

1. Call to Order

The Chair called the meeting to order at 6:00 p.m.

Members present: Steve Lawrence, Member; Mark Drummond, Member; Kelly Philbrook, Chair, Charlie Patten, Member, Bryan Bush, Member, Mark Alesse, Member and Planning Board Representative, Bruce Crawford, Vice Chair

Staff Present: Scott Alessi, Harbormaster

2. Pledge of Allegiance

3. Agenda Amendments

- Item 7a was tabled until the August meeting.
- Item 8a the agent is unable to attend. The Chair asked Board members to accept and move forward.
- Item 9 has been resolved.
- The Chair added the Agenda was never posted online due to the Town Clerk being on vacation.

4. Minutes: June 1, 2017

Line 44 - change to slip not skip

Line 46 – take out “to”

Line 52 –add “in the negative”

Line 69 – pendant not dependent

Line 176 – change to “mark end of the float”

Vice Chair Crawford moved to accept the June 1, 2017 Minutes as amended.

Mr. Lawrence seconded the motion.

The motion carried 7-0-0.

5. Harbormaster Report and Budget Report

Budget Report

Revenues:

- Dingy fees are up \$3,300 from appropriated;
- Transient slip rents are up \$1,600 from appropriated;
- Launch fees were \$3,000 over appropriated with \$5,000 acquired for fees in the month of June for a total of 69 season passes to date.

- Revenue for mooring fees are below due to fewer moorings being issued this year.
- The total amount below revenues for this year is \$4,229.

Budget:

- Negative amounts are mostly from major medical/worker's comp.
- The available budget is \$11,991.
- Mr. Alessi highlighted the fiscal year 2018 budget changes which are: part-time salary of \$15,000 to \$10,000; boat equipment maintenance \$1,500 to \$750 (due to the new boat); signs went from \$1,000 to \$500; professional development went from \$500 to \$550; and maintenance and grounds went from \$2,500 to \$3,000.

Discussion of mooring fees ensued. Mr. Alessi stated he needs to collect 23 more. He is working on mapping the locations of mooring blocks, which is a slow process because they have been moved and he can't rely on the database. Mr. Alessi also discussed revoking moorings in Pepperrell Cove due to not receiving registrations. He described an incident involving a 44-foot center counsel that was speeding through Pepperrell Cove. He stopped the boat and alcohol was involved. He had assistance from the marine patrol and the driver was charged with a felony. The cost to repair the Government Street Pier hoist is \$838.

Chair Philbrook helped track mooring blocks and asked for a volunteer from the Board. Mr. Alesse offered to help.

6. All Items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

a. Barney Baker from Baker Design Consultants will present an overview of the Government Street Wharf Condition of Assessment.

Mr. Baker gave a slide presentation outlining his assessment. His report was given out at the last meeting. Mr. Alessi has the electronic copy of this report.

Mr. Baker reported there are signs the pier has been repaired several times. The piles have not been driven. The stone abutment is irregular and he is not sure of an exact age of the wharf. The wharf was likely appropriated and constructed by the government and is a landmark.

He documented the current condition of the pier, the critical needs to keep it functioning and a service life.

His immediate recommendation is to not allow vehicles on the pier that are heavier than 3.5-ton vehicle which is equivalent to a half ton pickup truck. This has been posted by the Harbormaster. Bait deliveries are going to Pepperrell Cove now.

Mr. Baker explained the possibility of the pier being underwater if the prediction of the FEMA map of a storm surge occurs. Timber floats need to be tied down. FEMA elevation is 14.6 and the pier is 12.

The decking is in good condition. Railings have suspect areas that should be upgraded, the curbs are too low and should be 10 inches high according to OSHA. Stringers are in good shape. There is an issue where the abutment connects to the pier. It is not well drained and timber is rotted out. Some pile caps will need to be replaced. The stone abutment is in good condition but is not uniform so he is unable to tell if it is moving or stable. There are signs of retaining water.

Short term structural recommendations include:

- Install signage to post weight limits on pier;
- Install shims in locations where missing beneath stringers and pile caps;
- Repair pile caps in 4 & 5;
- Replace westernmost pile;
- Replace deteriorated fender piles at pier face;
- Remove dead wood beneath pier;
- Strengthen hoist connection in decking; and
- Improve anchorage of hold downs for hoist tension ties.

The long-term recommendation is to start a replacement program. He explained the need to have a capital planning project. Costs are estimated to be \$325,000 to \$375,000. Design development, permitting and looking at grant opportunities would also be needed.

Mr. Baker suggested looking at grant opportunities such as the Small Harbor Improvement Program and getting on the list. The grant will match 50%. Mr. Baker's firm helps with grant writing.

Mr. Lawrence would prefer the long-term recommendation and not band-aid the situation. The Chair stated this item will need to be on the agenda for discussion.

7. Public Hearings

a. The Kittery Port Authority moves to continue the application by Bryan Cormier, 12 Goose Point Road, Kittery Point ME 03905 (Map 34, Lot 16) for the construction of an 8'x 24' seasonal/temporary aluminum dock. Along 185' of shorefront in Hutchins Cove in Spruce Creek.

This item has been continued to the August meeting.

b. The Kittery Port Authority moves to hold a public hearing on an application by Richard and Gail Marshall 27 Water Street Kittery Maine (Map 1, Lot 49) for the construction of a 4'x8' access platform, 4'x20' access stairs with a mid-stairs platform, a 6'x50' pier with batter pilings, a 3'x12' aluminum stairway to the beach, a 3'x50' aluminum ramp, and two 10'x20' wood floats with two dolphin moorings.

Joe Leblanc from Leblanc & Associates, representing with the applicant, explained the location is in an eddy in a quiet area of the back channel. A site walk was done.

The Chair opened the public hearing. Hearing none, the Chair closed the public hearing.

Vice Chair Crawford stated his concern of the location of the white buoy. He believes it is too far out and large boats would have difficulty coming down the channel. He suggested sliding the project down. Mr. Leblanc stated the DEP came out for a site visit and spoke with applicant and they could come down 8-feet. Further discussion of the float location and water depth ensued. Chair Philbrook added Mr. Patten did a sounding. Mr. Leblanc stated moving the project 8-feet is still within the setbacks. Chair Philbrick received a message from an abutter who stated he didn't have any problems with the pier. Sounding was done.

Mr. Lawrence made a motion to approve the application by Richard and Gail Marshall 27 Water Street Kittery Maine (Map 1, Lot 49) for the construction of a 4'x8' access platform, 4'x20' access stairs with a mid-stairs platform, a 6'x50' pier with batter pilings, a 3'x12' aluminum stairway to the beach, a 3'x50' aluminum ramp, and two 10'x20' wood floats with two dolphin moorings.

Mr. Bush seconded the motion.

Vice Chair Crawford stated the Board needs to be objective and review what is submitted only.

The motion carried 6-1-0.

8. Piers, Wharves & Floats

a. The Kittery Port Authority moves to review and accept an application from Brian Cooper 156 Haley Road, Kittery ME 03904 (Map 39, Lot 4) for the construction of a 4' x 24' fixed pier and a 4' x 24' kayak ramp and float. Agent is Riverside and Pickering.

Doug Anderson, Riverside and Pickering Marine Contractors, described the ramp and explained it will be used for kayaks. He added the float will be supported by a float stop so not to be sitting in the mud which is depicted in the drawing. Kayaks will be carried to the ramp.

Chair Philbrook moved to accept the application Brian Cooper 156 Haley Road, Kittery ME 03904 (Map 39, Lot 4) for the construction of a 4' x 24' fixed pier and a 4' x 24' kayak ramp and float and will be forwarded at the public hearing and a site walk.

Mr. Bush seconded the motion.

Site walk was scheduled for July 24th at 4:00 p.m.

The motion carried 7-0-0.

9. Item 9 was resolved.

10. Public Segment

The Chair opened the public segment.

John McCollett, 29 Wilson Road, spoke of being contacted by the Harbormaster regarding his moorings. Mr. McCulloch described the conversation and added the Harbormaster told him he was revoking his mooring in the cove. Mr. McCollett stated he has been paying for the mooring and explained he had switched moorings with another person. The previous harbormaster and Chair of the Port Authority told him the issue of this mooring was resolved. He added he didn't like the comment from Mr. Alessi of going in front of the Port Authority.

Chair Philbrook stated if a mooring is revoked, a person can appeal to the Kittery Port Authority. Mr. McCollett requested to be on the agenda for August. He will send a letter requesting to appeal the decision.

Margo Bradford stated she moved to Kittery a year ago and her house came with a riparian mooring. She has paid for the mooring and asked why the Town can get money for it but she is not allowed to rent it. Chair Philbrook responded it is a State law and the Town is holds the spot. She added the fee covers administrative costs and keeps people honest. The Chair also explained the temporary mooring program. Ms. Bradford thanked the Board for the education.

The Chair closed the public segment.

11. Unfinished Business

a. Rules and Regulation Updates

Chair Philbrook pointed out the following additions to the Rules and Regulations:

- Page 5, lines 161 and 162 - a definition of a service mooring;

- Page 7, lines 211 and 212 - a definition of primary owner.

The Table of Contents now match the pages. Mr. Alesse pointed out Page 20, line 721 should read “express” not “expressed” and Page 31, line 1140 change “take” to “undertake”.

The Chair would like to move this to a public hearing in August.

Mr. Lawrence moved to bring the draft of the KPA rules and regulations to the August public hearing.

Mr. Bush seconded the motion.

The motion carried 7-0-0.

12. New Business

a. Take action on the sailing vessel Hester Winds that was left on the town floats and went ashore on January 10, 2017. In accordance with 12 M.R.S.A § 1866 (2)(C) The Kittery Port Authority here by determines that the vessel known as Hester Winds has been abandoned by its owner Kids Sail LLC.

Chair Philbrook made a motion to take action on the sailing vessel known as Hester Winds that was left on the town floats and went ashore on January 10, 2017. In accordance with 12 M.R.S.A § 1866 (2)(C) The Kittery Port Authority here by determines that the vessel known as Hester Winds has been abandoned by its owner Kids Sail LLC.

Mr. Lawrence seconded the motion.

The motion carried 7-0-0.

b. The Kittery Port Authority authorizes and instructs the Harbormaster to provide notice to the Director of the Maine Bureau of Parks and Lands in accordance with 12 M.R.S.A § 1866 (2)(C) that the Hester Winds has been abandoned.

Chair Philbrook moved to authorize and instruct the Harbormaster to provide notice to the Director of the Maine Bureau of Parks and Lands in accordance with 12 M.R.S.A § 1866 (2)(C) that the Hester Winds has been abandoned.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.

c. Insurance Policy on the Harbormaster Towing Vessels

Mr. Patten read an email he sent to members summarizing a conversation with the insurance broker, Doug Oxley. Mr. Oxley suggested KPA have an informal policy statement with guidelines which will be filed and sent to the underwriter. Mr. Patten read the guidelines he came up with and the Board and Harbormaster were in agreement to use them.

d. Pepperrell Cove Boat Ramp Condition Concerns

Chair Philbrook stated she sent pictures of the Pepperrell ramp to Board members because the ramp needs to be repaired. Vice Crawford recommended cutting out the area that is damaged and fill it with concrete. Mr. Alessi will work on this in the Fall.

e. Elections of Officers

Mr. Lawrence moved to nominate Kelly Philbrook as Chair.

Mr. Bush seconded the motion.

The motion carried 7-0-0.

Mr. Lawrence moved to nominate Bruce Crawford as Vice Chair.

Chair Philbrook seconded the motion.

The motion carried 7-0-0.

Mr. Lawrence moved to nominate Mark Drummond as secretary.

Chair Philbrook seconded the motion.

The motion carried 7-0-0.

Mr. Lawrence stated his appreciation of working with this Board.

13. Committee and Other Reports

a. Communications from the Chairperson

Discussion of continuing the relationship with fire department ensued. Mr. Patten consulted the insurance company and they cover two crew and advised against it. The Town Manager checked with Maine Municipal Association and discovered they can cover the fire department's use of the boat through a mutual aid policy. The Chair and Town Manager will be meeting soon to work out the details. Mr. Patten will ask the insurance company what is considered crew for the Harbormaster's boat.

- In-kind repair/replace of decking and stringers at 1 Pepperrell Road Kittery Point Me.

The Chair stated she has granted this.

b. Committee Reports

- **Sea-Pro Bid Package Update**

The bid package has been approved by the Town Manager. Chair Philbrook stated there is no minimum bid they have the right to reject any and all bids. The Board was in consensus to move forward. A bid opening date will be within two weeks. Mr. Patten and Mr. Drummond will work with the Harbormaster.

14. Board Member Discussion

Mr. Lawrence – Mentioned Alan Breton, Assistant Harbormaster brought in the paperwork and collected \$4,995 at the Traip boat pier.

Mr. Drummond – Asked to have a no wake buoy placed in Spruce Creek near the trestle because of speeding. Mr. Alessi stated he will place the buoy this weekend.

Mr. Bush – None.

Mr. Alesse - None.

Vice Chair Crawford – None.

Chair Philbrook – stated she has heard good things regarding Alan Breton and expressed her appreciation of him. She asked for the Board's opinion on hiring a part-time dock assistant because there is money in the budget. This person could work Thursday, Friday and Saturday. The Chair has emailed the Town Manager regarding the hiring process. The Board was in consensus to move forward.

15. Adjournment

Mr. Lawrence moved to adjourn the meeting at 8:00 p.m.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.