

APPROVED MINUTES  
APPROVED ON JUNE 22, 2009

**KITTERY TOWN COUNCIL  
SPECIAL MEETING**

**June 1, 2009**

**6:00 P.M.**

**Council Chambers**

1. **CALL TO ORDER**  
Chairperson Jeffrey Thomson called the meeting to order at 6:00 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, Frank Dennett, George Dow, Ann Grinnell, Glenn Shwaery, Vice Chair Judith Spiller and Chairperson Jeffrey Thomson. Also present were Town Manager Jonathan Carter, Town Attorney Duncan McEachern, Town Clerk Maryann Place, Superintendent Larry Littlefield, Recorder Ashley Rodier, members of the press and others.
5. **EXECUTIVE SESSION**

*THE KITTERY TOWN COUNCIL MOVES TO HOLD AN EXECUTIVE SESSION WITH LEGAL COUNSEL IN ACCORDANCE WITH 1 M.R.S. §405(6)(E) TO DISCUSS WIND TURBINE CONTRACTS.*

**COUNCILOR SPILLER MOVED TO OPEN THE EXECUTIVE SESSION, SECONDED BY COUNCILOR BEERS, WITH ALL IN FAVOR.**

*Executive Session opened: 6:00 p.m.*

**COUNCILOR BEERS MOVED TO CLOSE THE EXECUTIVE SESSION, SECONDED BY COUNCILOR SPILLER, WITH ALL IN FAVOR.**

*Executive Session closed: 7:00 p.m.*

**COUNCILOR BEERS MOVED THAT THE KITTERY TOWN COUNCIL AUTHORIZE THE TOWN MANAGER ON BEHALF OF THE TOWN TO SIGN THE E.W. 50 WIND TURBINE SYSTEM AGREEMENT AS PRESENTED AND TO ESTABLISH AN ESCROW ACCOUNT FOR ALL FUNDS RETURNED FOR LATER DISPOSITION ONCE PAID IN FULL, SECONDED BY COUNCILOR SPILLER.**

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

6. PUBLIC HEARINGS

A. (060109-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO APPROVE AND ADOPT AN ORDINANCE ENTITLED "ORDINANCE APPROVING ADDITIONAL LOCAL FUNDS FOR SCHOOL BUDGET FOR FISCAL YEAR 2009-2010".*

Chairperson Thomson stated that notification of this Public Hearing appeared in the local printed media on Friday, May 15, 2009. Chairperson Thomson asked the Superintendent of the Kittery School District, Larry Littlefield, to explain the intent of this proceeding. Superintendent Littlefield explained under the statute of the consolidation law they are required to report how much of the entire school budget is costing in additional local funds and then they also must identify how much of that is over the Essential Programs and Services (EPS) Formula. He also explained that the ordinance lays out how much in additional local funds the school committee is requesting to meet the budget and that amount is \$2,176,287.00 over the EPS Formula. Chairperson Thomson indicated that the total figure is \$2,399,737.00. Chairperson Thomson then opened the Public Hearing. No response being heard, the Chair closed the Public Hearing.

**COUNCILOR DOW MOVED THAT THE KITTERY TOWN COUNCIL TO ORDAIN THE ORDINANCE ENTITLED "ORDINANCE APPROVING ADDITIONAL LOCAL FUNDS TO BE RAISED AND APPROPRIATED IN THE AMOUNT OF \$2,399,737.00 FOR SCHOOL BUDGET FOR FISCAL YEAR 2009-2010", SECONDED BY VICE CHAIR SPILLER.**

Councilor Dennett asked Superintendent Littlefield to clarify why we are looking to raise an additional \$2,100,000.00 so that we can exceed the State's model to pay for essential programs and services. Councilor Dennett asked if we were spending \$2,100,000.00 that we do not need to because the State says that we do not or if the State grossly underestimated the cost. Superintendent Littlefield indicated that the formula used by the State to determine what constitutes the essential programs and services and the cost of those services actually lags behind the School District's actual costs. He stated that as of last year about 70% of the school districts in the State exceeded the State model. He explained that the formula is based upon costs that are about one to two years old and the ratios are based upon the number of nurses to students, librarians to students, teachers to students and administration to students. He further explained that the ratios are based upon prior costs and that the result is that about 70% of the school districts in the State exceed the EPS formula in order to fund their budgets and provide an adequate education. Councilor Dennett then stated that as far as he could tell this was strictly a Council action and not being voted on by the voters and that the voters will only be able to decide if they accept the amount of funds being incorporated into the budget. Councilor Beers then asked for clarification on the number being approved. Chairperson

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Thomson indicated that they were looking to approve the \$2,399,737.00 figure.

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

*B. (060109-2) THE KITTEERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING TO APPROVE AND ADOPT AN ORDINANCE ENTITLED, "ORDINANCE APPROVING SCHOOL BUDGET FOR FISCAL YEAR 2009-2010".*

Chairperson Thomson indicated that this was a requirement of the legislation that a public hearing take place within ten days of the public vote which will take place on Saturday, June 9, 2009. The Chair stated that notification of this Public Hearing appeared in the local printed media on Friday, May 15, 2009. The Chair indicated that this lists all of the various accounts that make up the overall budget and the categories that the school consolidation legislation set forth. The Chair then listed the expenditures for the budget totaling an amount of \$13,968,639.00. The Chair also added that the affirmation mentioned in the sum of \$2,399,737.00 is included in the total figure. The Chair then asked if Superintendent Littlefield had anything to add before the public hearing was opened. Superintendent Littlefield explained that when the school committee voted the budget in March which was then forwarded to the Town Council, the figure was \$14,074,941.00. Superintendent Littlefield indicated that due to the \$27,000,000.00 State budget shortfall, the State withheld just over \$100,000.00 from the Town's subsidy. Superintendent Littlefield further explained that once the stimulus money was received by the State that the priority was to restore any funds cut in education and that the Town must show the amount of stimulus money that is being restored to the budget. He indicated that amount was \$106,302.00 and that the original budget voted on by the School Committee of \$14,047,941.00 less the \$106,302.00 was the amount being presented and being voted on. Town Manager Carter then explained that he was going to deduct \$106,000.00 from the Town budget as well as to deduct from the revenue line so that the numbers will balance out. Town Manager Carter then indicated that this was going to set the community up for failure in 2011. Councilor Shwaery then asked Town Manager Carter why he had to reduce his revenue. Town Manager Carter explained that he had to reduce the Town and school budget by \$106,000.00 and that he will go into the revenue side and reduce \$106,000.00. Town Manager Carter explained that he cannot show that as reducing taxes and that it is a grant to the school which they may or may not receive. Councilor Beers then indicated that if the Council approved the budget for \$13,968,639.00 and then the voters approve it and the grant money does not come then the school department budget is reduced for the next year by \$106,302.00. Councilor Shwaery then indicated that the number that was being voted on did not include the stimulus money and wanted to know where the money would go if it is received. Town Manager Carter indicated that if the money comes, it will come during the school year and that it will probably come in installments and that it would be up to the school board to decide what to do with it. Town Manager Carter explained that the State is telling the Town to take revenue away that would have been received by raising property taxes and that by receiving that much more in subsidy by the State, the State has cut their subsidy by saying that they will give the Town this one time stimulus money from the Federal

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Government but in 2011 the Town will not get anymore subsidy from what the Town has already cut. Councilor Beers indicated that by approving this budget the School Committee has got to be prepared for a cut right now of \$106,302.00. Chairperson Thomson then opened the Public Hearing. No response being heard, the Chair closed the Public Hearing.

**COUNCILOR BEERS MOVED THAT THE TOWN OF KITTERY ORDAIN PURSUANT TO TITLE 20-A, SECTIONS 1485 AND 15690 THE SCHOOL BUDGET FOR FISCAL YEAR 2009-2010 IN THE AMOUNT OF \$13,968,639.00 AS PRESENTED IN THE ORDINANCE ENTITLED “ORDINANCE APPROVING SCHOOL BUDGET FOR FISCAL YEAR 2009-2010”, SECONDED BY COUNCILOR GRINNELL.**

Councilor Dennett asked how the question was going to read on the ballot. Chairperson Thomson indicated that it would read “Do you favor approving the Town of Kittery School Budget for the upcoming school year that was adopted at the June 1, 2009 Town Council Meeting?”.

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

7. Discussion by the public (only pertaining to Item 8 below and three minutes per person)

Chairperson Thomson stated this was a Special Meeting and that discussion by the public would be specifically limited to that Item 8 on the Agenda.

There was none.

8. NEW BUSINESS

a. *(060109-3) THE KITTERY TOWN COUNCIL MOVES TO SIGN THE MUNICIPAL WARRANT FOR THE JUNE 9, 2009 BUDGET VALIDATION REFERENDUM ELECTION.*

**COUNCILOR DENNETT MOVED THAT THE MUNICIPAL WARRANT FOR THE JUNE 9, 2009 BUDGET VALIDATION REFERENDUM ELECTION BE SIGNED, SECONDED BY COUNCILOR SPILLER.**

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

b. *(060109-4) THE KITTERY TOWN COUNCIL MOVES TO SCHEDULE A DATE FOR A PUBLIC HEARING FOR THE PURPOSE OF RELEASING FUNDS FROM THE TOWN’S GRANT MATCH RESERVE FUND IN THE AMOUNT OF \$6,132.00 TO CONDUCT A HARBOR ECONOMIC FEASIBILITY STUDY, MATCHING*

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*THE STATE'S PLANNING OFFICE AMOUNT OF \$8,918.00 FOR A TOTAL GRANT WITH IN-KIND CONTRIBUTIONS OF \$15,550.00.*

Chairperson Thomson indicated that the Town had received the grant award letter and that the project is being designed similar to the recently completed Wood Island Study using UNH engineering and business students. The Chair noted that the date of June 22, 2009 is recommended for the public hearing.

**COUNCILOR DENNETT MOVED THAT THE PUBLIC HEARING FOR THE PURPOSE OF RELEASING FUNDS FROM THE TOWN'S GRANT MATCH RESERVE FUND IN THE AMOUNT OF \$6,132.00 TO CONDUCT A HARBOR ECONOMIC FEASIBILITY STUDY, MATCHING THE STATE'S PLANNING OFFICE AMOUNT OF \$8,918.00 FOR A TOTAL GRANT WITH IN-KIND CONTRIBUTIONS OF \$15,550.00 BE SCHEDULED FOR JUNE 22, 2009, SECONDED BY COUNCILOR SPILLER.**

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

9. OTHER

Councilor Grinnell indicated that she had an item that she would like to speak about. Councilor Dennett moved to suspend the rules so that Councilor Grinnell could bring forward her item of interest, seconded by Councilor Dow.

Councilor Grinnell wanted to bring some information to the Council and to the Town about former Councilor Steve Huntress. Councilor Grinnell reported that Steve Huntress was doing better and that he was still in the Portsmouth Hospital and it is hoped that he can recover enough to be moved to a facility in Boston that treats patients with head trauma. Councilor Grinnell also indicated that a bank account has been set up at TD Banknorth in Kittery for people to donate funds to the family. She noted that the account number is 725549458 and that there has been an email link set up at [supportingsteve@gmail.com](mailto:supportingsteve@gmail.com) which will inform people of upcoming fundraisers, ways that you can help and Steve's health. Councilor Grinnell noted her appreciation for the Council allowing her to bring this information forward.

10. ADJOURNMENT

**COUNCILOR SPILLER MADE A MOTION TO ADJOURN, SECONDED BY DOW, WITH ALL IN FAVOR.**

MEETING ADJOURNED: 7:28 P.M.