

1. Introduction

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

Members Present: Steve Lawrence, Member; Mark Drummond, Member; Kelly Philbrook, Chair; Bruce Crawford, Vice Chair; Charlie Patten, Member; Mark Alesse, Member and Planning KPA Members Representative.

Absent: Peter Johnson

Staff Present: Scott Alessi, Interim Harbormaster

2. Pledge of Allegiance

3. Agenda Amendment & Adoption

Agenda was adopted as presented.

4. Minutes: September 1, 2016

Change Mr. "Reed" to Mr. "Reid" where needed in document.

Line 39- change "charity" to "nonprofit".

Line 49 – change "serviced" to "served".

Line 87- "change "tow" to "two".

Line 89 – take out "feet".

Line 109 – replace "on" with "along".

Line 130 – replace "skits" with "stilts".

Line 143 – replace "Lake" with "Blake".

Line 149 - waiver not wave

Line 150 – replace "Pocket" with "Crockett"

Line 154 - replace "Gaffner" with "Gaffney".

Line 198 – replace "months" with "years or so".

Line 207 – add "Breton" after Alan.

Mr. Lawrence moved to accept the Minutes as amended.

Mr. Drummond seconded the motion.

The motion carried 6-0-0.

5. Harbormaster Report.

Scott Alessi reported the following:

- Recent repairs to planks at Government Street Pier. The right side railing tops will need to be replaced.
- Slip #4 - guide chain broke off the end of slip. Fixed for this year but recommends redoing all of the cables.
- Wheel on the ramp at the end of the Frisbee Pier will need to have hub and bearings replaced.

- Working on the Maine Municipal Association action plan and he needs to get in touch with David O'Brien. The SDS binder is complete and in the building. They do not have a lock out tag out for the Town and he didn't pursue further.
- Working with the mooring holders.
- Has enjoyed working with the people.

Mr. Lawrence asked for an update on Rice Avenue. Scott Alessi reported the doors will need to be replaced. He has moved out items from Pepperell Cove.

Mr. Alesse asked if Scott has the authority to replace the bearings at the Pier. Chair Philbrook replied he does but there is no sense doing it now because they will all be coming out.

The Board has had requests to reschedule removing floats from October 17th to a later date. Members were in consensus to reschedule for Monday, October 31st. Chair Philbrook stated the power and water can be taken care of before the weekend and the break down during the weekend. Chair Philbrook stated if anyone is interested in volunteering to contact her or Scott Alessi. Mr. Lawrence asked about liability insurance for volunteers. Chair Philbrook will look into this.

Chair Philbrook received a copy of the budget, which is included in the Board packet. She commented the overtime is over the limit and believes it is due from the assistant harbormaster's hours. She will ask for more clarification.

6. Public Hearings

The Kittery Port Authority moves to hold a public hearing on an application by Douglas and Louise Basnett, 37 Mill Pond Road, Kittery, to add an additional 10'x20' float to existing pier and float.

Chair Philbrook opened the public hearing for anyone to speak for or about this matter.

Milton Hall asked what the total length of the pier and float will be after the addition. He also reminded KPA Members the limit is 150 feet. Chair Philbrook replied total length will be just over at 160 feet.

Jim Forbes of Mill Pond Road commented that he knows the area and there is no traffic this dock would interfere with.

There were no other comments. The Chair closed the public hearing.

Mr. Lawrence moved to approve the application by Douglas and Louise Basnett, 37 Mill Pond Road, Kittery, to add an additional 10'x20' float to the existing pier and float and waive our rule of 150 feet granting the extra 10 feet.

Mr. Alesse seconded.

The motion carried 6-0-0.

7. Piers, Wharves, and Floats – None.

8. Public Segment

Milton Hall believes user fees should be eliminated for the harbormaster's benefit. After speaking with a former Chair, he went to the Town to inquire about the actual excise tax. Mr. Hall read the results. For 2014 and 2015, excise tax was \$26,900 and for 2016 the amount was \$26,814. He questioned why it is not paying off the pier and should go towards revenue to the Port Authority.

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

Discussion ensued regarding the problem of boaters who do not pay excise tax and tracking this.

9. Unfinished Business

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

Mr. Alesse moved to approve the revisions to the Harbormaster Job Description.

Mr. Lawrence seconded the motion.

The motion carried 6-0-0.

10. New Business

- a. The Kittery Port Authority moves to address an estimate for winterization and inspection of town moorings in Pepperrell Cove.

Chair Philbrook gave the estimate from Gunnar Ek for winter services at \$175 each mooring or six at \$155 each. Chair Philbrook emailed Gunnar Ek about two additional moorings that were not included in this estimate. Chair Philbrook asked if she should get more than one estimate. Since the Board was satisfied with his previous work, they did not feel it necessary. Expense for this was listed under rigging in the budget.

Vice Chair Crawford moved to approve having nine moorings maintained/repaired by Gunnar Ek at the price of \$155 per mooring.

Mr. Lawrence seconded the motion.

The motion carried 6-0-0.

- b. The Kittery Port Authority moves to consider a request to the Town Council to terminate the 2011 Memorandum of Understanding.

Chair Philbrook explained the Memorandum of Understanding was done to pay for the Frisbee Pier and KPA, at that time, signed the Memorandum as to how money was to be paid back based off a business plan. Chair Philbrook does not believe it is feasible now.

Vice Chair Crawford moved that the Kittery Port Authority request the Memorandum of Understanding be cancelled with the Town Council.
Mr. Lawrence seconded the motion.

Discussion - Mr. Lawrence requested to narrow down the Memorandum of Understanding's title to read "*Memorandum of Understanding between the Town of Kittery and the Port Authority for maintenance, repair, improvements of municipally-owned wharfs, docks, piers and landings*".

c. The Kittery Port Authority moves to discuss the KPA-KTC Working Group

Mr. Lawrence stated he would like to have full meetings with Town Council and discontinue the working group meetings. Mr. Alesse stated he prefers to have a smaller group meet to target topics. Mr. Lawrence suggested members bring a list of topics ahead of time

Mr. Lawrence moved to discontinue the KPA working group moving forward to full KPA and Town Council quarterly workshops.
The motion was seconded by Vice Chair Crawford.

The motion carried 5-1-0. (Mr. Alesse opposed)

11. KPA Members Member Discussion.

Mr. Lawrence

- Government Street Wharf - Doesn't know where money for railing caps in budget would be but they should get fixed before weather becomes bad.
- Thanked Scott Alessi for enforcing the nonresident usage fee.
- Viewed Rice Avenue property and would like to find money so Scott Alessi can complete some work. Scott Alessi reported it would cost approximately \$60 to fix Government Street railings and take 2 hours of labor. The doors would cost approximately \$200 and take half a day of labor to complete. Vice Chair Crawford asked him to keep track of his time.

Mr. Drummond

- Has had a couple of requests for bed logs for the crate so keels are not resting on the gravel. Chair Philbrook stated she would like to put on the schedule for next Spring. Meantime, Scott Alessi will get some pricing on replacing them.

Vice Chair Crawford

- Will wait to comment on Item 12(b).

Mr. Alesse – None.

Mr. Patten

- Asked about the limits on public official's liability insurance. Chair Philbrook stated the binder is being reviewed by Frank Dennett. Vice Chair Crawford believes they are covered under the Town's policy.

Chair Philbrook

- She received an email regarding a contractor for Kittery Point Yacht Yard who went to Town Hall to get an additional building permit for 48 Bowen Road, which had expired. She was confused because the project was approved last year and is almost completed. She contacted the Code Enforcement office and discovered the permit was never applied for. The rules allow for two years' time if a project has had substantial work. Robert Marchi, Code Enforcement Officer, requested the Board to vote to grant an extension of the building permit.

Mr. Lawrence moved to extend Kittery Point Yacht Yard 's permit for one year.
Mr. Crawford seconded the motion.

The motion carried 6-0-0.

- The Chair referred to a letter that was received from Sam Reid, of WILSA, for clarity on the letter of approval. Before she rewrites the approval letter, she wanted to let the Board know that a mooring will be included with the plan. This mooring is located off the float system.

12. Committee and Other Reports.

a. Communications from the Chairperson.

- Schedule for Future Work Shops
 - Harbor Water Use & Mooring Site Wait List Fee Review
 - Intergovernmental Memorandum of Agreement - Harbormaster
 - By-Laws Update –
 - Rules and Regulations Revision
 - Private & Special Law Revision

After discussion, KPA will meet on the 3rd Thursday of the month for workshops. The first meeting they will discuss Intergovernmental Memorandum of Agreement – Harbormaster and Harbor Water Use & Mooring Site Wait List Fee Review

b. Committee Reports.

- Lighting and Railing Update
Vice Chair Crawford reported he had one pre-bid meeting with HL Patten. The bids will be due in two weeks and he is hoping to have three bids. Mr. Patten asked how much was in the budget for this project. Mr. Crawford replied \$60-70,000.

Mr. Lawrence made a motion to go into Executive Session to discuss a personnel matter.

Vice Chair Crawford seconded the motion.

The motion carried 6-0-0.

Meeting went into executive session at 7:14 p.m. and adjourned at 8:15 p.m. after coming out of executive session.

Submitted by Mary Mancini, Minute Recorder, on October 8, 2016.

Disclaimer: The following minutes constitute the author's understanding of the meeting. Whilst every effort has been made to ensure the accuracy of the information, the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. For complete details, please refer to the video of the meeting on the Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.