

**PORT AUTHORITY MEETING  
Council Chambers**

**APPROVED  
April 7, 2019**

**1. Call to Order**

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

Members present: Bruce Crawford, Vice Chair, Steve Lawrence, Member; Kelly Philbrook, Chair, Niles Pinkham, Member, Bryan Bush, Member.

Absent: Mark Drummond, member, Charles Patten, member.

**2. Pledge of Allegiance**

**3. Agenda Amendments - None**

**4. Acceptance of Previous Minutes**

**January 2019** - Mr. Lawrence requested one use of the word "in" be stricken from page 2, on line 79, and "business vehicles" be changed to "business/vehicles" on page 5, line 191.

**Chair Philbrook moved to accept the January, 2019 minutes as amended.  
Mr. Lawrence seconded the motion.**

**Motion carries 5-0-0.**

**February 2019** - No changes requested.

**Chair Philbrook moved to accept the February, 2019 minutes as presented.  
Mr. Lawrence seconded the motion.**

**Motion carried 5-0-0.**

**March 2019** - Vice Chair Crawford asked that the section regarding the "time of year restriction" on page 2, be clarified to say that "Mr. Rykerson stated that the time of year restriction is a DEP/Army Corps requirement". Vice Chair Crawford stated that line 199, on page 4 should be changed to "mean high water mark" instead of "low water mark".

**Chair Philbrook moved to accept the March, 2019 minutes as amended.  
Vice Chair Crawford seconded the motion.**

**Motion carries 5-0-0.**

**5. Harbormaster Report and Budget Report**

Harbormaster Brosnihan stated that revenue is currently at \$80,407, compared to \$65,560 at this time last year.

Harbormaster Brosnihan noted that he attended and passed Harbormaster school.

Harbormaster Brosnihan stated that Assistant Harbormaster interviews will be taking place soon, and he will need someone from the board to attend. The Harbormaster noted that he has pulled five candidates to interview. Mr. Lawrence volunteered to attend the interviews with Harbormaster Brosnihan and Town Manager, Kendra Amaral.

Mr. Bush asked how the interviews would be structured.

Town Manager, Amaral stated that the interviews would be conducted by asking the candidates the same set of questions. Town Manager Amaral said that after the interviews were complete, the interviewers would discuss the candidates and ultimately make a conditional offer, dependent on a successful background check.

Mr. Bush asked if there is a pool of questions to pull from.

Town Manager Amaral stated that there is a standard list of questions specific to the job.

Harbormaster Brosnihan confirmed with Chair Philbrook that Float-In will take place on May 2, 2019.

Chair Philbrook stated that due to Float-In, the May 2, 2019 Port Authority meeting has been rescheduled to May 8, 2019.

The board discussed the likelihood of volunteers from the U.S.S. New Mexico assisting with Float-In. Harbormaster Brosnihan stated that he will follow-up with them to confirm their availability.

Chair Philbrook stated that she recently sat down with the Harbormaster, Town Manager, Amaral and Finance Director/Assistant Town Manager, Brenda Fox-Howard to discuss the budget. Chair Philbrook said that the three areas that are anticipated to go over budget are: part-time help, building/grounds maintenance and the boats. Chair Philbrook said that after discussions with the Harbormaster, the dock assistant position, typically at Pepperrell Cove, may have to change a little bit due to increased traffic and other factors and move to Traip.

Harbormaster Brosnihan stated that he's continuing to work on and update the Online Mooring database to make things easier for next year. Harbormaster Brosnihan said he has roughly five mooring holders that want to put their moorings on the temp list, in the Back Channel and Pepperrell Cove. Harbormaster Brosnihan stated that 151 people have been approved and renewed their moorings online with another approximately 200 people still out for renewal.

Chair Philbrook noted that the mooring deadline has been extended to April 18, 2019 instead of April 15, 2019 due to Town Hall being closed on the 15th.

## **6. All Items Involving Town Officials or Invited Guests**

### **a. KPA Fines Transferring to Title 1**

Town Manager Amaral stated that what is being proposed to Town Council is to add a section to Title 1: General Penalties that gives blanket authority to the Port Authority to set their own fines. Town Manager Amaral said this would give the Port Authority the ability to set and change their fines and enforce them with legal standing. Town Manager Amaral said that language has been added stating that if for any reason, the Port Authority decided to abolish all fines, the set fine for KPA rules and regulations violations shall be \$50.00, which is consistent with what the board has now. Town Manager Amaral reiterated that if the Town Council is to approve the language as proposed the Port Authority can change their fines, strictly at the Port Authority level and they will have the full authority of law.

Vice Chair Crawford asked if the Port Authority was required to schedule a public hearing to change their fees or fines.

Town Manager Amaral stated that the Port Authority's rules do not require a public hearing, it is simply a courtesy to do so.

Vice Chair Crawford asked if the Port Authority has ever levied a fine, and what happens if someone does not pay the fine.

Harbormaster Brosnihan stated that he did assess 9 fines last year.

Town Manager Amaral stated that Harbormaster Brosnihan could take the issue to court to seek payment of the fine.

Chair Philbrook stated that in previous years, fines were added to mooring fees and were required to be paid by the renewal deadline.

Town Manager Amaral spoke to the idea of having fines be a set dollar amount instead of an "up to" amount, to give Harbormaster Brosnihan the full authority to enforce the fines.

Harbormaster Brosnihan added that the engine, sail boat, float and 30' ramp are all up for bid in the Surplus Marine Equipment & Boat IFB on the Town of Kittery website.

## **7. Public Hearing - None**

## **8. Piers, Wharves and Floats**

- a. The Kittery Port Authority moves to review and accept an application from Heirs of John Hall (Everett Hall) Cedar Island at the Isles of Shoals, Kittery ME (Map 70, Lot 1) to add a 10'x24' float and a 3'x50' gangway.**

Chair Philbrook stated that Everett Hall provided a drawing and a more accurate picture of what he would like to do. Chair Philbrook said that Mr. Hall is trying to make getting on and off the island a bit easier and safer. Chair Philbrook stated that due to weather, the Port Authority wouldn't be able to do a site walk at this time so the board could either accept the application now and complete the site walk at a later date, or wait to approve the application until a site walk can be scheduled.

Mr. Crawford stated that the application seems straightforward to him, and he would like to move the application forward.

Chair Philbrook questioned the 40-50' gangway as stated on the drawing.

Mr. Lawrence stated that he spoke to Mr. Hall and he believes he's going to try to pin steel rods into concrete and that may be the difference in the length.

Chair Philbrook suggested the board wait to approve the application until May, so a site walk can be scheduled and completed.

The board agreed to include this item in the May agenda.

## **9. Public Segment**

Harbormaster Brosnihan stated that he was surprised that many boaters weren't aware of the recent fee changes. Harbormaster Brosnihan has advised boaters to familiarize themselves with the rules, and fees.

## **10. Unfinished Business - None**

## **11. New Business**

### **a. Float Regulations Draft**

Chair Philbrook stated that her intent with these items is to standardize the rules for each item for the board to follow.

Harbormaster Brosnihan agreed that these items need to be discussed and standardized.

The board was missing the drafts from their packets, so Chair Philbrook stated that she will provide the drafts for the next meeting.

**b. Outhaul Regulations Draft**

Chair Philbrook stated the board will discuss this at the next meeting.

**c. Swim Float Regulations Draft**

Chair Philbrook stated the board will discuss this at the next meeting.

**d. Hourly Dock tie-up fees**

Chair Philbrook stated that the Port Authority does not currently have any language in the rules and regulations about hourly tie-up fees. Chair Philbrook proposed that as a trial, the Port Authority could offer hourly fees on a select number of spots; no hourly fees on the Frisbee float, the transient pier would remain open unless there's a boat there overnight, but the area behind it could be hourly at \$10.00 per hour, as suggested by the Harbormaster.

Mr. Bush agreed that it is a decent idea, with the restaurant at that location.

Chair Philbrook stated that the only place in the rules and regulations that would need to change is in the 30-minute tie-up rule. Chair Philbrook stated that if hourly rules are something the board wants to put into effect, it should be done by June.

Harbormaster Brosnihan stated that if the hourly fees go into effect, he will be sure there is always a spot available as needed by the Port Authority.

Mr. Lawrence asked what time the hourly fees would extend to.

Harbormaster Brosnihan stated that he would have to work with Online Moorings to determine how the hours and availability will appear to harbor users.

Chair Philbrook stated that she is concerned about emergency management needs. Chair Philbrook suggested offering four hourly spots on the front face of the pier to start with for this season.

Mr. Bush added that those spots will be dependent on no boats in those spots overnight.

Vice Chair Crawford asked about signage for boaters tying up on the pier.

Harbormaster Brosnihan said he is looking into signage that can be posted.

Chair Philbrook asked the Harbormaster to speak with the Town Manager about working this into the rules and regulations.

## **12. Committee and Other Reports**

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

#### **i. Brandon Smith re-approval request**

Chair Philbrook stated that Brandon Smith at 57 Cutts Island Lane, got a permit for a dock and float over a year ago. Chair Philbrook said that Mr. Smith didn't get to the work last summer and his permit is now expired. Chair Philbrook stated that Mr. Smith would like to get his permit renewed to address the dock and float this summer, and she asked the board if they would agree to reissue it as they have done in similar situations in the past.

Mr. Bush asked if Mr. Smith would have his DEP, and other required permits in place.

Chair Philbrook said that when Mr. Smith gets his building permit, he will be required to have all required permits in place.

#### **ii. Budget Memo**

Chair Philbrook said the budget was discussed earlier in the meeting.

Chair Philbrook stated that she has had a request from Martha Ladd at 5 Mill Pond Road to be able to replace her dock in-kind. Chair Philbrook and Mr. Lawrence went on-site yesterday to look at the dock and the only change will be the materials from wood to aluminum. Chair Philbrook took measurements and requested drawings from Ms. Ladd. Chair Philbrook suggested the board accept the repair as in-kind, if the drawings check out.

Chair Philbrook discussed a recent conversation she had with the property owner at 30 Rice Ave. The owner has a float and dock that was approved by the Port Authority on June 6, 2008, but required additional Town Council approval due to being within 25' of a setback. Chair Philbrook said the owner never put the pilings in that hold the dock in place, and due to the strong current, ended up removing the float and dock. The owner contacted Pickering to put the pilings in this year, but was refused and advised that he needed a permit. Chair Philbrook stated that after speaking with members of the Planning Board, even though the property owner's permit expired 10 years ago, since the pilings were part of the original plan, and nothing additional beyond the plan has been added, the board could decide to re-issue the permit.

Mr. Bush asked for confirmation that the pilings were included in the original design.

Chair Philbrook confirmed the pilings were included.

Vice Chair Crawford stated that the property owner would need to get DEP and Army Corps approvals. Vice Chair Crawford agreed to move forward if the DEP and Army Corps approvals are in place, but he wants to see a solid plan.

Mr. Pinkham stated that he is in favor of moving forward.

Mr. Bush stated that it is fine by him.

Mr. Lawrence asked Chair Philbrook if the Planning Department can provide the DEP and Army Corps permits.

Chair Philbrook said if they are not in the file, she will advise the property owner to get them.

Mr. Lawrence stated that he does not have a problem with moving forward.

#### **b. Government Street Wharf Updates**

Mr. Crawford stated an extension has been applied for with the Army Corps because construction could not be completed and out of the water by the April 8 deadline. Vice Chair Crawford stated that Shawn from Maritime requested a new deadline of May 2, which equals four weeks. Vice Chair Crawford said blocks have been delivered, and excavation is taking place on the Crawford side. Vice Chair Crawford added that Maritime is doing great work.

The board agreed that it looks really good down at the Government Street Wharf so far, and they thanked Vice Chair Crawford for his continued hard work.

#### **13. Board Member Issues or Concerns**

Mr. Pinkham - None

Mr. Crawford - None

Mr. Bush - He stated that there are big shoes to fill at Traip this year, and he hopes with the addition of the Assistant Harbormaster that we can bridge the gap.

Mr. Lawrence - He asked if anyone has spoken to the Frisbee Wharf folks to see if they will be running a launch service this year.

Harbormaster Brosnihan said he spoke to them this week.

Mr. Lawrence said it seems as though there is going to be a higher usage of parking at Traip this year and he wondered if the board could ask the DPW to clear the brush and debris in the trees by the building where the port-a-potty is, to create additional parking.

Harbormaster Brosnihan said he has been asked some questions about parking and has spoken to the DPW about it. Harbormaster Brosnihan said that it is a conversation that needs to be had with the School Department.

Mr. Lawrence said that the Port Authority approved a maintenance float for Terry Whiting, and he's having a very difficult time with it due to the location of it. Mr. Lawrence warned the board that it may have to be moved.

Harbormaster Brosnihan agreed that if it needs to be moved, it can be moved.

Chair Philbrook - Reminded the board that the May 2, 2019 meeting has been moved to May 8, 2019 due to Float-In. Chair Philbrook suggested any volunteers looking to assist with Float-In to contact the Harbormaster. Chair Philbrook asked Harbormaster Brosnihan to be sure notices go out about Float-In.

#### **14. Executive Session - None**

#### **15. Adjournment**

**Mr. Lawrence moved to adjourn the meeting at 7:14 PM**  
**Mr. Crawford seconded the motion.**

**The motion carries 5-0-0.**

Submitted by Suzanne Esposito

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>.