

1. CALL TO ORDER

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

Members Present: Steve Lawrence, Mark Drummond, Mark Alesse, Charlie Patten, Bruce Crawford, Kelly Philbrook

Staff Present: Scott Alessi, Harbormaster

2. PLEDGE OF ALLEGIANCE

3. AGENDA AMENDMENT & ADOPTION

The were no amendments to the Agenda.

4. MINUTES: DECEMBER 1, 2016

Line 32 – Duncan “McEachern” name misspelled
Change “Core” to Corp. throughout document.

Mr., Lawrence moved to accept the December 1, 2016 Minutes as amended.
The motion was seconded by vice chair Crawford

Motion carried 6-0-0.

5. HARBORMASTER REPORT

- Mr. Alessi reported he has completed updating the data base.
- He has sent out half of the mooring invoices.
- He sent information to Duncan McEachern, the Town Attorney, regarding the abandoned sailboat. After discussion, the Board was in consensus to begin the process to have the boat hauled out of the water and stored because of safety concerns. Mr. Alessi will find a no-fee storage area.
- Vice Chair Crawford asked if the Town is sending a bill to the New Hampshire resident for another sailboat that was hauled out of Pepperrell Cove. Mr. Alessi stated he has the person’s address and will send him a bill.

6. PUBLIC HEARINGS

- a. The Kittery Port Authority moves to hold a public hearing on an application by Sylvia Fallow Brewster 1 Bond Road, Kittery Point ME to construct a tidal docking structure consisting of a 4’x12’ access ramp, a 4’x45’ fixed pier, a 3’x30’ aluminum gangway, and a 10’x20’ float along shorefront on Barter’s Creek.

Steve Riker, Ambit Engineering, reviewed the changes the Board requested at the December meeting. He stated the location of the chains are shown on the revised plan. The docking structure will be installed from the waterside. Mr. Riker stated he has received a review of the project from the Department of Marine Resources in Maine stating there will be little impact and

will provide a copy if the Board would like. He also stated Maine Department of Inland Fisheries & Wildlife has reviewed the project and determined no concerns on the impact of wildlife if the project is done within a certain timeframe so not to disturb migrating birds.

Mr. Patten asked if there is a way to make the chains more equal in length because he is concerned with the float being twisted between tides. Mr. Riker stated the chains are the length because of location of ledge. He also stated Riverside & Pickering Marine were consulted and had no concerns with the chains.

The Chair opened the public hearing.

Resident Tom Allen, 3 Bond Road, stated he is an abutter and the owner of Kittery Point Yacht Yard. He stated the application is listed as a tidal docking structure and he understands a tidal docking structure is one where the float sits high and dry. Mr. Allen handed out an exhibit showing eight docks in the area all consider tidal. Mr. Allen stated he doesn't have an issue with the pier and float if it is legal. He questioned if this is a common-sense design with public safety in mind. He explained his concern with the scale of the structure if future owners use the structure for a larger boat. The area is close to a public swimming hole and a boat will need to navigate through this area. Mr. Allen is also concerned with the limitation of docking because of the water current in the area.

Mr. Allen requested Mr. Riker to indicate where the chains are being anchored near the property line and the riparian line calculations. Mr. Riker agreed.

There being no other comments, the Chair closed the public hearing.

Mr. Lawrence stated he has spent time since the site walk looking at the area and feels it is a terrible place to put a float. He questioned if the structure can be changed to a different angle. Mr. Lawrence also stated his concerns with the tide and current and the safety concern for the people swimming.

Mr. Riker responded that he had a pre-application with Jen Harris from the Maine DEP and she noted the current location has the least impact. There would be an impact on the marsh if moved. Board members suggested to turn the pier to run parallel to the salt marsh. Mr. Ryker replied there is an issue of rockweed. Vice Chair Crawford stated the DEP wouldn't deny an application if they knew it is a hazard and recommended Mr. Riker reach out to them.

Mr. Lawrence recommended the Board have another site walk at low water and the applicant consider another location.

Chair Philbrook moved to approve the application by Sylvia Fallow Brewster 1 Bond Road, Kittery Point ME to construct a tidal docking structure consisting of a 4'x12' access ramp, a 4'x45' fixed pier, a 3'x30'aluminum gangway, and a 10'x20'float along shorefront on Barter's Creek as shown on the plan.

Mr. Lawrence seconded the motion.

The motion failed 0-6-0.

7. PIERS, WHARVES AND FLOATS

- a. Continue the application for Robert & Karen Couture 22 Captains Way, Kittery Point ME for the construction, modification, reconstruction of a tidal docking structure consisting of a 4'x20' wooden access way, a 8'x45' Stone pier (existing in kind), a 3'x35' aluminum gangway, and a 10'x24' float along shorefront on Weir's Creek.

Steve Riker, Ambit Engineering, reviewed the additional information requested by the Board at the December meeting. All of them have been provided except the measurements on the lot line. The mooring chain schematic is shown on the revised plan, orientation of the float on profile view has been revised to be accurate, the property survey is completed, riparian lines will be addressed by Paul Dobberstein from Ambit Engineering and the application verbiage has been edited.

Mr. Dobberstein gave an overview of the property and the riparian lines. Mr. Dobberstein also explained the project will be partially on the Home Owner's Association's land, which the applicant has permission. He stated the structure is 620 ft. and 1,100 ft. from the property lines and the elevation is approximately -5.

Chair Philbrook made a motion to approve the application and bring to a public hearing and schedule a site walk for Robert & Karen Couture 22 Captains Way, Kittery Point ME for the construction, modification, reconstruction of a tidal docking structure consisting of a 4'x20' wooden access way, an 8'x45' Stone pier (existing in kind), a 3'x35' aluminum gangway, and a 10'x24' float along shorefront on Weir's Creek.

Mr. Lawrence seconded the motion.

The motion carried 6-0-0.

A site walk was scheduled for January 23, 2017 at 3:00 p.m.

- b. Application for James W Stott & Jonathan King 100 Pepperrell Road, Kittery Point ME to replace an existing 10'x20' float with a new 10'x40' float and two new pilings along shorefront on Pepperrell Cove.

Steve Riker, Ambit Engineering, explained the datum has been updated in profile view, which he believes it is more accurate. He also explained the float piles will be cut and leveled to provide stabilization.

Chair Philbrook made a motion to approve and bring to a public hearing and schedule a site walk for James W Stott & Jonathan King 100 Pepperrell Road, Kittery Point ME to adding a 10'x20' float with a new 10'x40' float and two new pilings along shorefront on Pepperrell Cove and go to a public hearing.

Mr. Drummond seconded the motion.

The motion carried 6-0-0.

A site walk was scheduled for January 23, 2017 at 3:45p.m.

8. PUBLIC SEGMENT

Chair Philbrook opened the public segment. There being no comments the Chair closed the public segment.

9. UNFINISHED BUSINESS

- a. The Kittery Port Authority moves to approve the Intergovernmental Memorandum of Agreement between the KPA and Town Council.

Chair Philbrook stated there were questions after the last workshop and she consulted with the Town Manager who is present at tonight's meeting to answer questions. Kendra Amaral, Town Manager, reviewed the major changes in Title 2.2 Harbormaster Compensation, Lines 69-73 under Compensation and Benefits, Article 5, and Article 12.

Town Manager Amaral stated this document will be presented to Town Council on the 9th. Vice Chair Crawford likes the revision but would like the last sentence in Title 2 regarding the Town Manager overseeing the Harbormaster to be taken out. Vice Chair Crawford stated it is referred to in another area and should be adequate.

Vice Chair Crawford moved to accept the Memorandum of Agreement as presented in their packets.

Mr. Drummond seconded the motion.

Mr. Alesse pointed out the agreement should be called an intragovernmental agreement not intergovernmental.

The motion carried 6-0-0.

- a. The Kittery Port Authority moves to approve the Harbormaster Job Description.

Mr. Lawrence made a motion to accept the harbormaster's job as printed.

Mr. Drummond seconded the motion.

The motion carried 6-0-0.

- b. The Kittery Port Authority moves to approve the proposed Title 2 changes by adding 2.4.1.11 Harbormaster Position.

Vice Chair Crawford moved to accept the proposed Title 2 changes by adding 2.4.1.11 Harbormaster position with the exception of the wording "and the Kittery Town Manager".

Mr. Lawrence seconded the motion.

The motion carried 6-0-0.

10. NEW BUSINESS

a. Rules & Regulation Update

Chair Philbrook stated Council members have pointed out the inconsistencies with the KPA's rules and regulations. The Chair agrees they need to be fixed. Mr. Dennett and Mr. Beers placed the fees, rules and regulations in an added appendix, along with the changes. Chair Philbrook also believes the Council will no longer be posting public hearings in the newspaper. They will post public hearings on the website and on the bulletin board at Town Hall. The Board was in consensus to review the changes and keep this as an agenda item.

b. Float in & out Safety Concerns

Mr. Patten explained his concerns during this year's float in & out. He questioned whether volunteers should be involved. Chair Philbrook explained the operator of the crane was a trainee for Badger-Rand. After further discussion, the Board was in consensus to request the crane company to send two people and no trainee in the future. Chair Philbrook also suggested including a training session an hour before the event. Mr. Alessi will speak with Badger-Rand Crane Co.

11. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

- **Resignation of Peter Johnson**

Chair Philbrook read the letter of resignation from Peter Johnson. The resignation is effective immediately. Chair Philbrook stated the resignation is on the Council's agenda and there will be an interview process from the pool. She also stated she may be allowed to appoint which KPA member will do the interview. Mr. Alessi requested copies of the list of applications before interviewing. Chair Philbrook will ask the Town Clerk if they are allowed to see the applicants information beforehand.

- **January 19th Workshop**

The Board was in consensus to wait to decide about holding a workshop on January 19th.

Chair Philbrook reported that the CIP was held yesterday and they were consolidating it. She explained they will need to wait and see if they will receive \$50,000 facilities for Government Street Pier.

A new float has been approved for Pepperrell Cove and Scott Alessi will proceed to order.

Chair Philbrook reported there will be meeting with a representative from the Army Corps. of Engineers, the Chair and the Town Manager on January 19th at 2:15 to discuss what is to become with the Federal Navigation Project. The meeting will be posted if more than three Board members plan to attend.

Chair Philbrook reported items have come up regarding mooring renewals. She explained people are paying the minimum \$150 when they are not planning to have their boat placed instead of the \$6 per foot. The Board discussed charging by size of the boat instead of a minimum in these circumstances. The Board also reviewed the regulations of the temporary mooring program and discussed crediting the regular holders the following year if their mooring is not used. This year, Mr. Alessi is requesting registrations before mooring fees are paid.

b. Committee Reports

- **Lighting and Railing Update**
Vice Chair Crawford reported the project is moving along and was told it should be completed by the end of January or first of February.
- **Sign Update**
Mr. Alesse reported he has contacted a sign company in North Dakota with better pricing and will have more information at the next meeting. Chair Philbrook listed sign options she would like to be included.

Chair Philbrook stated Mr. Alessi is looking at a boat to replace the current Harbormaster's boat and the age is 1999.

12. BOARD MEMBER DISCUSSION

Mr. Drummond –pointed out there was a lot of interruptions during the float in & out from people who had left their dingys in the water. Would be better not to have the distractions of a signal.

Mr. Alesse – none.

Mr. Lawrence – none.

Vice Chair Crawford – asked the recourse if the owner of the sailboat recently hauled does not respond. Mr. Alessi responded the owner owes the Town \$20. Chair Philbrook stated the fees for hauling should be collected by whoever hauled the boat.

13. Adjournment.

Mr. Alesse made a motion to adjourn at 8:00 p.m.

Mr. Drummond seconded the motion.

The motion carried 6-0-0.

Submitted by Mary Mancini, Minute Recorder, on January 9, 2017.