

## KITTERY PORT AUTHORITY

APPROVED  
December 3, 2009  
Council Chambers  
7:00 P.M. – 7:55 P.M.

Members Present: John Carson, Chairman, Milton Hall, William Bailey, Barry Bush, John Carson, Joan Castellano, Guy Petty and Russell White representing the Planning Board.

### 1. Approval of Minutes:

The minutes of November 5, 2009 were accepted as amended.

### 2. Budget Report:

Chairman Carson stated that he had approved some additional bills for York Harbor Marine, recorder fees and Waste Management. He asked Harbormaster Pike where they stood in respect to Frisbee. Harbormaster Pike responded that they were in pretty good shape and that there was a check waiting for last month's fees. Chairman Carson indicated that the electric bill for repairing the electricity after removal of the tank was picked up by the project management company. Chairman Carson stated the Worker's Comp had been increased and they were over budget. He continued that they had reevaluated the harbormaster's wages and raised the rate. Mr. Hall stated that the total Worker's Comp bill for the year was about \$1046.00 which was the figure that would be needed to use for the budget next year. Mr. Hall moved to accept the budget, seconded by Mr. Bush with all in favor.

### 3. Harbor Master Segment:

Harbormaster Pike stated the main float was out in the cove by the ramp and was tied down for the winter. He continued that one of the bolts broke on the dolphin to the left of the main pier and he was planning on fixing it. Chairman Carson asked if there was any damage from the last storm. Harbormaster Pike responded not to the facility but to a dinghy.

Harbormaster Pike indicated that the Cove Study was still being worked on.

Harbormaster Pike noted he was going to haul the new harbormaster boat that day but he was not able to get to it. He continued that he had received a couple of calls from the Coast Guard about boats that had gotten loose.

Harbormaster Pike stated the power at the main pier had been restored and was being paid for by the project management company.

Harbormaster Pike wanted to ask about having a clerical assistant come in for 4 or 5 days to straighten out the filing situation which included all of the historical records which were in boxes and not in the filing cabinet. He continued that it was probably a couple of weeks worth of work to do but wanted her to do some preliminary legwork and he could take it over from there. Mr. Petty asked how far back the records went. Harbormaster Pike responded that it was everything prior to his start as harbormaster. Chairman Carson stated that all of the documents were historical and he did not know what their significance was and that they should at least look and see what was there. He asked Harbormaster Pike how much money he needed to start the year. Harbormaster Pike stated that it would be less than \$500.00. Harbormaster Pike stated that he was looking to get the documents sorted by year so that he could have some sense of what he was looking at. Chairman Carson stated that Harbormaster Pike should look at the documents and see if there is anything important and that he could go ahead and have the woman come in to start going through the documents.

Harbormaster Pike stated that the storm plan had been posted on the town website and an alert would be posted if there was bad weather coming so that people could get an automatic email alert.

Harbormaster Pike indicated that there needed to be a standard harbormaster operating procedure from him for his assistants and there has not been one in previous years.

Harbormaster Pike noted that he was on to his winter schedule. He continued that renewal season was coming and they had not approved a launch or dinghy sticker. Harbormaster Pike stated that most people liked the idea of a sticker that would go on the tongue of a trailer or on the kayak or dinghy itself. He continued that if the sticker was done properly and they recorded who got which serial number it would work well. Chairman Carson asked Harbormaster Pike to find out how much the stickers were going to cost and Harbormaster Pike stated that he would have an answer in January. Mr. Petty indicated that he thought that the cost of the stickers should come from the revenues that the stickers generate.

Harbormaster Pike stated that Frank Frisbee relined that Pepperrell Cove parking lot and given him the receipt for the paint that was used.

Harbormaster Pike stated that he built a closet which was almost finished in his office at Pepperrell Cove.

#### 4. Marinas, Piers and Floats:

A. Raymond Adams Public Hearing (Delayed to January)

B. Saxby's New Float

Chairman Carson noted that he had all of the information relative to this but that Mr. Saxby was not present at the meeting. Harbormaster Pike stated that he had talked to Mr.

Saxby that day. He continued that he had gone and measured his floats and they were old floats that exactly conformed to his plans. Mr. Hall stated that there was one new float and Harbormaster Pike stated that he would inform Mr. Saxby that it would be kept on the agenda until he showed up.

#### C. Varney Float.

Chairman Carson stated that he had a copy of the modified drawing. Harbormaster Pike stated that he had called Mr. Varney after the last meeting and had notified him of the issues. Chairman Carson stated that Mr. Varney should come to the next meeting.

#### D. Other

Chairman Carson stated that he had received a call from Jack Taylor who informed him that Tony Marquis and Wes Owens had both submitted a permit request to the code enforcement officer for a replacement of less than 50% of their current pier. He continued that he would see the code enforcement officer on Monday and see if it required a permit or not. Mr. Hall noted that as long as it did not change the footprint it was okay.

#### 5. Public Comments and Issues:

None.

#### 6. Correspondence to/from Chairman:

Chairman Carson stated that there had been a lot of email communication and newspaper communication about things that were going on. He continued that there were three initiatives going on and two involved the University of New Hampshire. He noted that one was an engineering study and one was a marketing study. He continued that the marketing study had started in good shape and would continue and the engineering study was getting underway and students would be involved and would be guided by Appledore Engineering. Chairman Carson stated that there were several things happening and he had a plethora of emails that he was sorting out to give to the KPA members. He continued that these were oriented to supporting the capital improvement plan that had been laid out by the town and assured that it was all preliminary. Chairman Carson stated that there was no specific form and there were thoughts that had been laid out and they were essentially doing a feasibility study and that people should not get high hopes because they were 5 or 6 years away from doing anything. He continued that they had put in for a 7 million dollar grant to put in a breakwater across the harbor and that it was at least 5 or 6 years away and was not likely. Chairman Carson stated that it may not be feasible or make sense and they were trying to determine if it made sense or not. He stated that it was his own feeling that if they were going to spend a lot of money replacing the pier they should probably look at alternatives and this was a good time to take a look at it. Chairman Hall stated relative to the capital improvement plan, they had been surprised by the request for a plan. Harbormaster Pike indicated that he only felt

comfortable submitting what was already in the works and had been discussed relative to the improvements at Pepperrell Cove and the security system. Chairman Carson stated that they would like to be notified that they had to put in the request and then have the capital improvement committee meet and review and renew the plan. He continued he had talked to the town manager in that regard because this had almost no notice. Chairman Carson indicated that he had talked with the town manager about the budget work and the schedule was not out yet and should be out sometime that month and he would let everyone know as soon as he found out. He continued that he thought they would be having a budgetary workshop sometime in December or early January.

#### 7. Board Members New and Old Business.

Mr. Hall indicated that there was a stakeholders meeting relative to the bridges on December 16<sup>th</sup>. He continued that they started off with about 60 options and had it down to 18-20 and wanted to get it down to 4-6. Mr. Hall noted that it was a long process and was costing 2 million dollars. He continued that Chairman Carson would be the new stakeholder.

Mr. Hall stated that he had a letter that he would like to have submitted into the minutes (attached hereto).

Mr. Hall stated that at the 9/28/09 Council meeting, Ann Grinnell had made a big statement which was as follows: "She continued that her problem was that Council appointed people to the board and that they had no say in what they do and that they have acted for a long time like that they have no responsibility to come before Council and she felt that Council had to step up and get the Port Authority on the same team as the town. She noted that there were things on the Port Authority that she could not agree with and could not support the reappointment of Mr. Hall". Mr. Hall asked if anyone wanted to go to Council and ask them to explain what they meant by that.

Chairman Carson stated that he wanted to thank Mr. Hall for all that he has done over the years for the Port Authority. He continued that he and Councilor Spiller would be interviewing Tom Smith for possible appointment and he had not heard from a councilor about interviewing Kelly Philbrook. He stated that he would ask that other members to step up and take on additional responsibilities during the transition.

#### 8. Adjournment:

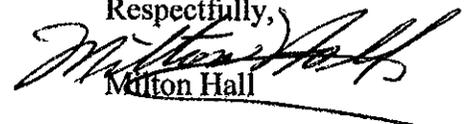
Motion made by Mr. Hall to adjourn, seconded by Mr. Bush. 7/0, all in favor. 7:55 P.M.

12/3/09

Budget: One of the many items that was passed onto me as Chair was to limit spending so that income from moorings and excise taxes would pay for the Port Authority Operations every year. So with the help of everyone on the KPA I was able to accomplish that objective mainly by not being influenced by what other towns were charging and paying. As for the last 20yrs the KPA increases averaged 2.1% per year. If every dept. had the same record, we wouldn't have the budget problem facing the Council and the State today. I tried to do my part by mailing all letters at my expense , repairing floats, piers and providing an outboard for towing through out the years without any compensation.

When I was appointed to the Port Auth. In 1989. The council was looking for qualified personal and expertise for the Port Authority . Then came the famous "Briar's Application" in 2002. And in 2003 the Spruce Creek Association, spearheaded by Ron Ledgett, was formed to stop the Pier and Floats at the "Briars" they challenged our State Statue Authority on private piers and filed a complaint in the courts which never went to trial. So anyone associated with the Spruce Creek Assoc. Should never be allowed on the Port Authority. In the end they lost in court with the planning board not up holding the Port Authority's recommended procedure, and jurisdiction on the pier being the Port Authority's. The last attempt to stop the pier being in 2007 with the zoning board. One thing that was established over the years was the link between the Council and Port Authority which was governed by the Town Manager before hand if need be and any questions on land issues with CEO or Planner..And I'll conclude and state that the Planner should not be involved with Private Residential Piers. Waste of the Planners time and it should be left up to the expertise of the KPA. We have a planning board member to handle any questions on land issues. The town council acted properly in not re appointing me , but it was done the wrong way and left a lot of people in Kittery distraught. Receiving the email from DEP in Augusta saying she was sorry to hear the news and thanked me for all my help overshadows the discreet operations by one on the council. I wish the KPA the best in the future and don't hesitate to call if I can be of any help. Always act in your best judgement and interest for "all" people to enjoy the waters of Kittery. Thank you.

Respectfully,

  
Milton Hall