

# KITTERY PORT AUTHORITY

APPROVED MINUTES

April 1, 2010

Council Chambers

7:30 P.M. – 8:43 P.M.

Members Present: John Carson, Chairman, William Bailey, Barry Bush, Kelly Philbrook, Joan Castellano, and Harbormaster Bion Pike.

Members Absent: Russell White

## 1. Minutes of Meeting: March 4, 2010:

Mr. Bush moved to approve the minutes of March 4, 2010, seconded by Mr. Bailey with all in favor.

## 2. Budget Report:

Ms. Castellano stated that she had paid for the dinghy launch stickers and she had given Harbormaster Pike past-due Waste Management fees for the pier but he had said it had all been taken care. She stated that Frisbees sent the town a check and then the town would send a check to Waste Management so the KPA never saw it in their account. She continued that they were still paying Sprint but the contract was up at the end of May so they might not have to pay the penalty for switching service providers. Harbormaster Pike stated that the town had told him that they needed a 1099 from Walmart before they would issue a check. Chairman Carson stated that he had put budget reports from the town in the members packets. He continued that the KPA's budget including the increase for the Harbormaster's salary was 2 cents under tax rate but they had included excise taxes in the KPA's budget which was not appropriate. Chairman Carson stated they were trying to increase the income to the town by working with the base to get people to pay excise tax and register their boats in Kittery.

## 3. Harbor Master Segment

Harbormaster Pike stated that the lobster trap cleanup was scheduled for April 17<sup>th</sup>. He continued that he was going to try to get the word out to as many lobstermen as possible and that any traps that are not picked up will be at the recycling facility.

Harbormaster Pike noted the three assistant harbormasters, Chairman Carson and he had all completed and passed the training at Maine Maritime Academy.

Harbormaster Pike stated that they were at about two thirds done with mooring renewals and he had started doing temporary assignments. He noted that at that point he had about 45 moorings to assign to the temporary program.

Harbormaster Pike stated that he had received a call from the Army Corps of Engineers relative to the Traip float and it appeared that they might have an old permit that might be applicable and he expected to hear back shortly.

Harbormaster Pike indicated that the Pepperrell Cove mooring fees were discussed at the meeting at the Maine Maritime Academy and the ongoing concern of the Army Corps that the KPA is in compliance. He continued there was a lot of discussion about the six moorings held by the yacht club. Harbormaster Pike stated that before he had left for the meeting he had a request from the yacht club to renew the moorings and he told them he could not until he had Army Corps approval. He continued that he forwarded the permit application and directions to the yacht club so they can apply to the Army Corps for the six moorings but he did not think that they would get them.

Harbormaster Pike indicated that the UNH Engineering project would be completed in a month and a half with a presentation before Council and Port Authority. He continued that they were moving closer to the final design. He continued that the UNH marketing team was going to hold a focus group the following Tuesday to answer questions. He noted that the Pepperrell Cove marketing team had signed Harbormaster Pike up for social networking sites. Chairman Carson indicated that the team had picked the name "Maine Harbormaster" and it ought to be "Kittery Harbormaster". Harbormaster Pike noted that the marketing group had asked for a slogan for the waterfront in Kittery for marketing material. He continued that they had come up with "Kittery Point, Maine's Destination for Summer Fun" which he suggested was not going to work. Chairman Carson asked if anyone had any suggestions. Chairman Carson suggested that they go with "Kittery, First Port In Maine" which everyone agreed to.

Harbormaster Pike stated that there was a ship grant and the State would be putting a million dollars into port improvement for smaller projects if the bond passed. He continued that the state was looking for shovel-ready projects that could start quickly. Harbormaster Pike noted that the State would pay for 90% of the project and the application would be arriving soon. He noted if the bond passed in June they would start looking at applications and that work would commence in September. He continued that the State was looking for commercial fisheries projects and he thought the Pepperrell Cove project would fit right in.

Harbormaster Pike noted relative to the mooring at Whaleback for the American Lighthouse Foundation, he felt that they should assign the Foundation a mooring so they can work on the lighthouse but that it should be commercially designated and clearly marked. Chairman Carson asked if anyone had any objection to assigning the mooring. No one was opposed.

Harbormaster Pike indicated relative to the security cameras, Sgt. Denault had ordered the system and he had managed to save a little bit of money.

Harbormaster Pike noted relative to biminis and lights for the boat, he would like to move forward with purchasing the items. Chairman Carson stated that the boat account had been moved to a capital account so it would have to be approved by Council.

Harbormaster Pike stated that his hours were going to go up in April and he would be working at the Cove for some hours every week.

Harbormaster Pike stated he was looking at the tides and he had identified the float launch date as April 10<sup>th</sup>.

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

A. Application for a 4' x 45" fixed pier with a 3' x 40" ramp and a 10' x 20' float at 5 Sparhawk Lane on Barters Creek for Colette Tilton and Dennis Burnside.

Zachary Taylor of Pickering Marine stated the property lines close in upon each other and there was only one spot to place the dock and there was already an existing walkway so the owners would not have to cut a new path. He continued that they made the pier and ramp long enough so that the boat and pier could rest in a safe spot in the mud as there were a lot of rocks and ledges in the area which was the reason why it was designed at the lengths proposed. Mr. Taylor stated the float would be located by two float piles and float stops would be installed to suspend the floatation drums at low tide. Chairman Carson asked if they had received a DEP permit. Mr. Taylor responded they had not and he had not gotten the administrative complete letter yet but he was expecting it soon.

Mr. Bush moved that the Kittery Port Authority find the application substantially complete and place it on the May agenda for a public hearing, seconded by Ms. Castellano.

A roll call vote was taken with all in favor. Motion passes 6/0.

B. Application for a fixed pier with ramp and float at 16 Trefethen Street, Kittery for Joseph and Deidre Mcceachern.

Mr. Taylor stated they were proposing a 6' x 35' fixed pier, a 3' x 30' ramp and a 10' x 20' float. He continued on the property at one point in time was a functioning boathouse and there is an existing deck that encompasses the outside edge and right hand edge of the structure. He continued that they angled it slightly to get more water with less structure.

Mr. Bush moved that the Kittery Port Authority find the application substantially completed and place it on the May agenda for a public hearing, seconded by Mr. Bailey.

A roll call vote was taken with all in favor. Motion passes 6/0.

#### 5. Public Comments and Issues

Dean Rykerson, a preservation architect from Kittery came to the podium to speak about the Whaleback Lighthouse. Mr. Rykerson stated that it was a remarkable structure and the shell was in great shape but mostly everything else was not. He continued that it was on the National Register of Historic Places and was transferred to the American Lighthouse Foundation last year. Mr. Rykerson stated it was their intention to do some intermediate repair and eventually to be able to have a dock and get the public to land there. Mr. Rykerson stated that doing the work to preserve the structure and build an area to land would be in the high six figures so it was some big fundraising they had to do. He noted that it was one of the first uses ever using concrete and stone to create a structure in 1872 and the granite work was beautifully done and amazing. He continued that there would be a show this summer at the Portsmouth Discovery Center starting July 2<sup>nd</sup>, with old drawings, photographs and paintings about Whaleback being displayed. Chairman Carson asked that Mr. Rykerson keep the KPA up to date on the project.

Milton Hall came to the podium. Mr. Hall stated he had asked Senator Bowman about legislation on the statute and as far as Senator Bowman was concerned it had to go through legislation to change it.

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

Chairman Carson stated that he had received a letter from the Spruce Creek Association and he had replied to the letter. He noted that Mrs. Ford was concerned about some of the comments the past chair had made and Chairman Carson responded by suggesting they look to the future.

Chairman Carson stated that he received correspondence from the State of Maine confirming that the tanks were removed at the dock.

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

Chairman Carson stated that he would like to defer discussion on the Harbormaster Code of Ethics and Stormplan but asked if anyone had any input to talk to Harbormaster Pike.

Chairman Carson stated relative to the Portsmouth Yacht Club moorings, that the Army Corps had said they may not have the moorings and rent them out and yacht clubs were not supposed to have moorings in a federal anchorage area. He continued the yacht club had applied for a permit and thought they would not be approved. Chairman Carson stated they would have to talk with them and their options would be that they lose their moorings and the moorings would be reassigned, the KPA could take the moorings over and use them for rental moorings or there might be other possibilities. He continued they would probably want to commit to the yacht club if they open other mooring fields they would have a top shot at them.

Chairman Carson stated the moorings in Pepperrell Cove are in a federal anchorage area and the KPA is not allowed to charge differential fees for residents and non-residents. He

continued that they integrated the mooring waiting list and they have to do something about the fees. He continued they were looking at options and he would probably want to put a small study group together but they needed to figure out how to get the same revenue and they needed to do it the fairest way possible. Chairman Carson stated they wanted to resolve this with the Army Corps by the beginning of July.

Chairman Carson stated they wanted to put together a Fishermans Advisory Group which would be a group of fishermen who will act as a sounding board and will be people who the fisherman can go to. He continued he had talked to three fisherman who would be willing to serve, Steve Lawrence, Dave Kaselauskas and Ed Foy. He continued that Ms. Philbrook had agreed to be the liaison for the group. He noted that the thought was in the near future have Ms. Philbrook set up a meeting with the three fishermen and lay out terms of reference and bring it in for approval by the KPA. Chairman Carson stated that the three fishermen could appoint two other fishermen. He noted that the reception he had gotten so far was good. Chairman Carson asked if there was any objection to doing this. There was no objection to putting the group together.

Chairman Carson stated relative to the issue of rental moorings, it implied liability issues and they would be looking at that when they look at the insurance.

Chairman Carson noted relative to Shipyard excise tax, Joel had agreed if they could work out an informational piece that they could show New Hampshire voters that it would not cost a fortune to register their boats in Maine, that he would send it out and arrange for them to go to New Hampshire and register people. He continued that he did not think that it would make a big impact immediately but they wanted to start the educational process.

#### 9. Adjournment:

Motion made by Ms. Philbrook to adjourn, seconded by Mr. Bush. 6/0, all in favor. 8:43 P.M.