

KITTERY PORT AUTHORITY

APPROVED

September 3, 2009
Council Chambers
7:00 P.M. – 7:35 P.M.

Members Present: Milton Hall, Chairman, William Bailey, Barry Bush, John Carson, Joan Castellano and Guy Petty

Members Absent: Scott Mangiafico

1. Approval of Minutes:

Mr. Petty made a motion to approve the Port Authority Minutes of August 6, 2009, as amended, seconded by Mr. Carson. 6-0 all in favor.

2. Budget Report:

Chairman Hall noted that there was not much to report besides the Waste Management Bill with Frisbees Market. He noted that the KPA had not been paid for the June bill yet and that they had finally gotten paid for July in which they had gotten two checks for \$303.11. Chairman Hall indicated that there was another bill for \$230.70 and Frisbees had claimed that they had sent the check but it had not been received to date and that they were looking into the matter.

3. Harbor Master Segment:

Chairman Hall noted that the Harbormaster was unable to attend the meeting. He continued that the Harbormaster had indicated that the main float repairs were essentially completed. Chairman Hall noted that the four old floats at Traip needed to be torn apart and moved out. Chairman Hall indicated regarding the new boat that the electronics were installed and that the old chart plotter was beyond repair. Chairman Hall noted that the fuel tanks at Pepperrell Cove were to be removed in October. He continued that the Spruce Creek EPA for monitoring purposes was scheduled for the following week. Chairman Hall noted that regarding the parking lot, space stencils and signs were removed. Chairman Hall noted that the bill was \$180.00 to do so and that he had asked the Harbormaster about it and that the Harbormaster had responded that the signs were unreadable so they had to be replaced. Chairman Hall indicated that he did not know whether it was a KPA or town issue and that he thought that they were town signs. Chairman Hall indicated that the KPA had paid for the signs. Chairman Hall noted relative to the pier improvement study that the projections had suggested that the facility would pay for itself with a yearly income of \$100,000.00. Mr. Carson noted that the study was preliminary at the moment.

4. Marinas, Piers and Floats:

A. Saxby's New Float.

Chairman Hall noted that Mr. Saxby was out of town.

5. Public Comments and Issues:

None.

6. Correspondence to/from Chairman:

Chairman Hall noted that had gotten a copy of Mr. Ellis's diagram of his new pilings in Kittery Point which is how it exists today.

7. Policy and Rules for Riparian Moorings:

Chairman Hall noted that the reason that this issue was on the agenda was because the Harbormaster did not quite know how to look at riparian moorings if they were not used for three years according to the regulations. He continued that there were some riparian moorings that were not used or not there but the people were paying every year for them. The Chairman continued that the Harbormaster wanted to know if they should keep the policy as it is or make a new rule. Mr. Carson asked what the practice had been in the past. Chairman Hall noted that in the past once someone gets a riparian mooring they had it for life and that it runs with the property. Mr. Carson indicated that his feeling was if the riparian mooring ran with the property that it should stay that way. Chairman Hall indicated that the Harbormaster thought the same but wanted to make sure. Mr. Carson proposed a policy that once a riparian mooring was granted it would run with the property whether it was used or not and that he would move that they confirm whatever was the practice in the past continue to be the practice in the future and that it would be up to the property owner to decide whether they want to use it or not. Chairman Hall noted that one issue was an issue with Mr. Bowman. He continued that Mr. Bowman had an old riparian mooring by the yacht yard and that the yacht yard had taken that mooring and the Harbormaster had switched it. Mr. Carson indicated that he thought that the riparian mooring should not be moved and should stay in front of the property. Mr. Carson modified his motion to say that once a riparian mooring is assigned to a property, it stays with the property and runs with the property and is not subject to the three year rule and may not be moved and should be located in front of the property, seconded by Mr. Petty. Mr. Petty asked about payments on the riparian moorings. Chairman Hall noted that the people pay for the space yearly at \$30.00 minimum every year. Mr. Petty noted that if people did not pay there was no consequence. Mr. Carson modified his motion to add that the property owner must pay at least the minimum mooring fee each year whether or not the riparian mooring is used seconded by Mr. Petty. Mr. Bailey noted that it was his understanding that the riparian mooring belonged to the property and not the property owner which the Chair concurred with. Mr. Bush asked if the motion needed to say that it was a violation of KPA rule that if you do not pay, the Harbormaster

could give the person a ticket or a fine of the amount that was owed. Ms. Castellano noted that she had a riparian mooring in her deed and that the KPA could not take that away even if she did not pay as it was in the deed. The Chair noted that they did not care if there was not an actual mooring out and that they only wanted money if there was an actual mooring. Mr. Petty noted that the KPA acknowledged that this was the case and that it was a riparian mooring for a reason and it runs with the property and although they should have jurisdiction over it, they do not. A roll call vote was taken with all in favor. 6/0 motion passes.

8. Board Members New and Old Business:

Mr. Carson noted relative to the harbor study that there was a meeting with Appledore Engineering and a marine related company and that they had met the student from the engineering school who was working on the study and a recent graduate who was working on the project from the business school. He continued that the coordinator was from Appledore and that the two students had gotten very active and the business student had made a survey of harbors up and down the coast collecting information from harbormasters and fees structures. Mr. Carson continued that the engineering student had a couple of meetings with Harbormaster Pike and that the two of them met with Mr. Frisbee the prior week. He continued that they had put together a preliminary report which was where the \$100,000.00 projection discussed earlier had come from. Mr. Carson noted that they had put together two surveys and gave each board member a copy and asked the members to review them and make comments at the next meeting on the questions asked and the appropriateness of the survey. Mr. Carson noted that one was a conceptual drawing of what might be in which they were looking for public comments and that the other was a question and answer survey. Mr. Carson noted that he would be calling a meeting before the next Harbor Development sub-committee to be sure that they were on top of what was going on and that he was going to try to get a report from the study coordinator before that time.

Mr. Carson noted that when they were looking at what to do with the floats during the storm, he had contacted the director at the MWR Marina who gave them permission to use floats in the back channel that were not being used but that KPA did not end up using them. Mr. Carson continued that his thought was that if they were likely to have a need for a hiding hole for floats and wanted to put them on moorings, that maybe they should put some of the moorings in an appropriate place and that it might be an issue for future budgetary considerations. Mr. Carson indicated that maybe they should have a group look at the mooring fields and identify and assign them for storm use.

Mr. Petty asked relative to the survey if this was conceptually the direction that they were looking for. Mr. Carson noted that it was really a reiteration of Harbormaster Pike's concept and that they had not really discussed it very much in the sub-committee. Mr. Carson noted that he had pointed out to the students that they should not play back the concept that had been described to them and that they wanted them to come up with their own creative ideas. He noted that this survey was at least something that people could

react to. Mr. Petty noted that he had some concerns with the study. Mr. Carson noted that he should point them out and note their concerns.

Mr. Petty noted that he had another sabbatical coming up and that he was going to be out of town from January to May. Mr. Petty indicated that he would be glad to resign if the KPA so felt inclined but that he would also be willing to keep serving. The Chair noted that he had no problem with Mr. Petty staying on the KPA and asked if anyone else had a problem with it. All members noted that they did not have any problem with it.

The Chair noted that a few people had talked to him about adding moorings. He noted that he had mentioned it to the Harbormaster who had indicated that he had not put in many extra moorings and that they had only been a few. Mr. Carson indicated that it was his understanding that the only new moorings were the ones that had not been used and that were now assigned. The Chair noted that the new moorings could be an issue as it may drive the fisherman out into the middle of the channel with their lobster traps because they could not fish in between the moorings. The Chair noted that the Harbormaster had indicated that he was just about finished putting the moorings in.

The Chair noted that as far as the \$100,000.00 yearly income mentioned earlier, his question was that they were putting all those slips out there and the navy base had lots of empty slips this year and that they were assuming that all of the slips would be used. Mr. Carson asked if there really was a market for this. The Chair noted that they had tried charging in Portsmouth and that it did not go anywhere. Chairman Hall noted that they had come to him and they had wanted the structural parts for Kittery Point and for the fisherman's pier and that he had gotten those for them. Mr. Carson noted that they had collected a lot of information so far.

9. Executive Session to Discuss Future Wages: Personnel Matters 1 M.R.S.§405(6)(A):

Mr. Carson made a motion to go into Executive Session, seconded by Mr. Bailey, with all in favor.

Mr. Petty made a motion to come out of Executive Session, seconded by Mr. Carson.

10. Adjournment:

Motion made by Mr. Carson to adjourn, seconded by Mr. Bailey. 6/0, all in favor. 7:51 P.M