

**TOWN OF KITTERY, Maine  
PORT AUTHORITY MEETING  
COUNCIL CHAMBERS**

**APPROVED  
DECEMBER 7, 2023**

1. Call to Order / Attendance

Chair Patten called the meeting to order at 6:05 PM.

Members present: Steve Lawrence, Niles Pinkham, John McCollett, Michael O’Keefe, Vice Chair Bryan Bush, and Chair Charles Patten.

Members absent:

2. Pledge of Allegiance

3. Agenda Amendments and Adoption: 7. Public Hearing, item b: change “AERIAL Drawing C3, REV. 5, dated 12/7/23, and ME DEP PERMIT PLAN C2, REV 6, dated 12/7/23”. **The agenda was approved as amended.**

4. Acceptance of Previous Minutes: 11/2/2023. **The minutes were approved as written.**

5. Harbormaster Report and Budget Report

The Harbormaster gave a summary of his monthly report, expenses and revenues for fiscal year 2024.

<b>FY 2024 YTD EXPENSES THROUGH 12/06/2023</b>					
<b>OBJECT</b>	<b>ACCT DESCRIPTION</b>	<b>FY 2024 BUDGET</b>	<b>FY 2024 EXPENSES</b>	<b>FY 2024 REMAINING</b>	<b>PERCENT USED</b>
64010	HARBOR MASTER FULL TIME SALARI	\$ 66,390.00	\$ 28,534.42	\$ 37,855.58	42.98
64020	PART TIME SALARIES	\$ 33,442.00	\$ 8,619.69	\$ 24,822.31	25.78
65010	POSTAGE	\$ 250.00	\$ -	\$ 250.00	0.00
65020	TELEPHONE & INTERNET	\$ 2,600.00	\$ 447.40	\$ 2,152.60	17.21
65080	LEGAL NOTICES/OTHER ADVERTISE	\$ -	\$ 39.00	\$ (39.00)	0.00
65200	ELECTRICITY	\$ 2,016.00	\$ 528.53	\$ 1,487.47	26.22
65220	WATER	\$ 525.00	\$ 214.59	\$ 310.41	40.87
65240	DUMPSTERS/TRASH REMOVAL	\$ 1,800.00	\$ 1,093.23	\$ 706.77	60.74
65305	BOAT EQUIPMENT MAINTENANCE	\$ 5,000.00	\$ 2,064.53	\$ 2,935.47	41.29
65310	VEHICLE MAINTENANCE	\$ 3,500.00	\$ 540.52	\$ 2,959.48	15.44
65311	GAS, GREASE, & OIL	\$ 5,500.00	\$ 2,888.29	\$ 2,611.71	52.51
65462	RIGGING	\$ 14,000.00	\$ 6,229.91	\$ 7,770.09	44.50
65463	SANITATION	\$ 2,500.00	\$ 1,297.49	\$ 1,202.51	51.90
65470	PROFESSIONAL DEVELOPMENT	\$ 1,500.00	\$ 296.40	\$ 1,203.60	19.76
65480	OTHER PROFESSIONAL/CONTRACTED	\$ 2,500.00	\$ 3,094.36	\$ (594.36)	123.77
65500	MAIN BLDG/GROUNDS WHARVES/HARB	\$ 4,500.00	\$ 1,979.35	\$ 2,520.65	43.99
65521	UNIFORMS	\$ 2,000.00	\$ 238.74	\$ 1,761.26	11.94
66010	OFFICE SUPPLIES	\$ 300.00	\$ 32.60	\$ 267.40	10.87
66030	OTHER SUPPLIES	\$ 2,000.00	\$ 385.95	\$ 1,614.05	19.30
66040	JANITORIAL SUPPLIES & SERVICES	\$ 500.00	\$ 100.96	\$ 399.04	20.19
<b>TOTAL</b>		<b>\$ 150,823.00</b>	<b>\$ 58,625.96</b>	<b>\$ 92,197.04</b>	<b>38.87%</b>

<b>FY 2024 YTD REVENUE THROUGH 12/06/2023</b>					
<b>OBJECT</b>	<b>ACCT DESCRIPTION</b>	<b>FY 2024 BUDGET</b>	<b>FY 2024 REVENUE</b>	<b>FY 2024 DIFFERENCE</b>	<b>PERCENT</b>
43147	DINGHY FEES	\$ (12,000.00)	\$ (831.40)	\$ (11,168.60)	6.93
43148	TRANSIENT SLIP RENTAL	\$ (16,000.00)	\$ (9,917.00)	\$ (6,083.00)	61.98
43149	KPA APPLICATION FEES	\$ (500.00)	\$ (500.00)	\$ -	100.00
43150	MOORING FEES	\$ (85,000.00)	\$ (1,979.60)	\$ (83,020.40)	2.33
43151	LAUNCH FEE	\$ (15,000.00)	\$ (6,359.75)	\$ (8,640.25)	42.40
43152	TRANSIENT MOORING	\$ (12,000.00)	\$ (8,054.00)	\$ (3,946.00)	67.12
43153	WAIT LIST FEE	\$ (2,000.00)	\$ (160.00)	\$ (1,840.00)	8.00
43156	PIER USAGE FEE	\$ (2,600.00)	\$ (641.00)	\$ (1,959.00)	24.65
43157	MOORING LATE FEE	\$ -	\$ (50.00)	\$ 50.00	0.00
43159	KAYAK RACK RENTAL	\$ (1,500.00)	\$ -	\$ (1,500.00)	0.00
<b>TOTAL</b>		<b>\$ (146,600.00)</b>	<b>\$ (28,492.75)</b>	<b>\$ (118,107.25)</b>	<b>19.44%</b>

6. All Items involving Town Officials or Invited Guests

7. Public Hearing

a. The Kittery Port Authority moves to hold a public hearing and vote on an application from Darren Lapierre, 27 Badgers Island West, Kittery, ME 03904 (Tax Map 1, Lot 30) for the installation of a 110' x 4' float along the existing pier.

Chair Patten recused himself from the application.

Mr. Lapierre gave a brief overview of the project. The Board had no questions.

Vice Chair Bush opened the public hearing. There being no comments, the public hearing was closed.

**Mr. Lawrence moved to approve the application. Seconded by Mr. Pinkham. The motion passed by roll call vote 5-0-0.**

b. The Kittery Port Authority moves to hold a public hearing and vote on an application from Langdon Island West Condominium Association, 9 Badgers Island West, Kittery, ME 03904 (Tax Map 1, Lot 23) for the modification of an existing structure consisting of a 4' x 8' float extension, a 4' x 34' (2 – 17') float, and two (2) 6' x 24' finger floats, as shown on ME DEP PERMIT PLAN-2022 AERIAL Drawing C3, REV. 5, dated 12/7/23, and ME DEP PERMIT PLAN C2, REV 6, dated 12/7/23, showing a railing on the short leg of the existing 28 foot long float, and the removal of all cleats that prohibits the berthing of boats on that slip, as well as outlines of six, 24 foot long boats in each slip, shown not extending more than 1 foot beyond the end of each finger float. Agent is

Steven Riker, Ambit Engineering – Haley Ward, Inc. This public hearing is continued from the September 7, 2023 meeting.

Mr. Riker presented an overview of the project to the Board. Discussion ensued briefly on amending the condominium documents.

Chair Patten opened the public hearing, setting a time limit for comments to three minutes.

Public comment was heard from: Wade Blake, 17 Badgers Island West.

Chair Patten closed the public hearing.

The Board discussed the requested waiver and the Port Authority Rules & Regulations.

**Mr. Lawrence moved to approve the waiver request for rule 4.7.3. Seconded by Vice Chair Bush. The motion failed by roll call vote, 1-5-0, with Vice Chair Bush, Mr. Lawrence, Mr. McCollett, Mr. Pinkham, and Chair Patten voting in the negative.**

**Mr. Lawrence moved to approve the waiver request for rule 4.7.6. Seconded by Mr. Pinkham. The motion failed by roll call vote, 2-4-0, with Vice Chair Bush, Mr. Lawrence, Mr. McCollett and Chair Patten voting in the negative.**

**Mr. Lawrence moved to deny the application. Seconded by Vice Chair Bush. The motion passed by roll call vote, 6-0-0.**

Chair Patten noted that the applicant can request a reconsideration from the Board as stated in 7.2 of the Rules and Regulations, or the applicant has the option to appeal to Superior Court as stated in 7.3 of the Rules and Regulations.

#### 8. Piers, Wharves & Floats

a. The Kittery Port Authority moves to accept an application from Briers Homeowners' Association, 6 Tudor Drive, Kittery, ME 03904 (Tax Map 17 Lot 43-3) for the modification of an existing structure consisting of the addition of a 6' x 20' landing float and relocation of the existing floating dock downriver 14 feet. Agent is Zachary Taylor, Riverside and Pickering Marine.

Mr. Taylor presented the application to the Board.

The Board asked several questions, and commented on the drawings.

**Mr. Lawrence moved to accept the application. Seconded by Vice Chair Bush. The motion passed by roll call vote, 6-0-0.**

**A site walk was scheduled for December 18, 2023 at 3 PM.**

b. The Kittery Port Authority moves to accept an application from Eric Dyer, 15 Bowen Road, Kittery, ME 03904 (Tax Map 17, Lot 4) for the modification and replacement of an existing structure consisting of a 6' x 59' permanent pier, 3' x 40' seasonal gangway, 10' x 16' landing float and two 10' x 20' main floats. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, Inc.

Mr. McCarthy presented the application to the Board.

**Mr. O'Keefe moved to accept the application.**

Chair Patten noted the motion includes the stabilization below the mean high water.

**Seconded by Mr. Lawrence. The motion passed by roll call vote 6-0-0.**

**A site walk was scheduled for December 18, 2023 at 3:30 PM.**

c. The Kittery Port Authority moves to accept an application from Paul J. McKeon Jr. & Jessica McKeon, 23 Bowen Road, Kittery, ME 03904 (Tax Map 17, Lot 6) for the construction of a 6' x 76' permanent pier, 3' x 45' seasonal gangway, 8' x 20' landing float and two 10' x 21' main floats. Access to the pier will be by a 6' x 5' access ramp. Agent is Ryan McCarthy, Tidewater Engineering & Surveying, Inc.

Mr. McCarthy presented the application to the Board. He corrected the dimensions of the access ramp to 6' x 4' and included a 4' x 16' boardwalk per the revised plan.

**Mr. O'Keefe moved to accept the application. Seconded by Mr. Lawrence. The motion passed by roll call vote 6-0-0.**

**A site walk was scheduled for December 18, 2023 at 3:15 PM.**

9. Public Segment (Three Mins.)

10. Unfinished Business

11. New Business – Chair Patten reminded the Board of the nominations and elections in January.

12. Committee and Other Reports - None

13. Communications from the Chairperson

14. Board Member Issues or Comments

Mr. Lawrence – none

Vice Chair Bush – none

Mr. O'Keefe – none

Mr. McCollett – none

Mr. Pinkham – none

15. Executive Session - None

16. Adjournment

**Mr. Lawrence moved to adjourn at 6:58 P.M. Seconded by Vice Chair Bush. The motion passed.**

Submitted by Carrie Varao, Development Staff Clerk on December 12, 2023.

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.