

1. Introduction

Chairperson Philbrook called the meeting to order at 6:00 p.m and read the introductory.

Those present for the meeting were Kelly Philbrook, Chairperson; Steve Lawrence, Member; Bruce Crawford, Member; Peter Johnson, Member; Mark Drummond, Member; Mark Alesse, Member and Planning Board Representative; Derek Jacobs, Harbormaster.

2. Pledge of Allegiance.

Chairperson Philbrook led those present in the Pledge of Allegiance.

3. Agenda Amendment and Adoption

Agenda was adopted as presented.

4. Acceptance of Previous Minutes

Regular Meeting – July 7, 2015

Line 36 – replace “haul out” with “outhaul”

Line 38 – replace “bylaws” with “rules and regulations”

Line 100 – add dash after “Cove”

Line 118 – replace “Chief” with “Chair”

The minutes were adopted as amended.

5. Harbormaster Report

Budget and Revenues – Mr. Jacobs indicated the first budget after a fiscal year close is typically low. Chairperson Philbrook asked how projected revenues will fluctuate with fee changes. Mr. Jacobs explained that the increase of launch fees has made a positive impact on revenues compared to previous years.

Float Update – The new float was originally intended to be received by the end of the summer. There is one quote out of three that is currently being revised. Once that is received, the final cost will be provided to the Board. Mr. Jacobs suggested a few options for when and how the new and two existing floats could be stored and used.

Harbormaster Position – Mr. Jacobs stated that he is seeking employment elsewhere and will remain in the Kittery Harbormaster position up until his next hire.

Assistant Harbormaster Position – Paul Borque notified Mr. Jacobs that he will end his position at the end of August.

Chairperson Philbrook asked the status of the riparian mooring application at 100 Pepperell Road. She explained that Maine state law allows waterfront property owners that meet certain requirements to have a mooring in front of their home. If their property is not fit for a mooring, the Town has to accommodate for an alternative location. Mr. Jacobs thought there are potential spaces in the mooring field for the size of the boat in the application. Chairperson Philbrook explained that the application was previously denied and it was determined that the applicant is entitled to a mooring in Pepperell Cove, not Chauncey Creek, based on the location of the

property. Mr. Jacobs reminded that a new mooring site is not being requested and the Port Authority does hold managerial oversight of moorings in federally owned areas. The Board reached consensus to have Mr. Jacobs identify a location in the mooring site for the applicant.

Chairperson Philbrook asked for the status of the two aquaculture permits. Mr. Jacobs explained the process for aquaculture and detailed the status of the two applications. He asked for direction on whether aquaculture permits should go through the formal process or be handled by the Harbormaster on a case-by-case basis. Mr. Lawrence and Chairperson Philbrook suggested that Mr. Jacobs retrieve specific guidance from the State.

6. Public Hearing

a. The Kittery Port Authority moves to hold a public hearing on an application for Marleen Szymanski & Gretchen Stewart, 15 Folcutt Road, Map 25, Lot 23B, proposing to construct a seasonal 4' x 16' pier; 4' x 16' access ramp; 3' x 20' seasonal gangway; and, an 8' x 10' seasonal float. Located along approximately 108' frontage on Spruce Creek. Agent is Riverside and Pickering.

Mr. Zachary Taylor explained that the project consists of building a small, seasonal dock on the property at 15 Folcutt Road. It will have a small ramp that leads to a small gangway, which then leads to a small access float. The purpose of the project is to provide a safe access way from the upland to the water. The previous site walk and meeting presented most of the finer details of the project.

Chairperson Philbrook opened the floor for public hearing. Hearing none; Chairperson Philbrook closed the public hearing.

A MOTION WAS MADE BY MR. LAWRENCE TO ACCEPT THE APPLICATION FOR MARLEEN SZYMANSKI & GRETCHEN STEWART, 15 FOLCUTT ROAD, MAP 25, LOT 23B, SECONDED BY MR. DRUMMOND. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

7. Piers Wharfs and Floats

a. Application by Town of Kittery to reconstruct an 11.4' x 105' pile and timber marine railway; an 8' x 105' pier; 4 x 80' ADA compliant gangway; and, two 10' x 24' floats on Wood Island, Kittery. Agent is Wood Island Life Saving Station Association (WILSSA).

Mr. Duncan Mellor, Tighe & Bonde, was present to speak to the application and invited the Board to a site visit.

Mr. Mellor responded to Chairperson Philbrook's concern that he will double check the measurements provided since those were not clear in the application. He added that the proposed marine railway matches closely to the dimensions of the original railway.

Mr. David Kaselauskas explained to Mr. Johnson terms of ownership amongst the Town and WILSSA for the facility.

A MOTION WAS MADE BY MR. LAWRENCE TO ACCEPT THE APPLICATION FROM THE TOWN OF KITTERY'S AGENT, WILSSA, FOR THE NEW CONSTRUCTION OF A MARINE RAILWAY, PIER, GANGWAY, AND FLOATS ON

**WOOD ISLAND AND TO SCHEDULE A PUBLIC HEARING AND SITE WALK,
SECONDED BY MR. CRAWFORD. THE MOTION PASSED BY A UNANIMOUS
ROLL CALL VOTE 6/0/0.**

The site walk was scheduled for Monday, August 22, 2016 at 5:00pm.

8. Public Segment

Chairperson Philbrook opened the floor for public comment.

James 'Jim' Forbes, 31 Mill Pond Road

Mr. Forbes complimented the Police Department for their efforts to address a recent incident. He expressed major concerns about the behavior and statements made by the boat owner and suggested that a fine be imposed for that type of conduct.

Richard 'Dick' Draper, 39 Foyes Lane

Mr. Draper thanked Mr. Jacobs for his efforts and commended the work of the Port Authority staff. He noted an issue of parking scarcity at Pepperell Cove.

Chairperson Philbrook closed the floor for public comment.

Chairperson Philbrook asked whether Mr. Jacobs had any information to provide to Mr. Forbes. He noted that he did not receive an official report and could not confirm any action taken. Squid fishing is a common activity in Kittery and various complaints have been received regarding noise level, boats covered in ink, and use of lighting in off hours.

Chairperson Philbrook offered to create signage directing to free parking around Pepperell Cove. She asked that Mr. Jacobs arrange with the Police Department for enforcement in the area, especially at night.

9. Unfinished Business

a. Appeal by the Town of Kittery of a Port Authority decision at its Regular meeting of June 5th, 2016 not to waive pier use fees; and, not to allow docking of a 23' boat at Pepperell Cove.

Letters from WILSSA and the Town Manager to the Port Authority requested that use fees be waived. The contract between the Town and WILSSA indicated that no waivers be charged to WILSSA beginning January 2016. Mr. Alesse explained the terms in the rules that indicate fees are waiver-able for non-profit organizations, but not contractors. Mr. Lawrence replied to Mr. Kaselauskas that in the future any contractors submitting a bid should incorporate those costs into the proposal. Mr. Johnson noted that projects in several other communities typically did not waive fees for a contractor because otherwise it would pose an undue financial burden on the entity that manages the marine facilities.

Chairperson Philbrook emphasized that the Town of Kittery requests the fees be waived, not WILSSA. Mr. Lawrence saw it feasible that fees could be waived to date, but going forward the use fees would be paid by any contractor and subcontractor.

Further discussion was had regarding the duration of each phase in the project.

A MOTION WAS MADE BY MR. LAWRENCE TO WAIVE ALL FEES FOR CHESTERFIELD CONTRACT ONE FOR THE TOWN OF KITTELY AND WILSSA, SECONDED BY MR. CRAWFORD. THE MOTION PASSED BY ROLL CALL VOTE 4/2/0, WITH MR. JOHNSON AND MR. ALESSE OPPOSED.

Mr. Jacobs thought there was slip space available for the 23' boat and suggested that there be an agreement that it would not impede revenue and be on a transient slip. Mr. Andreessen found that as an acceptable plan.

A MOTION WAS MADE BY MR. CRAWFORD TO GRANT THE USE OF THE TOWN OF KITTELY FACILITIES FOR THE 23' WORKBOAT UNDER THE CONDITIONS THAT IT BE MOVED AS NECESSARY ON THE WEEKENDS, SECONDED BY MR. ALESSE.

Mr. Jacobs agreed with Mr. Johnson that if the boat does not vacate when directed to, then the applicable fees would apply.

THE MOTION WAS AMENDED AS FOLLOWS: TO GRANT CHESTERFIELD ASSOCIATES TO UTILIZE THE TOWN OF KITTELY DOCK UNDER THE CONDITION THAT IT DOES NOT IMPEDE ANY OTHER PAYING CUSTOMER, AND IF SO, A MOORING WILL BE PROVIDED FOR THEM AND FAILURE TO MOVE THE BOAT AS DIRECTED, CHESTERFIELD ASSOCIATES IS SUBJECT TO ALL APPLICABLE FEES.

THE MOTION PASSED BY ROLL CALL VOTE 5/1/0, WITH MR. LAWRENCE OPPOSED.

b. Ramp Damage update

A letter was received from David Allen, Chesterfield Associates, referencing an agreement with an abutter for repair damages at the ramp. The Board agreed to provide a letter to the Kitterly Department of Public Works to state that no restitution for damages will be sought. Mr. Jacobs reminded that all of the damages were paid for by a grant, not the operating budget.

c. Outhaul application

The Board reached consensus with the presented outhaul application. Mr. Jacobs explained that it would be incorporated into the database with a subcategory for outhauls to help with logging outhauls.

10. New Business

a. 45-day approval of fees

The rules and regulations indicate that any decision from the Port Authority can be appealed up to 45 days after voting. In past practice, the fees had not been charged until that 45-day period had passed. The Board reached consensus that any future rule changes would have an accompanying effective date to alleviate potential confusion.

b. Harbormaster Contract and Job Description

The job description was revised and presented to Betsy Olsen in the previous workshop.

11. Board Member Discussion

Mr. Drummond noted that signage on the pier needs to be properly marked.

Mr. Drummond stated that skiffs being soiled from squid ink is directly related to human activity.

Chairperson Philbrook indicated to Mr. Alesse that an application for a new member to the Board will be presented at the next Council meeting.

12. Committee and Other Reports

a. Insurance renewal July 1st

The insurance bill was received and forwarded for payment on July 14th. The insurance binder will be kept at Town Hall in the Harbormaster's office.

b. Lighting and Railing update

Mr. Crawford asked whether a public hearing is in order. Mr. Jacobs stated he would work with the Town Manager and Mr. Crawford to formulate the request for proposal. The Board reached consensus to schedule a public hearing as soon as possible. Mr. Jacobs explained the plans for how and where the signage would be placed and could incorporate that into the solicitation.

c. Schedule for future Workshops

No workshops were scheduled for August.

13. Executive Session – None.

14. Adjournment

A MOTION WAS MADE BY MR. ALESSE TO ADJOURN THE MEETING AT 7:45 P.M., SECONDED BY MR. CRAWFORD. THE MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.

Submitted by Marissa Day, Minutes Recorder, on August 23, 2016.

Disclaimer: The following minutes constitute the author's understanding of the meeting. While 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>.