the end of next week, looking toward scheduling an Executive Session on the 27th to take care of that.

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b. TOWN MANAGER'S REPORT

Town Manager Carter reported that there would be heavy construction going on in the traffic circle area extending Rogers Road and Rogers Road Ext. They were moving forward with the replacement of the storm drainage pipe and, unfortunately, that work was piggybacked onto the Route 1 South project, which was now at the rotary end so they would be seeing cars backed up going on to Route 1. It was hoped the majority of the work on the pipe would be completed by May 15th.

Chairperson Thomson added that he had been stopped at the rotary and seen people backing up to let people out from Old Post Road or into the 7-Eleven and the flag person there didn't seem to be managing the situation well. The Chair thought the last thing people should do in the circle was back up and he wondered if that could be conveyed to the project manager, etc.

Councilor Grinnell asked if anything had happened with the 85 feet off the circle. The Manager noted that the 85 feet was from the rotary circle to where the Route 1 South project started. It was about 125 feet of sidewalk and they had asked the State and their Metropolitan Planning Organization to help them finish that 85 feet. The Manager said he spoke with the DOT Commissioner that morning and the Town's Public Works Director was adamant that this work be completed to make a contiguous project, which should have been part of the entire DOT project from the start but, as with any bureaucracy, there were problems. The Manager said that the Commissioner had pledged to work with them to try to break through the present bureaucratic federal constraints and attempt to get the work in place while the existing contractor was working since our whole argument was it would be way more expensive if another company had to come in and finish this work.

The Manager noted that Council would have received the MDOT 2010-2011 Plan, which indicated that Kittery was slated to receive \$5.5 to \$6 Million in project work.

The other DOT item concerned the Bridge Connectivity Study, which was happening and was moving out with two public meetings on April 27th: the afternoon meeting to be held at the Kittery Trading Post; and the evening meeting to be held at the Portsmouth High School auditorium. This study should be completed by the summer of next year.

Councilor Dow asked if there was a study to close two bridges and go to one? The Manager said he didn't think that was the intent of the study. They would be looking at alternatives, at the connectivity between the Portsmouth region and the Kittery region and how people traveled and if there were alternatives to the bridges that could be looked at. Councilor Dow noted that changes to the bridges would have a tremendous impact on the business community and they, as Councilors, needed to be attentive to that and asked for the Manager's input about the level of intense attention and pressure they wanted to be putting on this issue.

Town Manager Carter said they had certainly been very active in this area and he and some other Department Heads served on the Steering Committee. The study was a layered affair, including the connectivity part of it, as well as the engineering side of it. Maine was in charge of the connectivity portion and had hired a consultant, who hired a series of sub-contractors to look at economics, at mapping, at the economic future of the region, at river traffic, at the detriments and other pro and con aspects the bridges have had on them historically and economically.

The Manager also noted that there was an opportunity to have New Hampshire urge Maine to consider working with them to submit one application between the two States to use available stimulus money to repair one if not both of the bridges. The reason Maine might not want to do that was that it had other projects about which they were being pressured.

The Manager referred Council to a copy of an ordinance that was being required of them to work on and which the Planning Board had been working on for several months. It addressed the post

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construction stormwater Phase 2 requirements and a joint workshop of the Council and Planning Board had been set up for April 23rd.

The Manager said the Planning Board had also begun to process the site plan application for the Public Works salt shed and office complex and will hold a hearing on May 14th.

Town Manager Carter said that, sadly, he had to report that Lisa Goombs, their recording secretary for several Boards, including the Port Authority, had past away over the weekend. She had been in failing health but had worked up through March and their thoughts were with her husband and family.

The Manager indicated that the Town Clerk had received a petition, which was being reviewed by her department and may possibly be brought before Council at the next meeting.

c. COMMITTEE REPORTS

12. ADJOURNMENT

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

MEETING ADJOURNED: 8:56 P.M.