

KITTERY PORT AUTHORITY

APPROVED
July 2, 2009
Council Chambers
7:00 P.M. – 7:55 P.M.

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

Members Absent: Scott Mangiafico

Also Present: Bion Pike, Harbormaster, Zachary Taylor and members of the public.

1. Approval of Minutes:

Mr. Petty made a motion to approve the Port Authority Minutes of June 4, 2009, as amended, seconded by Mr. Bush. 6-0 all in favor.

2. Budget Report:

Chairman Hall indicated that there was \$1,852.91 left in the budget and that there was supposed to be \$1875.00 left, so they were pretty close to meeting what they were supposed to have leftover that they could not spend. Chairman Hall stated that for the Capital Improvement Plan at Kittery Point they spent \$16,373.39 and asked the Harbormaster if he had ordered any lumber. The Harbormaster indicated that he had ordered the lumber but that the invoice had been kicked back to him because the wrong code was on the invoice for the CIP but that he believed that the total was under \$700. Chairman Hall indicated that if the KPA wants something with the leftover funds, they would need to submit a request to the Town Council to use that money. Harbormaster Pike indicated that the Town's budget was very close to being balanced and that there was not going to be anything left.

3. Harbor Master Segment:

Harbormaster Pike indicated that his first item was the main float. He noted that they had purchased all the materials needed to affect the repair and when there was a sunny day he would affect the repair.

Harbormaster Pike indicated that relative to the Harbormaster phone, the bill came in and it was higher than the last bill and that he had followed up on other plans that they could get through Sprint. He explained that they could go to a 1400 minute plan for another \$20.00 per month or go to the unlimited plan for another \$40.00 per month and that they could get 10-15% off either of those plans if they switch from personal to business plan if they state that they use it for a municipality. The Harbormaster explained that for the money, the unlimited plan was the best plan and that for \$90.00 a month they would

never have to worry about overages. Chairman Hall asked if taxes were included in the \$90.00 figure and the Harbormaster noted that they were not. Harbormaster Pike indicated that the last two bills together were pushing \$600.00. Mr. Carson stated that it was his opinion that there was finally good communication between the fisherman, the users of the port and the harbormaster and that while they needed to control costs, they did not want to do anything to interrupt that because he believed that they had the best rapport going on that they have had in years. The Harbormaster indicated that last September when the storm came through and there were three boats that went aground, he was away at a wedding. He noted that the Coast Guard was able to contact him and he was able identify the boat owners and give telephone numbers for those people and that was because he had the cell phone with him. Mr. Petty noted that at \$120.00 a month or so the total for the year would be around \$1400.00 and that they have paid almost half of that in the last two months. Chairman Hall asked if changing the number of minutes in the plan would extend the contract. The Harbormaster indicated that it did not and that there were 10 months left in the contract. Chairman Hall noted that when the contract was up they should look at all available plans. The Harbormaster was then authorized to go ahead and make the changes to the cell phone plan.

Harbormaster Pike indicated that they were essentially done with the mooring renewals and that the mooring renewals were done, the database was done and the GPS study project was basically done. He continued that he was going to be sending the GPS data off to the State so that they could put it on the GIS map and he hoped that in the next month or two to get it on the website so that people could access that information.

Harbormaster Pike indicated that in regards to the dumpster, they were up to one dump per week instead of one every other week with Frisbee's Market using the dumpster and he did not know if that would change once the weather clears and they get busier. Harbormaster Pike indicated that the agreement that they had with Mr. D'Amico was that they would not pay anymore for the dumpster than they had in the past.

Harbormaster Pike indicated that the old harbormaster boat was running and needed some cosmetic repairs. He continued that the Town had approved \$20,000.00 to get a new boat and that he needed to know what the process was going to be if he identified a boat. He noted that they had lost out on a commercial grade 19 foot Whaler which was priced at \$17,000.00. He wanted to know if he identified a boat if there were people who could make that decision or if should he ask to put a deposit on it and wait until the Port Authority could vote on it. Mr. Carson asked the Chair if a committee of three people could be put together, including the Chair, that could make the decision because he thought if they found something it should be addressed in a timely fashion. The Chair indicated that it was fine with him. Mr. Petty asked if they could receive a donated boat as a tax write-off from someone because they were a municipality and he would look into it further. Harbormaster Pike noted that the town manager had said when they identify a boat he will get a check for the deposit on it so that they could have the boat surveyed and have it taken for a test drive. Mr. Carson indicated that Mr. Petty's idea was a good one and wanted to know if they would qualify as the correct type of organization to be able to get a tax write-off. Chairman Hall noted that it was his opinion that Kittery would

not qualify. The Chair noted that the three committee members that would look at potential boats would be himself, Mr. Bush and Mr. Carson.

Harbormaster Pike indicated that a chain of one of the lobster boats shattered on the mooring and that thankfully the boat did not strike any other boats. He continued that when the diver went down to inspect the chain, he found that the chain had actually shattered and not rotted or rusted. Mr. Bush noted that they had found several cracks in the chain. The Harbormaster noted that the boat was back safely on the mooring with no damage.

Harbormaster Pike noted that he has been assisting the Spruce Creek Association with water monitoring, by taking them to two sites on Spruce Creek so that they could monitor the water looking for e-coli and those sorts of things.

Harbormaster Pike noted that there was a speeder in Chauncey Creek and that he has had several reports from several people and it has reached a point where he was going to have to do some real enforcement on it. He continued that this was a person who was known and that many people had reported this person.

Harbormaster Pike indicated that he wanted to introduce David Chapman who was the potential new Assistant Harbormaster for Kittery. He noted that Mr. Chapman was a retired police officer and marine and would bring a lot to the table to help he and Peter. He commented that Mr. Chapman had lots of boating experience and that he had driven a lot of the same boats that they drive. He asked the Port Authority to approve Mr. Chapman as the Assistant Harbormaster. Mr. Bush moved to approve Mr. Chapman as the Assistant Harbormaster, seconded by Mr. Bailey. Motion passes 6/0.

Mr. Petty asked the Harbormaster if there was a clear policy, but that some of the moorings could not be identified. The Harbormaster indicated that was no longer the case and those moorings were moorings where no one has made an effort to contact him for two years. He continued that he had made efforts through letters and phone calls to contact those people and that giving them two seasons to get in touch with him was more than fair. He noted that these were people who had previously had boats in Kittery and knew the policy.

Harbormaster Pike noted that over the past year, they have collected more than \$44,000.00 in mooring fees which was \$3,000.00 ahead of what the town projected. He continued that in regards to the boat excise tax, the town had projected a collection of \$21,000.00 and they had collected \$30,686.00. The Harbormaster stated that the Port Authority had covered its budget regarding mooring fees and boat excise tax and actually beat it by a little bit. Chairman Hall indicated that he thought that was great.

Mr. Carson asked the Harbormaster how the launch fees were doing. The Harbormaster indicated that the launch fees are happening now and that he recently had people come into his office and ask where to pay and that they have had some collection down at the cove. He continued that on that past Saturday he had gone down to Traip and talked to

five boaters on the dock and that most of them were very cooperative and thought that it was extremely fair. Harbormaster Pike noted that most of people were very receptive and thought that it was very fair and agree that it was far cheaper than anywhere else. Chairman Hall asked if there were signs posted anywhere. The Harbormaster indicated that he had one posted at Traip but that it had disappeared, but that he was going to be putting another one up, and that he had one posted down at the Harbormaster shack at Pepperrell Cove. He stated that he would like to have a couple of metal signs made but that he did not want to do it before they had their new budget. He continued that as far as the budget was concerned that they had pushed right up to the total this year but that a lot of that was due to needing to spend time and money to bring things in line and that he expected to spend under the budget next year. Mr. Petty noted that it may be worth looking at putting up a box so that people can put money in voluntarily and that Fort McClary had a box with a pad lock on it. The Harbormaster noted that they were in the absolute infancy of this and that the downside of that was that he did not want to confront someone and ask where their pass was when they had already stuffed money into the box and that he did not want to be bothering people when they had already paid. Harbormaster Pike indicated that he did not think that idea should be ruled out in the future.

4. Marinas, Piers and Floats:

- A. Public Hearing for KPE Trust c/o Charles Wu, 20 Pepperrell Road, Kittery Point, to increase 40' ramp to 56' and move floats out 16' and up 5' toward KPT Bridge.

1. Public Comments:

Chairman Hall opened the public hearing. He continued that Zachary Taylor had called him on this noting that they wanted to move the floats 5' up and that would give space inside on the floats so that he can put his boat inside on a mooring. Chairman Hall indicated that he had told Mr. Taylor that he did not see any problem with it. Chairman Hall then closed the public hearing.

2. Board Deliberation

Zachary Taylor indicated that originally they were going to add 22 feet but that in lieu of doing that, and in a more environmentally sound way, they were going to just push the float out and that Mr. Wu was just looking for another place to tie his boat up. Mr. Taylor indicated that Mr. Wu just needed to get past the bank where the channel starts and by pushing the float out he will be able to tie up on the backside. Mr. Taylor continued that in order to make that work it was just a matter of shifting the two outside floats up 5 feet to make an L shape instead of a partial T shape. Mr. Petty asked if it was going to have the same number of pilings. Mr. Taylor responded that it was the same number of pilings but that some of the pilings had to be pulled and re-driven. Mr. Petty noted that it was not the 5 feet that bothered him but that the 16' and that originally it was set up so that the inside face was at mean low water and that now they were going beyond that by 20 feet. Mr. Taylor indicated that all they had

essentially done was moved it out the 16 feet and slid it over 5 feet which will now allow him to park the other boat inside which he otherwise would not have been able to do. Mr. Taylor indicated that the original was 16 feet because it was a 40 foot ramp and that those pilings have to be pulled and re-driven but that it was the same amount of pilings. Mr. Carson asked what the depth on the inside was. Mr. Taylor indicated that it was 3 or 4 feet which was pretty much what he had on the outside. Mr. Petty noted that was in character with what they had approved in the past and that was a direction that they had intentionally gone.

3. Motion

Mr. Petty moved that the application of KPE Trust c/o Charles Wu, requesting the relocation of existing floats and moving them 16 feet outward and 5 feet upstream with the relocation of the existing pilings and the replacement of the 40 foot ramp with a 56 foot ramp at the location of 20 Pepperrell Road, Kittery Point, Assessor's Map 18, Lot 38 to be in compliance with the drawing submitted by Pickering Marine dated June 9, 2009 be approved, seconded by Mr. Bush. 5/0 in favor.

5. Public Comments and Issues:

Jonathan Rivers of 1 Folcutt Road, Kittery wanted to inquire about his spot on the town mooring list. He indicated that he was on the original mooring list but that he understood that the list changed and wanted to know where he was on the electronic list and that if he was not on the list he would like to ask to be reinstated. Harbormaster Pike noted that the issue relative to Mr. Rivers was that he had been on the waitlist for a mooring for almost ten years. The Harbormaster noted that he checked the computer records and there was nothing there. Harbormaster Pike continued that he came to the Town Hall to do some investigating and he found Mr. Rivers in the book, waitlist number 807. He continued that it appears that while Mr. Rivers did put his name on the waitlist, when the change came and everyone had to renew, he had never been entered into the system so he could not be notified when the Harbormaster did the purging of the list last year. The Harbormaster indicated that he did not find him in any of the records that he purged and that he was not on anything except the book and given that they had no means of contacting him, the Harbormaster had suggested that Mr. Rivers come to the Port Authority and ask that he be reinstated to the waitlist. The Harbormaster noted that this was a pretty large exception but that he thought that it was warranted and fair and thought that Mr. Rivers should go in at the top of the waitlist as he would have already had a mooring. Mr. Petty indicated that it was fine with him as long as there was evidence that he was at one point on the waitlist. Mr. Carson noted that Mr. Rivers was not notified all those years that he needed to renew. The Harbormaster noted that short of the previous harbormaster going in to the records that were ten years old and finding his application, there was no means of getting Mr. Rivers's address or contact number to let him know that there had been a change. Mr. Carson asked if at the time that Mr. Rivers was put on the list if there was any need for residents to renew every year. The Harbormaster indicated that there was not. Chairman Hall indicated that he had no problem with it.

The Port Authority authorized the Harbormaster to reinstate Mr. Rivers to the top of the waitlist and apologized to Mr. Rivers for having to go through all the trouble.

6. Correspondence to/from Chairman:

Chairman Hall noted that he had called Waste Management relative to the dumpster and that for the Port Authority is cost \$125.00 a month for a dump every two weeks as well as a surcharge that changes every month. He noted that the bill that came in was for \$221.00 which was a \$96.00 difference with Frisbee's using the dumpster, nothing that was with a dump every week. Chairman Hall noted that as it stands right now Frisbee's owes \$154.46 for the last month and that they needed to make sure that they got the money. Mr. Carson asked who Frisbee's was going to pay the money to. Chairman Hall indicated that was the issue that he was going to have to address it with the Town and that it would have to go back into the Port Authority budget. Mr. Petty wanted to be careful to make sure that they got credit for that money because it could get to be a significant amount of money throughout the year. Mr. Petty indicated that there was a potential that Mr. D'Amico might be able to pay for the dumpster directly and if they switched roles and he would be the one responsible for the cost of the dumpster and the fees associated with it and that the town would be providing a space for it. Chairman Hall indicated that he did not think that was the agreement that the Town Manager had made with Mr. D'Amico. Mr. Petty indicated that it would do two things if they made that arrangement. He noted that first it would absolve the KPA having to try to get that money back, and second, it would get the KPA out of the loop of being the proprietor. Chairman Hall indicated that after the summer they would be out of the loop. Harbormaster Pike indicated that a way to possibly approach this issue was in the fall, after the six month trial period was up, and Frisbee's takes it over completely, that the agreement be revisited and that possibly the KPA would pay for two dumps a month during the boating season and then it would become their issue. The Harbormaster indicated that they could then cut a check directly to Waste Management or to Frisbee's.

Chairman Hall indicated that he had gotten notice from the limited liability insurance company who wanted them to fill out a survey because they apparently thought that they were in business making a profit. Chairman Hall indicated that he had given the notice to the Town Manager to fill out but that they had not gotten any bills because they wanted the survey back first.

Chairman Hall noted that Sheepscoot River Mooring and Marine, Inc. from Westport Island had informed that the Town that they wanted to do what UNH was going to do relative to the grant that the Town had just received. The Harbormaster indicated that they wanted to do the grant and the GPS plotting at Pepperrell Cove.

Chairman Hall noted that he had another call from Mr. Leblanc who was working with Morrison at Grey Lodge on the floating ramp and that they wanted to renew the abutments around the banks but that the issue is that it is above high water. Chairman Hall indicated that the CEO wanted confirmation so he sent her an email saying that it was okay.

7. Board Members New and Old Business:

Mr. Petty noted that he wanted to volunteer to help the Harbormaster with the harbormaster's boat to get it looking better. Mr. Petty asked if the KPA needed to give authority to help the Harbormaster fix the boat up. Harbormaster Pike indicated that he was thinking about hiring Brian Tobey to fix up the boat but that it would be a much cheaper solution to do as Mr. Petty had said and get the rub-rail back in place and use clear line to lace it back. Mr. Petty noted that they were not planning on keeping the boat for very long. Chairman Hall noted that the issue that he had was that the other outboards on the other boats were hitting on the harbormaster's boat and that was something that should not be happening. Harbormaster Pike indicated that was something that had happened last year as well and that he did feel bad having the outboard up as it did not help his outboard or any of the other outboards. He continued that he could put it on the face of the float. Chairman Hall indicated he thought that everyone else should move their boats instead of the Harbormaster having to move his.

Chairman Hall noted that the steel hoists on Government Street and Kittery Point were just built three or four years ago and that they were starting to get rusted. He noted that the decking on the fish pier never had any preservative put on it and even though it was pressure treated there still should be something put on it and that after time it would rot out. The Harbormaster noted that with the new budget, he had a part time person starting that next Monday and that he would get him started on those projects. The Harbormaster noted that in regards to the hoists he had asked Zachary Taylor about load weights and load limit signs and that they did not want to put signs up, tell him what signs to put up or to be responsible for it and that their feeling was to get an engineer to tell what the load limits were. Chairman Hall noted that he did not see any reason not to cut the load weights down to half of what they should carry and put a sign out, stating that if they were built for two tons to put one ton as the limit. Chairman Hall noted that he was at the Traip ramp and that they seemed to be taking care of it and that it was not getting torn up. The Harbormaster noted that he had talked to the two guys and that they said if they were going to bring traps down that they would carry them. Harbormaster Pike noted that Emile Bussiere had called and offered another float. Chairman Hall noted that Mr. Pearson was looking for a float and that it should go to him.

8. Adjournment:

Motion made by Mr. Petty to adjourn, seconded by Mr. Bailey. 5/0, all in favor. 7:55 P.M.