

## **1. Call to Order**

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

Members present: Steve Lawrence, Member; Kelly Philbrook, Chair, Charlie Patten, Member, Bryan Bush, Member, Bruce Crawford, Vice Chair

Members absent: Mark Alesse, Mark Drummond

Staff Present: Scott Alessi, Harbormaster

## **2. Pledge of Allegiance**

## **3. Agenda Amendments**

Item 8. a. application has been withdrawn

Item 10 withdrawn

## **4. Minutes: August 3, 2017**

Line 70 - change to law

Line 251 – clarify to Ms. Defoe may attend a board meeting not will.

**Chair Philbrook moved to accept the August 3, 2017 Minutes as amended.**  
**Mr. Bush seconded the motion.**

**The motion carried 5-0-0.**

## **5. Harbormaster Report and Budget Report**

### Revenues:

- Assistant Harbormaster Breton has collected a total of \$12,300 which is \$1,725 over last year's season. There were 37 more passes from last year;
- Revenues from new mooring holders totaled \$1,119 which is \$1,228 dollars above the estimate for revenues.
- Launch fees are at 90% of next year's revenues.

### Expenses:

- The damaged railings at Pepperrell Cove have been repaired and he picked up two replaced pieces and will put up;
- The new toilet has been installed at Pepperrell Cove,

Mr. Alessi checked the mooring as requested at the August meeting and was unable to find a number. When he returned, the mooring ball was gone.

The port a potty will be taken out this weekend at the Traip Pier. Float out is an item on tonight's agenda.

Chair Philbrook added since the new toilet has been installed, the bathrooms have been opened at night with no issues.

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

None.

**7. Public Hearings**

a. The Kittery Port Authority moves to hold a public hearing to approve changes to the Rules and Regulations, to add legal and technical clarity, and to remove all fees | to Appendix A and Record of Changes to Appendix B. If approved the new rules and regulations with changes will go into effect on October 7, 2017.

Chair Philbrook opened the public hearing.

Milton Hall suggested tabling this item until after the vote on the town charter. He added for the Record of Changes, they should start off as number 1 as done before. He read a section from the blue book regarding harbor regulations which emphasized keeping them as simple as possible.

Mr. Hall suggested the following amendments:

- Line 93 - high water "line" not "mark";
- Line 96 – change to mean low water line;
- Line 169 - add "club" after yacht;
- Line 555 - Mr. Hall questioned the date of September 16<sup>th</sup> because it was May 15<sup>th</sup>;
- Page 903 – "satisfactory" should remain;
- Line 1,000 – should be high water "line" not "mark";
- Other pages - no mention of nonresident dingy information.

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

Vice Chair Crawford agrees to have consistency. Mr. Lawrence stated he understands what Mr. Hall is saying but would like to see this approved before the vote on the Town Charter.

Board members discussed the definition of high water mark or high water line and decided as long as consistent, a definition is not needed.

**Chair Philbrook moved to approve the Rules and Regulations adding legal and technical clarity and to remove all fees to Appendix A and any changes that occur**

**will be Appendix B and will use high water mark consistently in the final copy which goes into effect on October 7, 2017.**

**Mr. Lawrence seconded the motion.**

Vice Chair Crawford thanked Chair Philbrook for her work on this item.

**The motion carried 4-0-1.**

### **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.

*This item was withdrawn.*

b. The Kittery Port Authority moves to hear a request from Tom Allen to add a float to his mooring in the back channel to reduce swing.

Chair Philbrook noted the applicant filled out the application, a process which has not been done.

Tom Allen explained he would like to convert his mooring to a float because his lobster boat swings a certain way due to the hull configuration and would like to be closer to the shore. Chair Philbrook stated the mooring belongs to the applicant not Kittery Point Yacht Yard's. The applicant is proposing blocks stretched out on either side of the float and will drop another block so the float will not swing. Chair Philbrook asked if there is any other way to stabilize the float because of the lobstering in the area. The applicant replied it is close to the shore and believes there is room. Low tide water is approximately 6 ft. at the proposed location of the float. Mr. Allen added the Army Corps of Engineers' permit has been approved but Barney Baker had a correction on the size. A revision to the original application to correct the size of the float has been submitted.

Mr. Allen requested to use a smaller float until he has the float built. The Board agreed. After reviewing the dock detail, Mr. Patten questioned the need of the float going out as far. Mr. Allan said he will check with Mr. Baker and would be willing to look at a cap of 50 ft.

Discussion of two boats for one float and rental moorings ensued. Chair Philbrook read the KPA regulations of rental moorings and having two boats on one float.

The Board confirmed the correction stamp on the Army Corps of Engineers.

**Mr. Lawrence moved to approve the float, mooring 691 for applicant Tom Allen, 3 Bond Road, Kittery Point, Maine, located in the back channel and to limit the length of the chain to 50 ft. per side.**

**Mr. Bush seconded the motion.**

**The motion carried 5-0-0.**

**9. Public Segment**

The Chair opened the public segment.

Milton Hall stated he was disturbed of how the Board handled the mooring issue regarding last harbormaster. He said the issue had nothing to do with the current harbormaster and had to do with the last two harbormasters. The resident may not have known the time of the meeting.

Mr. Hall commented on the Traip ramp and explained the stipulations for the first application for the grant are in the minutes from July 3, 2003. Mr. Hall read over the regulations in the policy from 2008 and the stipulations for when the grant was awarded.

Mr. Hall also commented on the speed floats which were discussed at a previous meeting. He stated the floats should not be placed in the middle of the channel and should be kept to the right side. He also believes using larger floats would be a hazard.

Clifford McCollett commented on the Board revoking mooring number 4 and stated there was no consideration given to his family's circumstances. He added the previous harbormaster moved a boat in their space and there has not been a resolution. Mr. McCollett asked the Board to give some thought before the matter is back before the them. Chair Philbrook reported mooring number 4 has a request for an appeal of the appeal.

Chair Philbrook stated the time of the meetings changed three years ago and is written on the top of the agendas. Mooring number 4 has a request to re-appeal. She is working with the Town Manager on this.

The Chair closed the public hearing.

**10. Commercial Use Fees - Pepperrell Cove Marine**

*This Item was withdrawn.*

**11. Unfinished Business**

**a. Sailing Vessel Hester Winds Update**

A letter was received stating the district attorney cannot take the Hester Winds because it was removed from the water before permission was granted. The Town Manager is working on this and the Town will send a letter to the owners giving them a 30-day notice to get the boat and pay fees or the Town will own the boat and put it up for auction.

## **12. New Business**

- Workshop to discuss fee changes for the coming year

Chair Philbrook explained information for the workshop are drafts of changes recommended by the Harbormaster. The changes include per use fee changes, changes to temporary mooring program, discuss having a stipulation of using qualified mooring service providers only and change application fees. The Board will need to do the application fees because the updated rules and regulations were voted in and will go into effect on October 7<sup>th</sup>. After further discussion, it was decided to hold a workshop on Thursday, September 21<sup>st</sup> at 6:00 p.m.

- Seek bids for the repaving of Pepperrell Cove

The parking lot area at Pepperrell Cove needs to be repaved. Mr. Alessi recommends having the area ground down and the Board was in consensus to authorize the Harbormaster to seek paving bids.

Part of the paving at Pepperrell Cove will included the boat ramp and will be included in the bid.

- Address Condition of the Traip boat ramp

Assistant Harbormaster, Alan Breton, described the condition of the boat ramp at the Traip Pier. He added the problem is where the cement ends and trailers are getting hung up.

The Board discussed the possibility of extra sections being available which were donated by the State of Maine and were not used. Mr. Hall believes there needs to be eight sections and put in at an extreme low tide.

- Channel Markers in Pepperrell Cove

A diver has looked at one of the channel markers and stated all three need to be repaired. The Board agreed to having the markers removed before winter.

- Schedule float out dates at Pepperrell Cove

Mr. Alessi explained the 18th is the best day in October for float out and added he needs to check with the new crane company. Mr. Patton went over his discussion with Dale from Badger-Rand Crane who is willing to speak with the new crane company about what they will need. Mr. Patten added he will request to meet with the new crane company and will request they have float out on October 18<sup>th</sup>. He will update the Board of the meeting.

Chair Philbrook explained the crane company they have worked with in the past has retired. She recommended to the Board to allow Mr. Patten to reach out to the other crane company and aim for the 18<sup>th</sup> as float out. A special meeting can be called if necessary.

### **13. Committee and Other Reports**

#### **a. Communications from the Chairperson**

- Shared use of the Harbormasters boat with the Kittery Fire Department

Chair Philbrook reported the Town Manager has not done anything because she is waiting for the Town charter vote.

#### **b. Planning Department/KPA application process**

The planning department met with Chair Philbrook and Mr. Alessi regarding the confusion with ASA fees.

#### **c. Committee Reports**

- Quarterly meeting with the Town Council September 11<sup>th</sup>

Chair Philbrook pointed out it has been a year since last meeting with Town Council and she would like to have a meeting on September 11<sup>th</sup> at 6:00 p.m. to meet with them and with all KPA members.

- Government Street Wharf Updates

Vice Chair Crawford explained he has begun the application and has asked the Town Manager to fill in areas she believes is needed. Discussion of ways to acquire signatures from commercial users ensued. This is not a requirement but shows community support. Vice Chair Crawford explained it will take years before money is awarded. Mr. Lawrence stated he would like to see a simple fix for the pier for now and use current funds towards large repairs and improvements.

Discussion of the current wooden piles and using wooden vs. concrete and other types of materials ensued.

Chair Philbrook will distribute a support letter to be sent out to commercial users of the pier for the Board's review.

### **14. Board Member Discussion**

Mr. Patten – None.

Vice Chair Crawford – suggested including the paving pricing for Pepperrell Pier with the Town's pricing in the spring. Mr. Alessi also knows of paving companies.

Mr. Bush – would like to explore more options for the float out.

Mr. Lawrence – None.

Chair Philbrook – thanked Assistant Harbormaster Breton for his work this season and commented on how nice everything looks. Mr. Alessi also thanked him.

**15. Adjournment**

**Mr. Patten moved to adjourn the meeting at 7:27 p.m.**

**Mr. Lawrence seconded the motion.**

**The motion carried 5-0-0.**