

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

Add Government Street Pier under New Business.

4. Minutes: July 6, 2017

Line 86 – add after 3.5 ton vehicle “is equivalent to a half-ton pickup”

Lines 189 & 198 – change to McCollett

Mr. Lawrence moved to accept the July 6, 2017 Minutes as amended.

Mr. Alesse seconded the motion.

The motion carried 7-0-0.

5. Harbormaster Report and Budget Report

- A new fiscal year is in effect. They received \$5,445 for the month of July from fees. Mr. Alessi added Mr. Breton collected \$3,400 from Traip Pier.
- He reported negative \$85 for sewer which is due from the item being consolidated with sanitation.
- He added he has not spent money other than purchasing rigging supplies for Government Street Pier, which will be noted next month.
- The Sea-Pro sold for \$7,600.
- Total in reserve is \$15,000.
- Six moorings were reissued to people on the waitlist. Mr. Alessi explained these moorings were not taken but were given up and he is pulling the files on nine more.
- The rope for the pulley system will be done this weekend.

Vice Chair Crawford asked about the mooring behind his house that previously belonged to Bill Smith. The Harbormaster will find out who owns it now.

Chair Philbrook announced the Assistant Harbormaster, Alan Breton, has surpassed his 2016 fee totals by \$2,000 and she expressed her thanks.

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

a. Port Authority Conversion to Municipality via Town Charter Amendment – Town Manager

Town Manager Kendra Amaral. was present to answer questions from the Board regarding the conversion and explained why the Town Council is addressing this now. She was unable to insure the marine operations for the KPA due to it not being a town entity. She added the Town is limited to what they can do to support the KPA. If the Town Council adopts the KPA as a board under the Town Charter, the KPA will retain its authority to set fees and enforce rules and regulations, keep the five-year terms and the Harbormaster will continue taking direction from them. Maine Municipal Association will cover everything under insurance at a lower cost. This would be a charter amendment deemed from the Town's attorney. She added any changes to the Board's governing would need a charter amendment.

Vice Chair Crawford thought the statute stated Town Council does not need the KPA's approval. Town Manager Amaral stated councilors would like the Board member's support and this would need to go to the voters.

Mr. Alesse asked how a municipality can supersede a state law. Town Manager Amaral explained this can happen under private and special law which is a set laws to allow municipalities to adjust as needed. Mr. Alesse also asked the reason for the change to remove the Planning Board member. He believes having a Planning Board member makes sense because issues cross both boards. Town Manager Amaral responded when the Port Authority was established, it needed an administrative structure to ensure support between both boards. She also added there are inconsistencies with membership time and the risk of a Planning Board member voting twice on a matter.

Discussion of the procedure for Board member selection ensued. Mr. Alesse would like to address the Town Council selecting members even though KPA members do the interviews.

Town Manager Amaral explained the budget process will not change if they fall under the Town. The Town must be the applicant for grants and can bond items needed by the KPA. The Town Council would like their support.

Chair Philbrook stated a formal motion is not necessary and she listed advantages which include benefits for the Harbormaster and less cost to taxpayers. Public hearings will be held soon. She recommended anyone who wants to be there attend.

Mr. Lawrence stated this would put the Harbormaster in a better position and he is in favor to move forward. He also stated his concern of coming up with money for repairs to the pier.

The Board was in consensus to see this moved forward. Mr. Alesse abstained.

7. Public Hearings

a. The Kittery Port Authority moves to hold a public hearing on 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. Agent is Riverside and Pickering.

Doug Anderson from Riverside and Pickering Marine explained the side of float at the end of the ramp will be 2 ft x 4 ft.

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

Mr. Lawrence moved to accept the 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.

Mr. Bush seconded the motion.

The motion carried 7-0-0.

b. The Kittery Port Authority moves to reschedule the public hearing on the Rules and Regulations updates to the September 7, 2017 regular meeting of the KPA due to conflicts with preparation of documents and meeting the required posting schedule.

Chair Philbrook explained it has taken her longer to make updates and requested this to be heard at the September 7th meeting. She added Mr. Dennett had requested changes to include the definition of MRS – Maine Revised Statute - and addition of riparian rights and riparian water, which are referenced in the diagram in Title 16 on Page 8.

Chair Philbrook made a motion to reschedule the public hearing on the Rules and Regulations updates to the September 7, 2017 meeting.

Mr. Lawrence seconded the motion.

Chair Philbrook added she reviewed the final appendix and added no fees have been changed at this time.

The motion carried 7-0-0.

8. Piers, Wharves & Floats

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.

Due to the applicant not being in attendance, the Board was in consensus to continue this item at another meeting.

9. The Kittery Port Authority moves to hear a request from John McCollett for an appeal of decision by the harbormaster, for a mooring issue in Pepperrell Cove.

Mr. McCollett explained mooring number 4 has been unused for years and explained the history and conflict in the past. He thought the situation was resolved. He added he tried to go out to mark the mooring and the harbormaster at the time stated he would get back to him. He discovered the mooring was never addressed. He asked the Board to give him one more chance to get his mooring going and keep the mooring as commercial. He also explained why the mooring was not serviced.

Vice Chair Crawford moved to uphold Harbormaster Scott Alessi's mooring revocation of number 4 at Pepperrell Cove.

The motion was seconded by Mr. Lawrence.

The motion carried 6 in favor, 1 opposed.

Mr. Alessi informed the Board any fees paid will go to the mooring located in the back channel.

10. Public Segment

The Chair opened the public hearing. There being no comments, the Chair closed the public hearing.

11. Unfinished Business

a. Rules and Regulation Updates

This item was addressed earlier in the meeting.

12. New Business

a. Government Street Pier

Vice Chair Crawford gave an update of a meeting with a DOT consultant regarding the pier's condition. A letter of intent for a grant was sent out and he will send the application once it is completed. He added it is recommended to get letters of support.

Town Manager Amaral will be requesting to Town Council to transfer \$7,800, which is a surplus in the harbormaster's budget, to be placed in KPA's reserve.

b. No Wake Buoy Concerns

Chair Philbrook reported the no wake buoys have been damaged. They are small and she believes damaged accidentally at night. She described river buoys, which are larger but cost \$600 a piece. If new buoys were ordered, she is concerned getting them into place in time for the season. She also discussed the possibility of having two built with reflective decals. Mr. Alesse suggesting using a solar battery light in case a boat does not have a light. Discussion ensued of the traffic and speed in the area along with fines.

Chair Philbrook will get information on the cost and size of replacement buoys for the next meeting.

b. Wood Island Updates and Extension of Pier/Railway Project

Chair Philbrook and Mr. Alessi met with the Town Manager and Sam Reed from the Wood Island Association. Discussion of the use of the facilities by boats delivering supplies ensued.

The project's windows and siding will be completed this year. Because the wharf will not be completed until 2018 and railway in 2019, time will expire as required in the rules and regulations. The project will need to be extended.

The Board was in consensus to allow an extension to October 10, 2018.

13. Committee and Other Reports

a. Communications from the Chairperson

Use of the Harbormaster's boat with the Kittery Fire Department

The Town Manager is working this out with Maine Municipal Association.

b. Frisbee's Market and Restaurant Updates

Mr. Alesse reviewed the discussion he, Chair Philbrook and the Harbormaster had with the principal partners of the Frisbee project. The meeting was friendly and he is looking forward to the developments.

c. Committee Reports

Sea-Pro bid update

The boat has been sold and picked up by the new owner.

14. Board Member Discussion

Vice Chair Crawford - appreciates what was said about letting Mr. Alessi do his job.

235 Mr. Alesse – None

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237 Mr. Patten – None.

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239 Mr. Bush – asked the Board to think about the possibility to use the trestle of the Long
240 Bridge for temporary commercial use during the Government Street Pier issue.

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242 Mr. Lawrence – None.

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244 Mr. Drummond – None.

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246 Chair Philbrook - Richard DeMarco, Briar Creek HOA, contacted her regarding lighting
247 options in the rules and regulations. He is concerned with the safety for the ramps and
248 floats they use. She referred to the Town Code office.

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250 Ms. Defoe, who is working with the Wood Island Group, is setting up museum exhibits
251 and experiences and is looking for input from the Board and may attend a Board
252 meeting.

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254 **15. Adjournment**

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256 **Mr. Alesse moved to adjourn the meeting at 7:24 p.m.**

257 **Mr. Lawrence seconded the motion.**

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259 **The motion carried 7-0-0.**

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